

Mr. Nolan offered the following Ordinance and moved on its adoption and authorized its publication according to law:

ORDINANCE NO 07 -06

**AN ORDINANCE OF THE BOROUGH OF
HIGHLANDS, COUNTY OF MONMOUTH, STATE
OF NEW JERSEY AMENDING CHAPTER 21
(ZONING AND LAND USE REGULATIONS) OF
THE BOROUGH OF HIGHLANDS CODE TO
IMPLEMENT THE RECOMMENDATIONS OF THE
2004 MASTER PLAN**

WHEREAS the Highlands Borough Planning Board adopted the Highlands Borough Master Plan by resolution on November 10, 2004; and,

WHEREAS, the Master Plan contained a series of recommendations concerning revisions to Chapter 21 Zoning and Land Use Regulations and the Highlands Borough Zoning Map;

WHEREAS, the Governing Body of the Borough of Highlands, Monmouth County, New Jersey desires to implement said Planning Board recommendations;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Highlands that Chapter 21 (Zoning and Land Use Regulations) of "The Revised General Ordinances of the Highlands of Highlands, 1975" is amended and supplemented as follows:

SECTION 1

Chapter 21 (Zoning and Land Use Regulations) is hereby amended and supplemented to delete the current Table of Contents in its entirety and insert the following in its place and stead:

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SECTION 1

Chapter 21 (Zoning and Land Use Regulations) is hereby amended and supplemented to delete the current Table of Contents in its entirety and insert the following in its place and stead:

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**ZONING AND LAND USE REGULATIONS
BOROUGH OF HIGHLANDS
MONMOUTH COUNTY, NEW JERSEY**

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SECTION 2

Section 21- 8. (Definitions) is hereby amended and supplemented to add and modify the following definitions (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“ASSISTED LIVING means a facility which is licensed and meets the provisions in the publication entitled "Standards for Licensure of Assisted Living Residences and Comprehensive Personal Care Homes' by the NJ Department of Health and Senior Services and provides apartment style housing and congregate dining with supportive services to adult persons unrelated to the proprietor. In determining maximum building density for zoning compliance, assisted living facilities shall be

governed by a floor area ratio (FAR) and not dwelling unit density.”

“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 midpoint 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 percent (10%) above the permitted building height, whichever is less. **(Please refer to illustration, Appendix B.)**”

“COMMUNITY RESIDENCE FOR THE DEVELOPMENTALLY DISABLED – Any community residential facility licensed pursuant to P.L. 1977, c. 448 (C. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to not more than 15 developmentally disabled or mentally ill persons, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such a residence shall not be considered a health care facility within the meaning of the “Health Care Facilities Planning Act” (P.L. 1971, c. 136 (C.26:2H-1 et seq.). In the case of such a community residence housing mentally ill persons, such residence shall have been approved for a purchase of service contract or an affiliation agreement pursuant to such procedures as shall be established by regulation of the Division of Mental Health and Hospitals of the Department of Human Services. As used in this chapter, ‘developmentally disabled person’ means a person who is developmentally disabled as defined in section 2 of P.L. 1977, c.448 (C. 30:11B-2), and ‘mentally ill person’ means a person who is afflicted with a mental illness as defined in R.S. 30:4-23, but shall not include a person who has been committed after having been found not guilty of a criminal offense by reason of insanity or having been found unfit to be tried on a criminal charge.”

“COMMUNITY SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE- Any shelter approved for a purchase of a service contract and certified pursuant to standards and procedures established by regulation of the Department of Human Services pursuant to P.L.1979, c. 337 (C. 30:14-1 et seq.), providing food, shelter, medical care, legal assistance, personal guidance, and other services to not more than 15 persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance to protect their physical and psychological welfare.”

“COMMUNITY RESIDENCES FOR PERSONS WITH HEAD INJURIES- Any community residential facility licensed pursuant to P.L. 1977, c. 448 (c. 30:11B-1 et seq.) providing food, shelter and personal guidance, under such supervision as required, to more than 15 persons with head injuries, who require assistance, temporarily or permanently, in order to live in the community, and shall include, but and shall include, but not be limited to: group homes, half-way houses, intermediate care facilities, supervised apartment living arrangements, and hostels. Such residences shall not be considered a health care facility within the meaning of the “Health Care Facilities Planning Act” (P.L. 1971, c. 136; C.26:2H-1 et seq.).”

“PERSON WITH HEAD INJURY - A person who has sustained an injury, illness or traumatic changes to the skull, the brain contents or its coverings which results in a temporary or permanent physiobiological decrease of mental, cognitive, behavioral, social or physical functioning which causes partial or total disability.”

“COMMUNITY RESIDENCE FOR THE TERMINALLY ILL – Any community residential facility operated as a hospice program providing food, shelter, personal guidance and health care services, under the supervision as required, to not more than 15 terminally ill persons.”

“HEALTH AND FITNESS ESTABLISHMENTS – An establishment that provides facilities for aerobic exercises, running and jogging, exercise equipment, game courts, swimming facilities, and saunas, showers, massage rooms, and lockers. This use will include athletic clubs.”

“CONTINUING CARE RETIREMENT COMMUNITY (CCRC) An age-restricted development regulated in accordance with the rules of the New Jersey Department of Community Affairs pursuant to N.J.A.C. 5:19-1.1 et seq. that provides a continuum of accommodations and care, from independent living to long-term bed care, and enters into contracts to provide lifelong care in exchange for the payment of monthly fees and an entrance fee in excess of one year of monthly fees. This type of development is also referred to as a "life-care center."

“FAMILY DAY CARE HOME – a private residence of a family day care provider, which is registered as a family day care home pursuant to the “Family Day care Provider Registration Act PL 1987 c. 27 (C. 30:5B-16 et seq.).”

“LONG-TERM CARE FACILITY An institution or a distinct part of an institution that is licensed or approved by the New Jersey Department of Health pursuant to N.J.A.C. 8:33-1 et seq. to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the owner or operator or its members by marriage, blood or adoption. These facilities are also referred to as nursing homes, extended care centers and skilled nursing facilities.”

“RESIDENTIAL HEALTH CARE FACILITY (RHCF) Residences licensed by the New Jersey Department of Health pursuant to N.J.A.C. 5:70-1 et seq. usually occupied by the frail elderly that provide rooms, meals, personal care and supervised health care to four or more persons who are unrelated to the owner or administrator. Residents of RHCF's do not require skilled nursing care. “

“Sign, roof- A sign that is mounted on the roof of a building [or that projects from the roof edge or the top of a roof embankment wall (parapet)], **the height of which does not exceed the top ridge line.**”

SECTION 3

Section 21-11 (Hearings; filing of ordinances) is hereby amended and supplemented to add modify paragraph c. as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“c. Upon the written request of an applicant, the Tax Assessor or his designee shall within seven days, make and certify a list from said tax duplicates of names and addressee of owners to whom the applicant is required to give notice pursuant to Section 1b. of this section. The applicant shall be entitled to rely upon the information contained in such list, **provided the date of the list is no greater than ninety (90) days prior to the date of the public hearing,** and failure to give notice to any owner not on the list shall not invalidate any hearing or proceeding. A sum not to exceed twenty-five cents (\$0.25) per name, or ten dollars (\$10.00), whichever is greater, may be charged for such list.

SECTION 4

Section 21-57. (Review Procedures) Subsection D. 1. shall be modified as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

:

“ 1. If the Board finds that the application is in substantial compliance with the provisions of this chapter, it shall schedule a hearing on the application following the procedure in 21-[10]**11** “

SECTION 5

Section 21-57. (Review Procedures) Subsection D. 1. shall be modified to revise the reference to paragraph D.4 to D-5.

SECTION 6

Section 21-57. (Review Procedures) Subsection E. First Paragraph shall be modified to revise the reference “Section 21-56.D” (“...within the period prescribed in 21-56.D and may be...”) to 21-57. D.

SECTION 7

Section 21-57 (Review Procedures) E.1 shall be modified to revise the reference “Section 21-10” (“...following the procedure in 21-1-.”) to 21-11.

SECTION 8

Section 21-57. (Review Procedures) E.2.a. shall be modified to revise the reference “Subsection C-3a” (...and all other rights conferred upon the developer pursuant to Subsection C-3a...”) to paragraph D.4.a.

SECTION 9

Section 21-75 (Review Procedures) E. shall be amended and supplemented to insert the following new paragraph:

“E. 3. Reserved.”

SECTION 10

Section 21-75 Review Procedures) E.6 shall be modified to revise the reference "Subsection E-5" (...within the time or extended time required by Subsection E-5") to Paragraph E-4.

SECTION 11

Section 21-58.F.4 is hereby amended and supplemented to modify this subsection as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus])

:

"4. The foregoing provisions shall in no way be construed as exempting the applicant from filing the require fees or the required application forms as provided in [Article] **this Chapter.**"

SECTION 12

Section 21-78 (Accessory structures). A.7. (B). is hereby amended and supplemented to modify paragraph (b) as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

"(b) No roof mounted antenna of any kind shall be located on any part of the roof facing the front yard of the dwelling or apartment building or exceed the height provisions of **paragraph 4 above** [Section 21-6.11 of the Highlands Borough Land Development Ordinance]."

SECTION 13

Section 21-59. (On-tract and on-site improvements) is hereby amended and supplemented to delete subsection A.1 (Streets and pavements) in its entirety and insert the following in its place and stead:

"1. Streets and pavements.

a. Non-residential development. The developer shall design and construct streets and pavements meeting the minimum specifications as set forth in this chapter or such other specifications as may be required by the Borough or Board Engineer, as applicable, where circumstances so require.

b. Streets and parking lots in all residential developments shall be designed and constructed in accordance with Subchapter 4 (Streets and Parking) of N.J.S.A. 5:21 (Residential Site Improvement Standards), as amended."

SECTION 14

Section 21-59. (On-tract and on-site improvements) is hereby amended and supplemented to delete subsection A.2 (Curbs and sidewalks) in its entirety and insert the following in its place and stead:

"2. Curbs and sidewalks.

a. Non-residential development. The developer shall construct curbs and sidewalks on both sides of all-existing streets, avenues, highways and public lanes and as required within the project site.

b. Residential development. Curbs and sidewalks in all residential developments shall be designed and constructed in accordance with Subchapter 4 (Streets and Parking) of N.J.S.A. 5:21 (Residential Site Improvement Standards), as amended."

SECTION 15

Section 21-59. (On-tract and on-site improvements) is hereby amended and supplemented to delete subsection A.3. (Storm drains and culverts) in its entirety and insert the following in its place and stead:

“3. Stormwater Management.

- a. Non-residential development. All streets shall be provided with sufficient catch basins, storms sewers, culverts, water detention basins and other appurtenances for the proper drainage of the area, with respect to existing and future conditions. All such facilities shall be constructed in accordance with this chapter or such other accepted engineering design practices as may be required by the Borough or Board Engineer, as applicable, where special circumstances so require.
- b. Residential development and all developments regulated by the Municipal Stormwater Regulations (N.J.A.C. 7:8). Stormwater management facilities in all residential developments shall be designed and constructed in accordance with Subchapter 7 (Stormwater Management) of N.J.S.A. 5:21 (Residential Site Improvement Standards), as amended.”

SECTION 16

Section 21-59. (On-tract and on-site improvements) is hereby amended and supplemented to delete subsection A.9 (Sanitary sewers) in its entirety and insert the following in its place and stead:

“9. Sanitary sewers.

- a. Non-residential development.

Where a public sanitary sewer system is reasonably accessible and capacity available, each lot within a subdivision area shall be provided with sewage disposal facilities by the required extension of sewer mains and connections thereon, the costs thereof to be borne by the developer. All such installation of sewer mains and connections shall be constructed in accordance with the applicable specifications and requirements of the Borough.

- b. Where a public sanitary sewer system is not reasonably accessible, the subdivider may be required to install sewer lines and a sanitary sewer disposal plant at its own cost and expense and in accordance with applicable specifications and requirements of the Borough, and all such installations shall be subject to the approval of the Board of Health, the State Department of Environmental Protection and the Borough Engineer.

- c. Residential development. Each lot within a subdivision or dwelling unit shall be provided with sewage disposal facilities by the required extension of sewer mains and connections thereon, the cost to be borne by the developer. All such installation of sewer mains and connections shall be constructed in the case of non-residential development in accordance with the applicable specifications of the Borough. In the case of residential development, all sanitary sewer construction shall be designed and constructed in accordance with Subchapter 6 (Sanitary Sewers) of N.J.S.A. 5:21 (Residential Site Improvement Standards), as amended.”

SECTION 17

Section 21-59. (On-tract and on-site improvements) is hereby amended and supplemented to delete subsection A.10. (Water supply) in its entirety and insert the following in its place and stead:

“10. Water supply.

- a. Non-residential development. All developments shall be provided with water supplied by the public water supply. All facilities for said system shall be installed pursuant to and in accordance with the requirements of the appropriate water supply authority.
- b. Residential development. Water supply facilities in all residential developments shall be designed and constructed in accordance with Subchapter 7 (Water Supply) of N.J.S.A. 5:21 (Residential Site Improvement Standards), as amended.”

SECTION 18

Section 21-59. (On-tract and on-site improvements) is hereby amended and supplemented to insert the following paragraph as the first paragraph of subsection V. (Stormwater drainage):

“V. Stormwater drainage

Stormwater management facilities in all residential developments and all developments required by the Municipal Stormwater Regulations (N.J.A.C. 7:8) shall be designed and constructed in accordance with Subchapter 7 (Stormwater Management) of N.J.S.A. 5:21 (Residential Site Improvement Standards), as amended.”

SECTION 19

Section 21-65. (Design Standards) Paragraph N. is hereby amended and supplemented to delete subsection 4.a. and insert the following (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“All parking areas shall be paved, or constructed in accordance with CAFRA regulations with gravel or porous pavers, **subject to the review and approval of the Borough or Board Engineer**; shall be suitably drained and maintained in good condition; and all spaces and directional instructions shall be clearly marked and maintained so as to be clearly visible. **Parking spaces shall be delineated by a treated wood guide rail. Such wood rail shall be constructed of treated timbers, a minimum of a 30 inches above grade and consist of vertical and horizontal members. The provision of improvements to delineate the parking spaces shall be at the discretion of the Planning Board, upon the advice of the Board Engineer. In cases when a stone parking area is permitted, a suitable paved area and driveway apron, in the opinion of the Borough or Board Engineer, shall be provided to retain stone within the parking area.**”

SECTION 20

Section 21-65.N. is hereby amended and supplemented to add new subsection 4. h.

“4. h. Parking Structures.

The location of any parking structures, if allowed, shall not be within four hundred (400) feet of the waterfront, as defined by the bulkhead or mean high water line. The

architectural design of the façade of a parking structure, if permitted, shall incorporate features to add visual interest and improve the overall appearance of the structure as viewed from the street. Such features may include articulated parapet walls, ornamental projections, varied planter widths and similar items. The structure should be compatible with the building(s) served and be compatible in appearance, size, and bulk with the surrounding structures. “

SECTION 21

Section 21-65N (Off-Street Parking) 4.a. is hereby amended and supplemented to add the following:

“Health and fitness establishments – one space per 200 square feet of gross floor area.”

SECTION 22

Section 21-69 (Zoning Districts) shall be amended and supplemented to delete the section in its entirety and insert the following in its place and stead:

“For the purposes of this chapter, the Borough of Highlands is hereby divided into the nineteen (19) zone districts known as:

R-1.01 Single Family Residential
R1.02 Single Family Residential
R1.03 Single Family Residential
R-2.01 Single Family Residential
R-2.02 Single Family Residential
R-2.03 Single Family Residential
MF Multifamily Residential
PB Professional Business
MH Mobile Home
B-1 Neighborhood Business District
B-2 Central Business District
B Business District
WT-R Waterfront Transition-Residential
WT-C Waterfront Transition- Commercial
WT-C/T Waterfront Transition-Commercial/Townhouse
WC-1 Waterfront Commercial
WC-2 Waterfront Commercial
MXD Mixed Use District
HO Highway Oriented District”

SECTION 23

Section 21-70 (Zoning Map and Schedule) is hereby amended to delete paragraph A. in its entirety and insert the following in its place and stead:

“A. The boundaries of the zone district are hereby established as shown on the map entitled February 2007, which map accompanies and is hereby declared to be part of this chapter.”

SECTION 24

Section 21-82 (Residential Uses and Districts) is hereby amended and supplemented to add subsection 4 as follows:

“4. Family day care homes, as defined in 40:55D-66.5b., shall be permitted in all residential districts in accordance with the provisions of 40:55D –66.5.

5. Community residences

Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be a permitted use in all residential districts, and the requirements therefore shall be the same as for single family dwelling units located within such districts.”

SECTION 25

Section 21-85 (R-1 District – Single Family Residence) is hereby amended and supplemented to delete the section in its entirety and insert the following in its place and stead:

“A. R-1.01 Single Family Residential

The following regulations shall apply in the R- 1.01 district:

1. Permitted Principal Uses

- a. Single Family detached dwellings, occupied by one family
- b. Public uses operated by Borough
- c. Public utility rights-of-way
- d. Religious Institutions
- e. Public & Private Schools

2. Permitted Accessory Uses

- a. Private detached garage
- b. Utility buildings incidental to residential use
- c. Swimming pools
- d. Tennis courts
- e. Other accessory uses and structures incidental to the permitted principal uses.

3. Conditional Uses

- a. Home occupations
- b. Bed and Breakfasts
- c. Satellite dish antennas

4. Bulk and Area Requirements, as shown in Schedule I.

B. R-1.02 Single Family Residential

The following regulations shall apply in the R- 1.02 district:

1. Permitted Principal Uses

- a. Single Family detached dwellings, occupied by one family
- b. Public uses operated by Borough
- c. Public utility rights-of-way
- d. Religious Institutions
- e. Public & Private Schools

2. Permitted Accessory Uses

- a. Private detached garage
- b. Utility buildings incidental to residential use
- c. Swimming pools
- d. Tennis courts
- e. Other accessory uses and structures incidental to the permitted principal uses.

3. Conditional Uses

- a. Home occupations
- b. Bed and Breakfasts
- c. Satellite dish antennas

4. Bulk and Area Requirements, as shown in Schedule I.

C. R-1.03 Single Family Residential

The following regulations shall apply in the R- 1.03 district:

1. Permitted Principal Uses

- a. Single Family detached dwellings, occupied by one family
- b. Public uses operated by Borough
- c. Public utility rights-of-way
- d. Religious Institutions
- e. Public & Private Schools

2. Permitted Accessory Uses

- a. Private detached garage
- b. Utility buildings incidental to residential use
- c. Swimming pools
- d. Tennis courts
- e. Other accessory uses and structures incidental to the permitted principal uses.

3. Conditional Uses

- a. Home occupations
- b. Bed and Breakfasts
- c. Satellite dish antennas

4. Bulk and Area Requirements, as shown in Schedule I.”

SECTION 26

Section 21-86 (R-2 District - Single-Family and Two family Residence) is hereby amended and supplemented to delete the section in its entirety and insert the following in its place and stead:

“21-86 R-2 - Single Family Residence.

The following regulations shall apply in all R-2 districts:

A. R-2.01 Single Family Residential

The following regulations shall apply in the R- 2.01 district:

1. Permitted Principal Uses

- a. Single-Family Detached Dwellings, occupied by one family
- b. Existing bungalow colonies
- c. Public Uses Operated by Borough
- d. Public Utility Rights-of-Way
- e. Religious Institutions
- f. Public & Private Schools

2. Permitted Accessory Uses

- a. Private Detached Garage
- b. Utility buildings incidental to residential use

- c. Swimming pools
- d. Tennis courts
- e. Other accessory uses and structures incidental to the permitted principal uses.

3. Conditional Uses

- a. Home occupations
- b. Satellite dish antennas

4. Bulk and Area Requirements

- a. Single family dwellings shall meet the requirements shown in schedule I.
- b. Existing bungalow colonies shall meet the following requirements:

(1) Density shall not exceed the number of units existing at the time of the adoption of this ordinance, as shown on existing Borough Tax Maps and/or other tax records.

(2) Any application for expansion of an individual dwelling unit, either vertically or horizontally, shall require an application for a site plan for the entire property and shall meet the following standards:

(a) Every unit shall have associated with it a minimum yard requirement around the perimeter of the unit and attached accessory structures of three (3) feet. Structures shall be located no closer together than the sum of the yard requirements, that is, six (6) feet. Detached accessory structures are prohibited in the minimum required yard area.

(b) Each unit shall have associated with it a minimum of one parking space, located on-site, either adjacent to the individual unit or in a common parking area.

(c) Total building coverage shall not exceed 35% of the total lot area and total lot coverage shall not exceed 75%.

(d) Building height shall not exceed 20 feet.

(3) Bungalow colonies shall not be subject to the provisions of Section 21-98F below.

B. R-2.02 Single Family Residential

The following regulations shall apply in the R- 2.02 district:

1. Permitted Principal Uses

- a. Single-Family Detached Dwellings, occupied by one family.
- b. Existing bungalow colonies.
- c. Public Uses Operated by Borough
- d. Public Utility Rights-of-Way
- e. Religious Institutions
- f. Public & Private Schools

2. Permitted Accessory Uses

- a. Private Detached Garage
- b. Utility buildings incidental to residential use
- c. Swimming pools
- d. Tennis courts
- e. Other accessory uses and structures incidental to the permitted principal uses.

3. Conditional Uses

- a. Home occupations
- b. Satellite dish antennas

4. Bulk and Area Requirements

- a. Single family dwellings shall meet the requirements shown in Schedule I.
- b. Existing bungalow colonies shall meet the requirements of Section 21-86.A.4.b.
- c. All other uses shall meet the bulk and area requirements of the R-2.02 Zone.

C. R-2.03 Single Family Residential

The following regulations shall apply in the R- 2.03 district:

1. Permitted Principal Uses

- a. Single-Family Detached Dwellings, occupied by one family
- b. Existing bungalow colonies
- c. Public Uses Operated by Borough
- d. Public Utility Rights-of-Way
- e. Religious Institutions
- f. Public & Private Schools

2. Permitted Accessory Uses

- a. Private Detached Garage
- b. Utility buildings incidental to residential use
- c. Swimming pools
- d. Tennis courts
- e. Other accessory uses and structures incidental to the permitted principal uses.

3. Conditional Uses

- a. Home occupations
- b. Satellite dish antennas

4. Bulk and Area Requirements

- a. Single family dwellings shall meet the requirements shown in Schedule I.
- b. Existing bungalow colonies shall meet the requirements of Section 21-86.A.4.b.

- c. All other uses shall meet the bulk and area requirements of the R-2.03 Zone.

SECTION 27

Section 21-87 (R-B Residential /Professional Business District) is hereby amended and supplemented to change the title of the zone district to “ Professional Business” district.

SECTION 28

Section 21-88 (MF Multi-Family Residence) subsection 4. is hereby amended and supplemented as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]:

“3. Conditional Uses

- a. Satellite dish antennas
- b. Senior Care living facilities**

4. Area and Bulk Requirements

[a. Single and two-family dwellings shall meet the requirements of the R-2 03 district.]

[b] **a.** Multi-family developments shall meet the tract requirements of Schedule I. In addition, they shall meet the following requirements:

1. Density shall not exceed 14 units per acre.
2. Each building shall have associated with it a 25 foot front yard, 12. 5-foot side yards and a 25-foot rear yard. Buildings shall be located not closer together than the sum of the appropriate yard requirements
3. No single building shall exceed [160] **80** feet in length, nor [14] **7** [apartment] **dwelling** units or [8] **4** townhouses.

b. Design Guidelines

Townhouse developments in proximity to waterfront areas shall address the following community objectives for such residential developments:

- 1. The placement and location of townhouse structures shall maximize the views of the waterfront from the public realm.**
- 2. Notwithstanding the height limitation in Schedule I, the height of the townhouse structures shall be compatible with surrounding properties.**
- 3. The exterior architectural design of the townhouse development should be compatible with surrounding properties.**
- 4. The design of townhouse developments is encouraged to resemble a manor home or single family structure.”**

SECTION 29

Section 21-90 (B-1 Neighborhood Business District) is hereby amended and supplemented to add the following to “1. Permitted Principal Uses”:

“Health and fitness establishments; Athletic Clubs only on lots fronting on Route 36 in the Highway Oriented Business Zone District.”

SECTION 30

§21-91 (B-2 Central Business District) is hereby amended and supplemented to delete the section in its entirety and insert the following in its place and stead (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“ 21-91. B-2 - Central Business District

The following regulations shall apply in all B-2 districts:

1. Permitted Principal Uses.

a. Retail, business and personal service establishments which are of both a local and a regional service nature, including, but not limited to:

- (1) Uses allowed in the B- I district.
- (2) Indoor recreational facilities.
- (3) Religious institutions.
- (4) Hotels, motels, inns, bed and breakfasts.
- (5) Public utilities.

b. Public Uses Operated by the Borough, In the overlay area only:

- (1) [Lumber yards] **Reserved**
- (2) [Landscaping sales and service] **Reserved**
- (3) Contractor's office,
- (4) [Outdoor storage of supplies and equipment in conjunction with any of the allowed uses in the overlay area, in accordance with the provisions of Section 21-81B above.] **Reserved**

2. Permitted Accessory Uses.

Residential use in commercial buildings provided that such use shall not be established on the first floor, that off-street parking be provided the access to which shall not be from Bay Avenue, and that the requirements of subsection 4 b are met.

3. Conditional Uses

Wireless communication facilities

4. Area and Bulk Requirements as shown in Schedule I and below

a. Side yards. No side yard is required adjacent to other properties in the business zone, however, if any is to be provided, it shall be at least five feet. Any side yard which serves as a boundary between that lot and any residence zone shall be at least five feet and shall contain buffering in accordance with the requirements of section

b. For any building containing residential uses, outdoor living space shall be provide, at the rate of 100 square feet per unit, plus 50 square feet per bedroom. This space may be provided either at ground level or directly adjacent to the unit in the form of decks and/or roof top terraces. The area provided shall private, for the exclusive use of the residential tenant and shall be sufficiently screened or otherwise designed to insure that privacy and exclusive use.”

SECTION 31

Section 21-92 (B-3 Central Business District) is hereby amended and supplemented to delete the section in its entirety and insert the following in its place and stead (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“21-92. B -[3 Resort]Business

The following regulations apply to all B[-3] Business districts.

1. Permitted Principal Uses.

[Hotels, motels, inns,] Bed and breakfasts

Restaurants

Commercial recreation, indoor or outdoor

Bars and taverns

Retail sales and service establishments

2. Permitted Accessory Uses

Related tourist, resort and recreation facilities and activities, associated with a nonresidential principal use.

3. Conditional Uses

Wireless communication facilities

4. Area and Bulk Requirements, as shown on Schedule 1.”

SECTION 32

Chapter 21 is hereby amended and supplemented to add new section 21-92.01 Highway Oriented Business as follows:

“21-92.01
Highway Oriented Business

The following regulations apply to the Highway Oriented Business zone district:

1. Permitted principal uses.
 - a. All uses permitted in the B-1 Zone
2. Permitted Accessory Uses
 - a. All uses permitted in the B-1 Zone
3. Conditional uses
Wireless communication facilities.
4. Area and Bulk Requirements, as shown in Schedule I.”

SECTION 33

Chapter 21 is hereby amended and supplemented to add new section 21-94.01 WT-C/T Waterfront Transitional-Commercial/Townhouse Zone District as follows:

“21-94.01

Waterfront Transitional-Commercial Townhouse

The following regulations apply to the Waterfront Transitional-Commercial/Townhouse:

1. Permitted principal uses
 - a. All uses permitted in the WT-C zone district.
 - b. Townhouses, at the same density as the R-2.03 zone district and provided that each townhouse structure shall not contain more than three (3) attached units.
2. Permitted Accessory Uses
 - a. All uses permitted in the WT-C zone district.
3. Conditional Uses
 - a. All uses permitted in the WT-C zone district.
4. Area and Bulk Requirements, as shown on Schedule I.”

SECTION 34

Chapter 21 is hereby amended and supplemented to add new section 21-96.01 Mixed Use District as follows:

“21-96.01

Mixed-Use Zone District (MXD)

A. Purpose

The purpose of the Mixed-Use Zone District (MXD) is to encourage the development of livable neighborhoods which contain townhouse residential dwelling units, professional work space, non-residential uses which are supported by a multi-modal transportation node. The MXD zone district encourages uses that are compatible with and will benefit from the weekday New York City ferry service; the Sandy Hook Bay Marina and open space areas from the County Park. The MXD zone district also should incorporate a unifying seaside architectural theme that will provide attractiveness and consistency to the area.

It is the Borough’s intention, in the creation of this zone district, to provide for comprehensive mixed-use development rather than lot-by-lot development to encourage

innovative and desirable design and layout of residential and non-residential structures. A mixed-use development shall consist of both residential and non-residential uses.

B. Permitted Principal Uses

1. Residential:
 - a. Townhouses
 - b. Multifamily dwellings in accordance with the MF Multi-family Residence Zone District standards, Section 21-88.
2. Commercial uses in conjunction with a planned mixed-use development:
 - a. Marinas, excluding retail boat sales
 - b. Ferry services
 - c. Professional offices
 - d. Restaurants, including full service and outdoor dining facility

C. Permitted Accessory Uses

1. Boardwalks
2. Charter and excursion boats, off-shore areas
3. Community center, devoted exclusively to the residents of the mixed-use development.
4. Home professional offices
5. Off and on-site Parking
6. Pools, tennis courts, exercise rooms and recreation facilities for use of residents and guests
7. Public & private boatslip/dock for personal watercraft and as accessory to residential and commercial uses
8. Retail services, specific to marina related services
9. Uses accessory or incidental to the principal use

D. Bulk and Area Requirements

1. Minimum Tract size: Six (6) acres
2. Average setback from tract boundaries and all other right-of-way lines: Twenty (20) feet, but in no case shall the setback be less than fifteen feet (15).
3. Maximum Density: Fourteen (14) dwelling units per acre
4. Minimum tract width: One hundred twenty-five (125) feet

5. Minimum tract depth: One hundred (100) feet
6. Maximum building coverage for the entire tract: Thirty-five (35) percent
7. Maximum floor area ratio for the entire tract: 0.45.
8. Maximum impervious coverage for the entire tract: Eighty (80) percent
9. Maximum units per structure: Five (5) dwelling units
10. Maximum building length: One hundred fifty (150) feet
11. Maximum height: Two and one-half (2.5) habitable stories over the garage at grade level; thirty-five (35) feet.
12. A structure shall not have more than two (2) connected townhouse units on one (1) façade without providing a variation in setback of at least four (4) feet.
13. The spacing of residential buildings shall adhere to the following minimums:
 - a. End wall to end wall = Twenty-four (24) feet
 - b. End wall to window wall = Thirty (30) feet
 - c. Windowed wall to windowed wall:
 - i. Front to front: Seventy-five (75) feet
 - ii. Rear to rear: Fifty (50) feet
 - iii. End to end: Thirty (30) feet
 - d. Any building face to residential access street curb and municipal right-of-way: 20 feet.
 - e. Any building face to common parking area: 12 feet.
14. Minimum separation of non-residential structures from all other principal structures: 30 feet.
15. Any approval for development in the MXD Zone, which results in the retirement of the Mobile Home Park or the removal of any residents of the Mobile Home Park shall contain a condition that the applicant shall provide proof, to the satisfaction of the Board of Original Jurisdiction, that adequate private residential facilities and circumstances exist for the relocation of those mobile park residents

consistent with the requirements of N.J.S.A. 46:8C-21. Although N.J.S.A. 46:8C-21 is invoked by an application for one or more variance(s), the requirements of N.J.S.A. 46:8C-21 shall apply to the aforementioned circumstances regardless of whether or not the application requires one or more variance(s). For purposes of this Ordinance, 'adequate private residential facilities and circumstances' shall share the definition of 'comparable housing or park site' as provided in N.J.S.A. 2A:18-61.7(a). An applicant must provide proof of compliance with Section 15 to the Board of Original Jurisdiction prior to obtaining Final Approval. This Section is not severable from the other provisions of the Ordinance and the zoning of the property to the MXD Zone is conditioned upon the above relocation provision.

E. Townhouse Guidelines

For purposes of this section, Townhouses shall be defined as follows:

An attached one-family dwelling in a row of at least three (3) such units, where each dwelling unit is compatibility designed in relation to all other units, each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

The following requirements shall apply to Townhouse residential dwelling units:

1. Entrances to townhouses should enhance the pedestrian scale character of the area by strengthening a unit's connection with public streets and internal roadways and by masking the appearance of garage doors.
2. Townhouses fronting on residential streets should have their main pedestrian entrances on the street side.
3. Townhouses adjacent to public roads and trails should have their main front doors visible and accessible from that road or trail, using stairs and new grading, if required, to do so. Direct access for each unit should also be provided to the internal pedestrian and view corridors.
4. The main entrances should emulate the front entrance of single-family homes.
5. Incorporate an architectural theme pursuant to Section G. Architectural Design Guidelines, with the appropriate variations in design to provide attractiveness to the development design.
6. Employ features such as front stairs, stoops, gateways, porches, and weather protection to enhance the residential quality of unit and building entries, the visibility of such entries, a comfortable architectural rhythm along the street, and a human scale.

7. Incorporate human-scale elements (windows, doors, roof elements, trellises, etc.) into the building façade visible from the street.
8. Where townhouses are designed with the end wall adjacent to the public street, the pedestrian entry for the end unit should be designed to also face the street.
9. Discourage situations where the main entrances to units are adjacent to, or on the same façade as garage doors. Garages and off-street parking shall be accessed from the rear of the building, which shall be accessible from a road employing end-unit driveways. Each townhouse unit shall provide at least one (1) parking space in a garage for its exclusive use.
10. Chimneys, dormers, gables, and similar elements may project into the slope of the roof provided they do not exceed one half of the roof line. They should also result in an improved design.
11. All dwelling units shall be connected to approved functioning water and sanitary systems prior to the issuance of a certificate of occupancy.
12. All parking facilities shall be on the same site as the building and located within one hundred fifty (150) feet of the nearest entrance of the building they are intended to serve.
 - a. Parking spaces shall be provided in areas designed specifically for parking and there shall be no parallel or diagonal parking.
 - b. Townhouses shall comply with the minimum parking standards of the NJRSIS (Subchapter 4).
13. No outside area or equipment shall be provided for the hanging of laundry or the outside airing of laundry in any manner. Sufficient area and equipment shall be made available within each building for the laundering and artificial drying of the laundry of the occupants of each building.
14. Dwelling units shall not erect individual external television antennae/satellite dishes.
15. No townhouse dwelling unit shall be less than twenty-four (24) feet wide.
16. Adequate trash and garbage pick-up stations shall be provided within a totally enclosed container located in a manner to be obscured from view from parking areas, streets and adjacent residential uses by a fence, wall, planting or combination of the three (3).
17. Ingress/egress stairs/steps shall not encroach into the municipal right of way.
18. Each townhouse development may have one (1) sign along each public street, which the tract in question abuts, provided there exists at least two hundred fifty (250) feet of unbroken frontage. Such signs shall not exceed six (6) feet in height, shall be set back from the street rights-of-way, property lines, and

driveways at least ten (10) feet and shall not exceed an area of fifteen (15) square feet and shall be used to display the development's name.

19. Setback from waterfront shall be pursuant to New Jersey Department of Environmental Protection requirements and regulations.
20. All structures in the Flood Hazard areas, especially the Velocity Zone as defined by the Federal Emergency Management Agency (FEMA), shall comply with FEMA Coastal Construction principles and practices.

F. Multi-Family Residential Guidelines

1. Multi-family residential units shall comply with the requirements of Chapter 21 Section 88, MF Multi-family Residence.

G. Common Facilities

1. All areas put into common ownership for common use by all residents shall be owned by a non-profit homeowners association in accordance with the requirements of the Department of Community Affairs.
2. Townhouse and multi-family residential areas may elect to provide outdoor recreation facilities such as a swimming pool, regulation-size tennis court and other such facilities. Other recreation facilities may include but are not limited to walkways, picnic area and nature trails available to all townhouse residents and their guests.
3. An irrigation system shall be provided where grassed recreation areas occur.
4. Accessory buildings for the outdoor recreation facilities and for maintenance purposes shall be provided and shall be sufficient to store recreational and maintenance equipment and supplies.
5. Public access to the waterfront shall be provided and shall facilitate wheelchair access.

H. Architectural Design Guidelines

The purpose of these design guidelines is to specify the architectural theme to be invoked in the Mixed-Use District in Highlands Borough. These design guidelines are directed towards the development of new townhouse and multi-family residential dwelling units and non-residential structures that employ the "Shingle Style" simplicity, colors and volume.

The residential and non-residential structures in the Mixed Use Zone District (MXD) may include several features of Shingle Style architecture, which includes the following elements:

- Shingles should form a continuous covering, stretched smooth over rooflines and around corners in a kind of contoured envelope on a two to three story structure. The shingles may be wavy or patterned.

- Exterior building materials shall be appropriate to the Shingle Style. Use of wood is encouraged with attention given to color, texture, details and bond pattern. Other exterior materials, including cedar shake, hardie board and other composite materials that mimic “cedar shingles,” are permitted provided that they are appropriate to the style of the structure. Use of diagonal and vertical wood patterns, wood paneling, naturally painted wood, and similar materials and techniques incompatible with the significant structures in the district is discouraged.
- Exterior surfaces covered in shingles should draw upon natural seaside colors, such as Indian reds, olive green and deep yellows. The Shingle style is monotone and unornamented and is generally stained in a single color to create uniformity.
- Heavy stone foundation spreads low against the ground and masonry is often dark and roughhewn.
- Roofs contain an irregular roofline, cross gables or gambrel roofs. Eaves are found on several levels and are close to the walls so as not to distract from the homogeneous and monochromatic shingle covering. Embellishments may include tall turrets.
- Rounded contours sheltered by a broad and overhanging roof. The sweep of the roof may continue to the first floor level providing cover for wide sweeping porches, or is steeply pitched and multi-planed.
- Entries are defined by heavy (often low) arches; columns are short and stubby.
- Windows may include Palladian windows, casement and sash windows which are generally small, may have many lights, and often are grouped into twos or threes and a distinct curving ‘eyebrow’ dormer.

SECTION 35

Section 21-97 (Conditional Uses) A. is hereby amended and supplemented to insert the following:

“5. Reserved.”

SECTION 36

Section 21-97. (Conditional Uses) G.6 and H.4 shall be modified to revise the reference “Section 6.11” to “Section 21-78.A.4.”

SECTION 37

Section 21-97 (Conditional Uses) is hereby amended and supplemented to add new subsection “I. Senior Care Living Facilities” as follows:

“Senior care living may include assisted living facilities, residential health care facilities; and, continuing care retirement communities, may be permitted as a conditional use in

the MF zoning district provided that the lot, use and structure adhere to the minimum standard of the MF zone and the following:

- (1) Minimum lot area shall be sixty thousand (60,000) square feet.
- (2) Compliance with the bulk, yard and building requirements of the MF Multi-family Residence Zone.
- (3) A Certificate from the New Jersey Department of Health and Senior Services shall be demonstrated.
- (4) A buffer area of at least fifteen feet in width shall be provided to adjacent residential uses, consisting of massed evergreen and deciduous plantings.”

Insert Schedule I after section 21-97

SECTION 38

Section 21-98 (Non-Conforming Uses, Structures and Lots) is hereby amended and supplemented to add new Paragraph B as follows:

“ B. Reserved.”

SECTION 39

Section 21-98 (Non-Conforming Uses, Structures and Lots) is hereby amended and supplemented to delete the reference “Section 21-80.B” (“...smallest front yard allowed under Section 21-80.B.”) in subsection 21-98.F.1.g. and insert “Section 21-79.B” in its stead.

SECTION 40

Section 21-99 (Enforcement) is hereby amended and supplemented to delete paragraph E. and insert new paragraphs E and F in its place:

“E. Pre-Framing Survey. For each new building, it shall be a condition of the Zoning Permit that an as-built survey shall be submitted to the Construction Official upon construction of the footing for the building. The survey shall include a certification from a licensed New Jersey surveyor that the location and the first floor elevation comply with the development approvals. Construction on the structure shall be suspended until the Construction Official determines that the location and first floor elevation comply with the development approvals. This determination shall be made within three working days of the submission. The Construction Official may require, at his discretion that this requirement be satisfied for structures other than new principal buildings where there is uncertainty as to compliance with the development approvals.

F. When a subdivision or site plan, as required by this chapter has been duly reviewed and approved by the Board the erection or alteration of the building shall not be deemed to be completed until all the requirements of the approved subdivision or site plan are met. Where weather conditions or other forces beyond the control of the applicant unduly delay the reasonable occupancy of a building under this subsection, a temporary certificate of occupancy may be issued in accordance with section 21-100.”

SECTION 41

Section 21-102 (General Standards) is hereby amended and supplemented to modify subsection B. 7. as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“Signs placed upon or across public property such as [sidewalks,] hydrants, lampposts, trees, telephone or light poles, or fences, or attached to signs, buildings or other property owned by others. “

SECTION 42

Section 102 (General Standards) Subsection C.4 is hereby amended and supplemented to as follows: additions are shown as thus; deletions are shown as thus

“4. Sign design should follow the guidelines established in the ‘Central Business District, Design Manual’ developed by the Neighborhood Preservation Program and adopted by the Planning Board. (Please refer to Appendix A.) However, any conflicts between the requirements of this Chapter and the Design Manual shall be resolved in favor the Chapter 21.”

SECTION 43

Section 103 (Specific standards by zone district) subsection B (Business district) is hereby amended and supplemented to modify the title of the subsection, as follows:

“B. Business Districts, except the Highway Oriented Business district.”

SECTION 44

Section 21-103 (Specific standards by zone district) is hereby amended and supplemented to add the following new paragraph D. Highway Oriented Business district:

“D. Highway Oriented Business district

Signs in the Highway Oriented Business district shall comply with all applicable provisions of Part 5 (Sign Regulations). Standards for signs in the Highway Oriented Business district shall be as follows:

1. Wall mounted signs in accordance with subsection 21-103. B.
2. Free-standing signs for single tenant buildings as follows:

- | | | |
|-----|-----------|------------------------|
| (a) | Size: | 24 square feet maximum |
| (b) | Height: | 10' maximum |
| (c) | Quantity: | 1 maximum |
| (d) | Setback: | 5' minimum |

3. Free-standing signs for multiple tenant buildings as follows:

- | | | |
|-----|-------|------------------------|
| (a) | Size: | 48 square feet maximum |
|-----|-------|------------------------|

- (b) Height: 12' maximum
- (c) Quantity: 1 maximum
- (d) Setback: 10' minimum

SECTION 45

Part 6 (Fee Schedule) is hereby amended and supplemented to delete the part in its entirety and insert the following in its place and stead:

**“PART 6
FEE SCHEDULE
Article XXIII
Fees**

The following Schedule of Fees is established for the various applications for development and other matters, which are the subject of this Chapter. These fees shall be non-refundable and are for the purpose of offsetting Borough administrative, clerical and meeting costs. Applications requiring a combination of approvals, such as subdivision, site plan and/or variances shall require a fee equal to the sum of the individual fees for each element of the application. Escrow deposits for professional consultants, such as legal, planning, engineering, or other professional fees, costs and expenses, shall also be required in accordance with Section 108.

All fees and escrow deposits required in Section 21-107 and 21-108 shall be paid prior to the certification of a complete application.

Schedule of Fees

A. Variances

- 1. For proceedings governed by N.J.S.A. 40:55D70a. \$125.00
- 2. For proceedings governed by N.J.S.A. 40:55D70b. \$125.00
- 3. For proceedings governed by N.J.S.A. 40:55D70c.
 - For residential \$125.00
 - For non-residential \$250.00
- 4. For proceedings governed by N.J.S.A. 40:55D70d.
 - For residential \$150.00
 - For non-residential \$500.00
- 5. For proceedings governed by N.J.S.A. 40:55D34 \$ 75.00
- 6. For proceedings governed by N.J.S.A. 40:55D36
 - For residential \$ 75.00
 - For non-residential \$200.00

In order to qualify for the lower fees established for residential applications, an application must be exclusively residential in character, and can only be for a single use on the lot or tract. Any application not complying with each of these conditions shall fall under the higher fee schedule.

B. Subdivisions

1. Simple lot line change or merger	\$100.00
2. Minor subdivision	\$400.00
3. Major subdivision	
a. Conceptual review	10% of the preliminary fee (to be applied to preliminary fee at time of preliminary submission)
b. Preliminary plat	\$500.00 plus \$50.00 per lot
c. Final	50% of preliminary fee
C. Site Plans	
1. Minor	\$250.00
2. Major	
a. Conceptual review	10% of the preliminary fee (to be applied to preliminary fee at time of preliminary submission)
b. Preliminary approval	\$1,000.00 plus \$50.00 per acre or part thereof and \$20.00 per 1,000 square foot of building floor area or part thereof; or \$20.00 per dwelling unit
c. Final approval	50% of preliminary fee
3. Application for revised approval of site plan	\$100.00
D. Flood plain review – Residential	\$ 50.00
Non-residential	\$100.00
E. Conditional use applications	\$250.00
F. Individual plot plan review	\$300.00
G. Zone changes. Applications or requests to consider a change in the zoning ordinance made either to the Planning Board or the Borough Council shall be subject to the payment of a fee of \$250.00 plus an escrow deposit in the amount of \$2,000.00 in accordance with the provisions of Section 21-108 below.	

H. Zoning Permits

- | | |
|---|---------------|
| 1. Single or two family residential (new) | \$ 50.00 |
| 2. Other residential | \$100.00/unit |
| 3. Residential renovations | \$ 10.00 |
| 4. Non-residential (new) | \$100.00 |
| 5. Non-residential renovations | \$ 25.00 |

I. Certificate of Continuing Occupancy \$50.00

J. Smoke detector permit, per N.J.A.C. 5:18 \$35.00

K. Fence permit \$15.00

L. Miscellaneous

- | | |
|---|--|
| 1. Copies of minutes | At per page fee established by ordinance |
| 2. Copy of verbatim transcript | At expense of requesting party |
| 3. Copy of decision applicant | No charge to |
| 4. List of property owners within 200 feet | \$10.00 or \$0.25 per name, whichever is greater |
| 5. Court reporter | At expense of requesting party |
| 7. Certificate of Subdivision, Per N.J.S.A. 40:55D-56 | \$ 10.00 |

21-108. Escrow accounts and technical review fees

A. Escrow Accounts

1. In addition to the above general non-refundable fees for each application filed, the applicant shall reimburse the Borough for all professional or technical review fees deemed necessary or desirable by the Board, and shall establish an escrow fund with the Borough Treasurer to pay such fees or charges. The escrow fund shall be utilized to reimburse the Borough for all costs, which are reasonable and related to the review of such application.
2. As part of the application submission, the applicant shall be required to make a deposit to the escrow account in an amount provided for in B. below. If the amount posted is not sufficient to cover the Borough's professional charges associated with the application, the Board shall request additional funds.
3. After approval of an application and prior to the start of construction, the applicant shall be required to deposit with the Borough Clerk engineering inspection escrow fees to provide for anticipated inspection and any additional professional review services in accordance with C. below.

4. Additional escrow funds, equal to 25% of the applicable escrow fee, will be required upon submission of a revised plan for review by Board professionals.
5. Additional escrow funds shall be required when the balance of any escrow account reaches twenty percent (20%) of the initial deposit. The Borough shall notify the applicant who shall be requested to deposit up to thirty-five percent (35%) of the original escrow account. No further consideration, review, processing or inspection shall take place until the additional escrow has been paid.
6. For escrow deposits over \$5,000.00 the procedures under N.J.S.A. 40:55D-53.1 shall prevail.
7. At the applicant's written request and at his cost, an account of the expenses or fees paid by him for professional services shall be provided. Borough professional shall submit vouchers for all services to be assessed against an escrow account, which vouchers shall state the hours spent, the hourly rate and the expenses incurred.
8. Any unexpended monies remaining after the completion of the project and maintenance period shall be returned to the applicant.

B. Escrow deposits for professional and technical review

The initial deposit of escrow funds for technical and professional review of an application shall be in an amount equal to double the application fee, but not less than \$750.00

C. Escrow deposit for inspection

Prior to the start of construction, the applicant shall post engineering inspection fees determined in accordance with the provisions of N.J.S.A. 40:55D-53h and 53.4. Inspection fees shall be five percent (5%) of the cost of improvements, with a minimum of \$500.00.”

SECTION 46

Section 21-113 (Definitions) is hereby amended and supplemented as follows (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“Local Administrator – The **Borough Administrator** [Board Engineer] or such other Borough official designated by the Mayor.”

SECTION 47

Section 21-120 (Development permit) is hereby amended and supplemented to modify the section in accordance with the following (Additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

“21-120 Development permit

A development permit shall be required in conformance with the provisions of this section and other applicable municipal ordinances. Development permits for all construction shall require review and approval by the [Planning Board after a public hearing]**Borough Administrator or his designee. Applications for a development permit addressing compliance with Part 7 of this chapter shall be subsequent to any required subdivision, site plan or variance approvals granted by the Planning Board or Zoning Board of Adjustment.** Application for a development permit shall be made to the local administrator[, construction official, engineer or planner] on forms furnished by him and shall include, but not be limited to, the following:

- A. Five copies of plans, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill, storage of materials; drainage facilities; and the location of the foregoing, including:
 1. The existing and proposed contours at a contour interval of one (1) feet and/or sufficient spot elevations to determine adequately the elevation of the land.
 2. The proposed elevations of the lands involved at the corners of the foundation of any structure or structures.
 3. The layout of existing and proposed public streets and the nature, extent and location of existing and proposed utilities servicing and to service the premises in question.
 4. The elevation of any existing or proposed pumping facilities and overflow elevations of vents or entranceways, if underground; overflow elevations of sewage treatment plant units.
 5. The nature and extent of the construction alterations or repairs.
 6. The extent of filling of the land, if any.
 7. For subdivisions and site plans, the surrounding structures within a two-hundred foot radius.
- B. Elevation, in relation to mean sea level (both NAVD 1988 and NGVD 1929), of the lowest floor of all structures.
- C. Elevation, in relation to mean sea level, to which any structure has been flood proofed.
- D. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 21-125 and 21-126.
- E. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow and placed approximately on the same flood flow lines as those of adjoining structures.

- F. The plan shall constitute the minimum amount of fill, which will be required and still remain consistent with the section.
- G. All new and replacement utilities and facilities such as water, sewer and electrical systems are located, elevated and constructed to minimize or eliminate flood damage. These shall include non-watertight manholes, watertight manholes with vents, raised vents, flap valves, etc. Such facilities shall be constructed with overflow elevation at least one (1) foot above the flood.
- H. New or replacement water systems and sanitary sewage systems shall be designed and located to prevent infiltration, leakage, impairment or contamination during flooding.
- I. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- J. No buried fuel oil tanks shall be permitted unless properly anchored and vented, with the vent at least one (1) foot above the flood level. In addition, the fill pipe shall also be at least one (1) foot above the flood level.
- K. All mechanical devices and equipment subject to water damage, including furnaces and electrical distribution centers, shall be located at least one (1) foot above the base flood elevation.
- L. All utilities shall be flood proofed to at least two (2) feet above the base flood elevation.
- M. Backfill shall be of soils with natural low permeability or of soils treated to minimize permeability.
- N. Eight (8) inches of compacted granular fill shall be used beneath the ground flood and shall be daylighted in order to act as a French drain.
- O. Where a construction method is chosen or required which requires the structure to be elevated on fill, the fill shall be placed to at least (1) foot above the flood hazard elevations for a distance of at least five (5) feet outside the building walls. The finished grade shall be sloped to drain away from the structure for a distance of at least five (5) feet.
- P. All subdivision proposals shall be consistent with the need to minimize flood damage.
- Q. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- R. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- S. ENCLOSURE OPENINGS

For all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for 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. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens louvers, or other covering devices provided that they permit the automatic entry or exit of floodwaters.

[E.]**T.** Plans of any walls to be used to enclose space below the base flood level.

[F.]**U.** Proof that the application has taken into account any flood plain management programs, if any, already in effect.

[G.]**V.** After the structure is built, the Applicant, at the Applicant's expense, shall provide the local administrator with a certification by a New Jersey licensed engineer or land surveyor of the lowest flood elevations are met.

SECTION 48

Section 21-121 (Designation of Local Administrator) is hereby amended and supplemented as follows:

"21-121 Designation of Local Administrator

The local administrator,[construction official, engineer or planner shall position] **or his designee** is hereby established to administer and implement this section by [coordinating development permit applications granted or denied by the appropriate municipal official, board or governing body in accordance with the provisions of that permit]**by granting or denying floodplain development permits in accordance with its provisions."**

SECTION 49

Section 21-123 (Appeals and Variance Procedures) Paragraph A.2. is hereby amended and supplemented to modify the section in accordance with the following (Additions indicated in boldface **thus**; deletions indicated in brackets **[thus]**):

"2. Appeals from the administrator's interpretation of any requirement, decision or determination under this section shall be made to the Planning Board, **except in such cases, as the Board of Adjustment is the board of proper jurisdiction.** All requests for variances shall be made to the Planning Board, except where the Applicant is seeking a variance **[with regard to use]** in accordance with N.J.S.A. 40: 55 D-70.**[d]**, in which case the Board of Adjustment is hereby empowered to hear and decide a request for a variance pursuant to this section."

SECTION 50. Severability.

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, phrase or portion of this

Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 51 *Repealer.*

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

SECTION 52. *Certified Copy*

A certified copy of the within Ordinance shall be forwarded by the Borough Clerk to the clerks of all adjoining municipalities, the Monmouth County Planning Board and the following:

1. Borough Administrator
2. Borough Engineer
3. Planning Board
4. Zoning Board
5. Borough Attorney
6. Tax Assessor
7. Zoning Official

BE IT FURTHER ORDAINED that this ordinance shall take effect upon final passage and publication in accordance with law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced at a meeting of the Borough of Highlands, in the County of Monmouth, State of New Jersey, on the ____ day of _____, 2007 and was then read for the first time. The said ordinance will be further considered for final passage by the Borough Council in the Municipal Building, 171 Bay Avenue, Highlands, NJ at ____ on _____, 2007. At such time and place or any time or place to which said meeting may be adjourned; all persons interested will be given an opportunity to be heard concerning said ordinance.

BOROUGH CLERK

I HEREBY CERTIFY THE ABOVE TO BE A
TRUE AND REAL COPY OF AN
ORDINANCE ADOPTED ON THE
____ DAY OF
____ 2007 BY THE

DRAFT

3/16/07

Revised 3.20.07

BOROUGH COUNCIL OF THE BOROUGH
OF HIGHLANDS, COUNTY OF
MONMOUTH, and STATE OF NEW
JERSEY.

NINA FLANNERY, BOROUGH CLERK

ATTACHMENT: APPENDIX A SIGNS GUIDELINES
ATTACHMENT: APPENDIX B BUILDING HEIGHT ILLUSTRATION
ATTACHMENT: Zoning Map
ATTACHMENT: Schedule I

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BE IT FURTHER ORDAINED that this ordinance shall take effect upon final passage and publication in accordance with law.

Seconded by Mayor O'Neil and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Miss Thomas, Mr. Caizza, Mayor O'Neil

NAYES: None

ABSENT: Mr. Urbanski

ABSTAIN: None

DATE: April 4, 2007

Nina Light Flannery, Borough Clerk

Introduced: March 21, 2007

Publication: March 23, 2007, The Asbury Park Press

P. H. & Adoption: April 4, 2007

Publication: April 9, 2007, The Asbury Park Press

I hereby certify this to be a true copy of the Ordinance adopted by the Governing Body of the Borough of Highlands on April 4, 2007.

Borough Clerk/Deputy Clerk

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced at a meeting of the Borough of Highlands, in the County of Monmouth, State of New Jersey, on the 21st day of March, 2007 and was then read for the first time. The said ordinance will be further considered for final passage by the Borough Council in the Municipal Building, 171 Bay Avenue, Highlands, NJ at 8:00 P.M. on April 4, 2007. At such time and place or any time or place to which said meeting may be adjourned; all persons interested will be given an opportunity to be heard concerning said ordinance.

BOROUGH CLERK

I HEREBY CERTIFY THE ABOVE TO BE A TRUE AND REAL COPY OF AN ORDINANCE ADOPTED ON THE _____ DAY OF _____ 2007 BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, and STATE OF NEW JERSEY.

NINA FLANNERY, BOROUGH CLERK

ATTACHMENT: APPENDIX A SIGNS GUIDELINES

ATTACHMENT: APPENDIX B BUILDING HEIGHT ILLUSTRATION

ATTACHMENT: Zoning Map

ATTACHMENT: Schedule I

APPENDIX A

SIGNAGE DESIGN GUIDELINES

C. SIGNAGE DESIGN GUIDELINES

OVERVIEW:

- Signs are one of the most prominent visual elements on the street. If well designed, signs add interest and variety to a building's facade while enlivening the street scene. On the other hand, signs more than any other single feature can detract from even the most attractive storefront and clutter its surroundings.

Signs

- Serve to attract the attention of passing pedestrians and motorists by communicating information in a visible form outside a building or along a traveled roadway.
- Allow public and private enterprises, individuals and communities to express their personalities and establish an identifiable images.
- Attractively designed add to the creation of a streetscape that reflects a community's self-esteem, expressing a sense of neighborhood pride.
- Symbolize a community's economic vitality, ethnic diversity and culture.
- Create a visual impression that one carries of a place is largely shaped by sign design.

Signs may only be placed in designated areas. When determining where a sign should be placed or how large a sign should be, always refer first to your storefront and then to the design on the building as a whole.

Signs should adhere to the following guidelines:

- ✓ Simple and clear
- ✓ Present the store name without being artificial, cute, antiqued, or garish.
- ✓ Contain graphic symbols or simple verbal messages
- ✓ Sign materials should harmonize with the building's design.
- ✓ Most appropriately display wooden signs with raised or painted letters on turn-of-the century buildings.
- ✓ Never be so large as to overpower the storefront or obscure the building's architectural features.
- ✓ Relate to the premise on which they are erected.
- ✓ Use of words as "thrift", "bargain", or "discount" shall be prohibited on permanent store signs.

All building signs having a total area of two (2) square feet or more shall require a sign permit.

C. SIGNAGE DESIGN GUIDELINES

Overview Continued:

1. Lettering

Typefacing (lettering styles) that are reminiscent of turn-of-the-century architecture are preferred. Lettering styles are *interpretations of modern detailing.*

Modern lettering styles may be used which present the spirit of an earlier period without being literal.

Suggested lettering types are listed to the listed below. As a rule, letters with serifs reflect an earlier period and are encouraged. Helvetica or other simple type lettering is also useful for a clear efficient message.

Specific typefaces or any variations must be approved by the Housing Department.

WINDSOR

Americana

Franklin Gothic

Bookman

Italia Italia

Bookman

Grotesque

Caslon Antique

Modern No. 20

Chippendale

Folio

News Gothic

Folio

C. SIGNAGE DESIGN GUIDELINES

1. Lettering

Franklin Gothic

Aachen

GUILLOCHE

Century

Hawthorn

Plantin

Beton

BERLING

Plantin

Cheltenham

Caslon

Chesterfield

Helvetica

Times

XYST

Helvetica

Times

Helvetica

CLARENDON

Baskerville

LOGGIA

IONIC

PYCYOSTYLE

TIMES

ALAMEDA

JAWAB

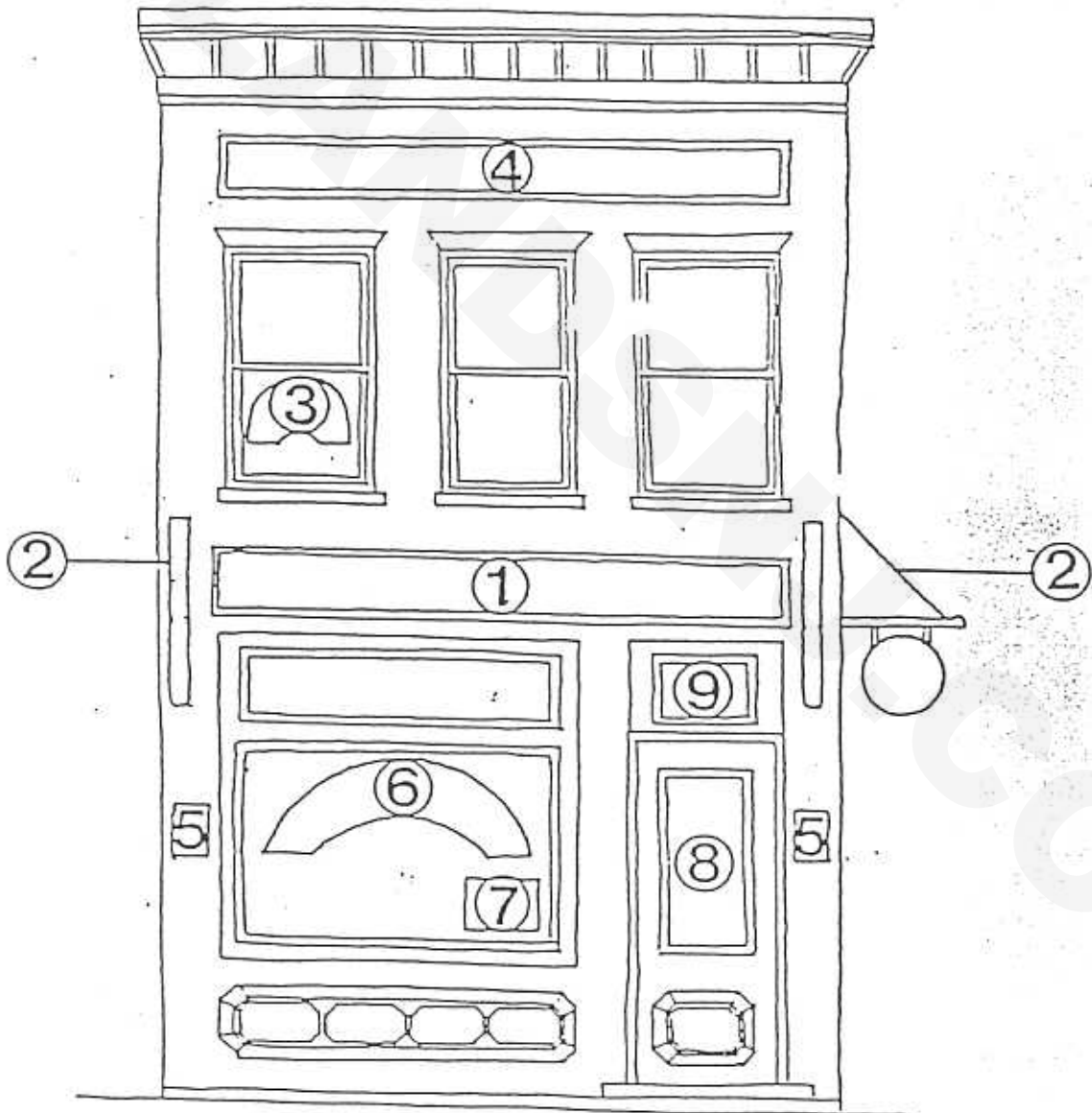
FRIEZE

Rockwell

C. SIGNAGE DESIGN GUIDELINES

2. Building Sign Location

ALL BUILDING SIGNS MUST OBSERVE THE DIMENSIONAL, PROPORTIONAL AND DESIGN CRITERIA IDENTIFIED WITHIN THIS DOCUMENT. (See illustration and chart) BUILDING OWNERS AND BUSINESS OPERATORS MUST OBSERVE THE FOLLOWING:



C. SIGNAGE DESIGN GUIDELINES

2. Building Sign Location

ALL BUILDING SIGNS MUST OBSERVE THE DIMENSIONAL, PROPORTIONAL AND DESIGN CRITERIA IDENTIFIED WITHIN THIS DOCUMENT. (See illustration and chart) BUILDING OWNERS AND BUSINESS OPERATORS MUST OBSERVE THE FOLLOWING:

COMBINATION SELECTION:

Combination of three permanent, approved sign types may be placed upon the facade of a building for each store or independent business tenant.

- ✓ Corner business locations may have signs on both facades.
- ✓ No more than one permanent painted or applied sign may appear within a single framed area, such as a display window or door.
- ✓ Signs may be illuminated but not flashing or animated.

STOREFRONT OR COMMERCIAL BUILDING APPROVED PERMANENT COMBINATIONS

TYPE OF SIGN	1	2	3	4	5	6	7	8	9
(a) Applied flat signs	•			•					•
(b) Projecting signs		•							
(c) Backpainted on glass			•			•		•	
(d) Applied letters	•								
(e) Painted letters	•		•			•		•	•
(f) Plaques					•				
(g) Flags and banners		•							
(h) Special Signs						•	•		
(i) Display window neon						•			
(j) Projecting neon		•							
Externally illuminated	•								
Internally illuminated	•					•			

* Sandwich boards are free standing, not attached to the building

C. SIGNAGE DESIGN GUIDELINES

3. SIGN TYPES

(a) Applied flat signs:

Signs must be of wood or painted flat or be mounted or cutouts on sign boards. The sign must be framed with raised edges. Length and width must conform to locations indicated in the *Storefront or Commercial Sign Location Guide Chart*.

When applied directly to masonry surfaces, signs must be mechanically fastened to mortar joints and not into bricks. Sign with a depth of more than 3' due to internal illumination or other factors will not be permitted for mounting on the building's exterior. Such signs should be recessed beyond the building line.

Lettering within the sign should not exceed 60% of the total sign area. Applied signs must not obscure windows. Storefront or second story signs may be unlimited in length but may not exceed 2' - 0" in height.



Applied 3-Dimensional Letters



Painted Letters

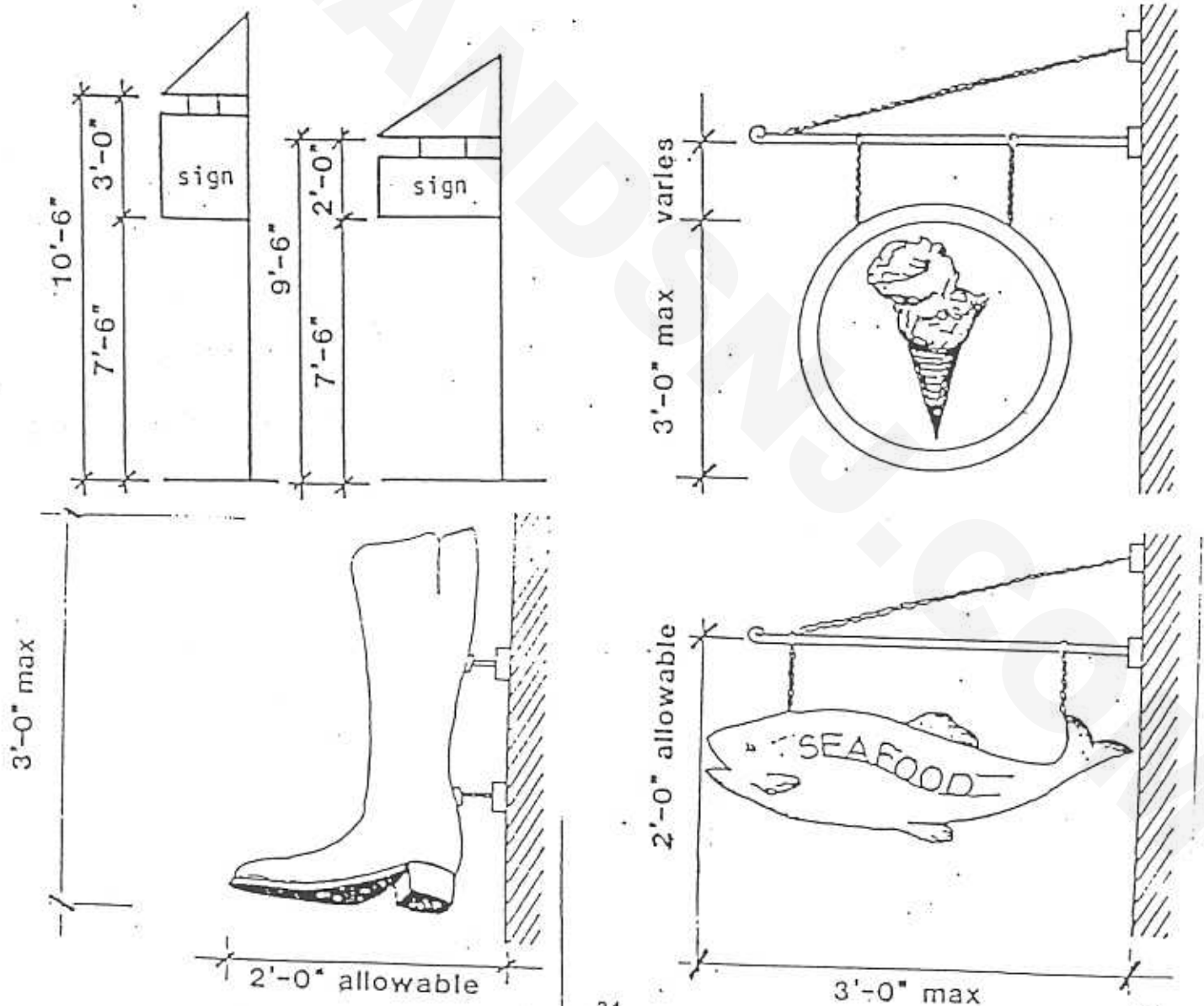
C. SIGNAGE DESIGN GUIDELINES

3. Sign Types

(b) Projecting Signs

Projecting signs shall be constructed of wood, painted wrought-iron. The object featured on the sign should express the nature of the goods being sold in a manner respectable to turn-of-the-century architecture. The object should be the dominant element. However, the store's name may appear on the sign. Projecting signs can be attached to masonry surfaces by mechanically fastening to mortar points, but not to bricks. Such signs may not project further than 3' - 0" and not exceed an overall area of (6) square feet in size.

Projecting signs must permit 7' - 6" minimal clearance from bottom of sign and no bracket shall be mounted less than 9' - 6" from sidewalk grade. Such signs may be illuminated subject to approval.

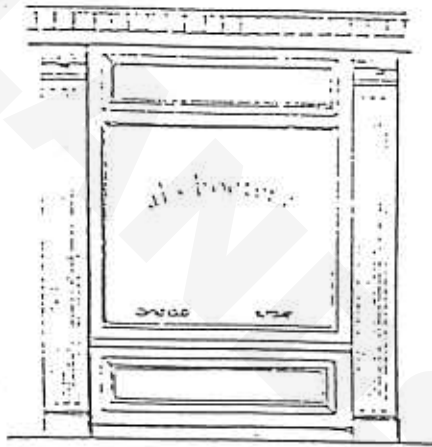


C. SIGNAGE DESIGN GUIDELINES

3. Sign Types

(c.) Back painted on glass

Signs must be *silk-screened* or *handpainted* on the *inside surface* of the *glass* of the windows or door. Maximum letter size is to be 8".



(d) Applied Letters

Applied letters must be of painted wood or cast metal, real bronze, brass, or black anodized aluminum. Mill finish metals, aluminum, stainless steel, or other white metals will not be permitted. Signs using wood must use only high quality exterior grade woods with suitable grade finishes.

C. SIGNAGE DESIGN GUIDELINES

3. Sign Types

(e) Painted Letters

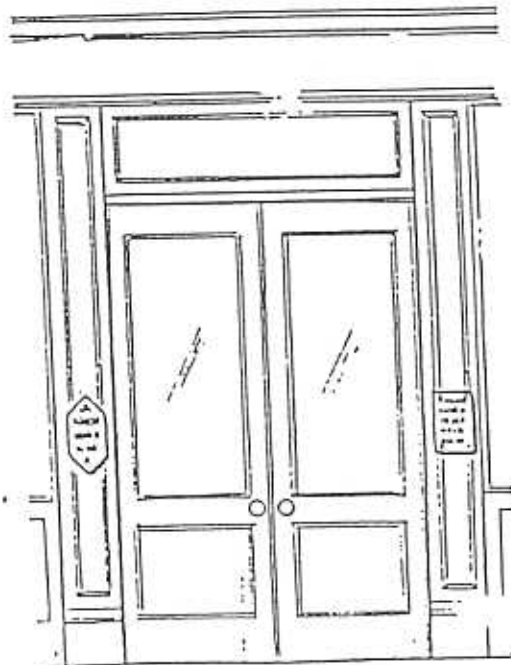
Signs must be silk-screened or handpainted on the glass or wood as per the COMMERCIAL SIGN LOCATION GUIDE CHART.



(f) Plaques

Plaques must be of high quality and cast or engraved in brass, bronze, or other approved metals or exterior grade painted wood. They must be at least 1/4" thick. Plaques may not exceed 11" X 14" in size. Variations must be approved.

Plaques may be applied to masonry surfaces as well as stone or granite, or wood columns. To affix signs to masonry surfaces, they must be mechanically fastened into mortar joints only.

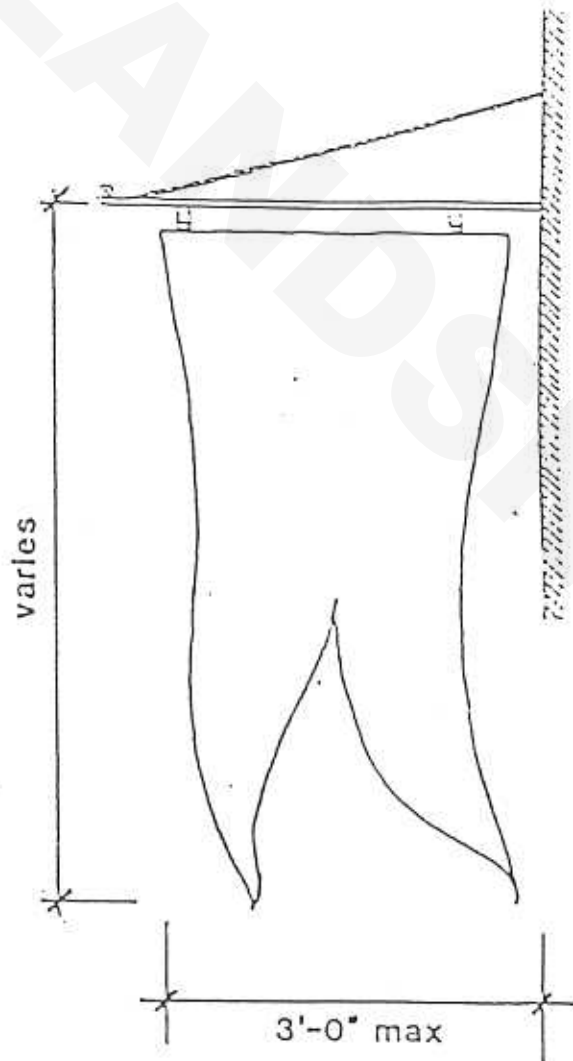


C. SIGNAGE DESIGN GUIDELINES

3. Sign Types

(g) Flags and Banners

Flags or banners can be attached to masonry surfaces, mechanically fastened to mortar joints but not to bricks. Flags and banners may not project further than 3' - 0", and not exceed twelve (12) square feet in size. Flags and banners must permit 7' - 6' minimal clearance to finished sidewalk grade.



C. SIGNAGE DESIGN GUIDELINES

3. Sign Types

(h) Special Signs

Printed Menus - (restaurant tenants only) Actual cafe or restaurant menu as used at dining table shall be mounted neatly in wood or metal frame covered by glass.

Chalkboard menu or special sign - Framed black chalkboards may be used. The tenant logo or name should be permanently affixed to chalkboard surface or frame. Chalkboards should also be mounted on an easel or appropriate stand. Chalkboards cannot exceed 24" X 30".

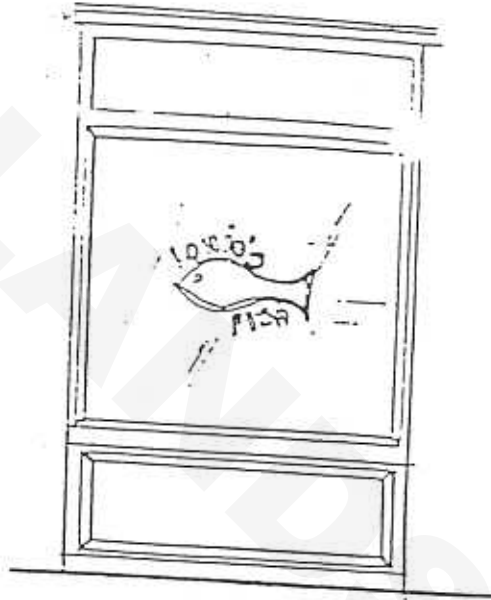
Sandwich board signs - Letters shall be painted or applied on wood or metal which has been covered with an appropriate surface material. Business logo identification should be placed as a header on the sandwich board to clearly identify the retail, restaurant, or special event in the central business district.

C. SIGNAGE DESIGN GUIDELINES

3. Sign Types

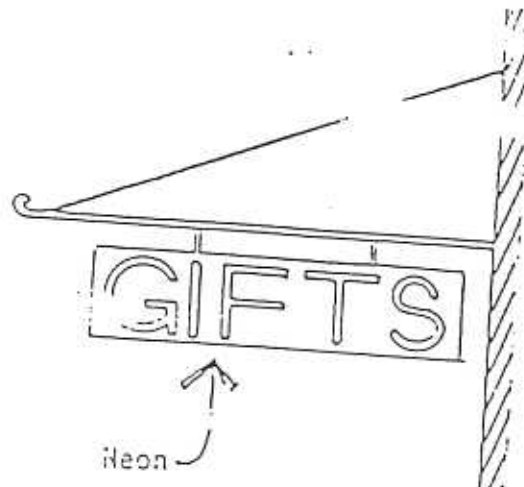
i) Display Window Neon Sign

Display window neon signs should symbolically represent or state simply the nature of your business.



(j) Projecting neon signs

Projecting neon signs must conform to all signage, location and fastening criteria of projecting signs. That is projecting neon sign can be attached to masonry surfaces by mechanically fastening to mortar joints but not the bricks. They cannot project further than 3" - 0" and not exceed six (6) square feet in size.

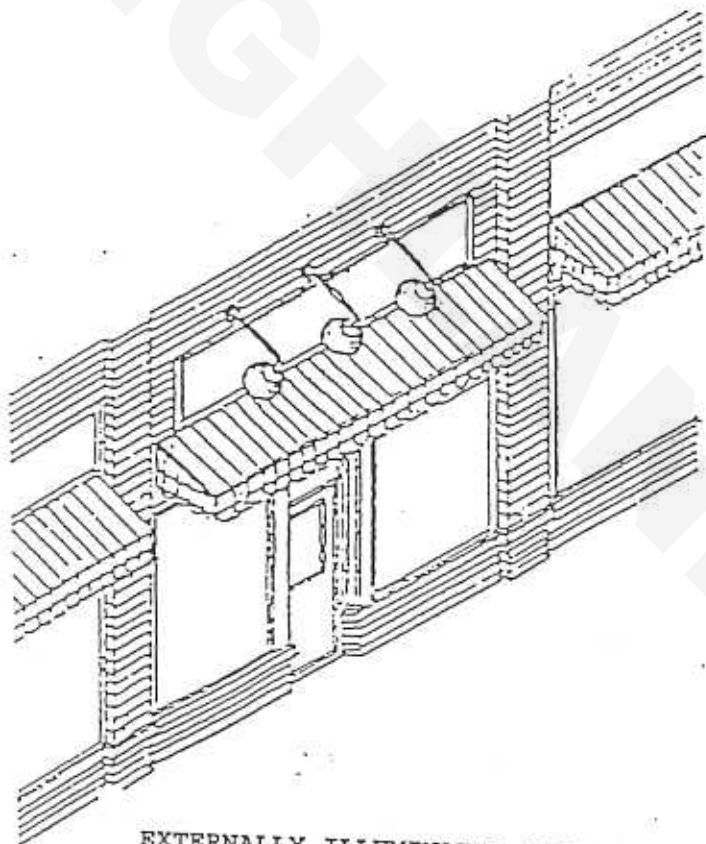


C. SIGNAGE DESIGN GUIDELINES

3. Sign Types

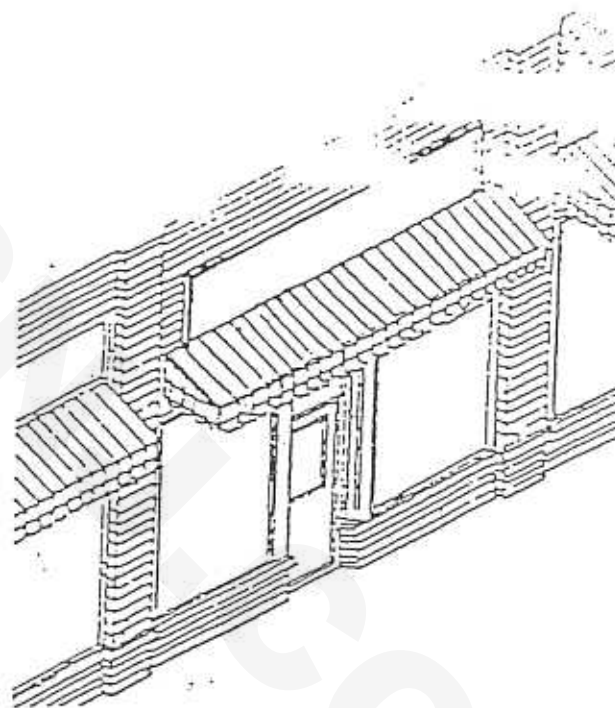
Externally illuminated signs

Signs may be illuminated with incandescent type fixtures. Fixtures should be painted to be compatible with the color scheme of the building



EXTERNALLY ILLUMINATED SIGN PANEL

Internally illuminated signs



INTERNALLY ILLUMINATED SIGN PANEL

Must conform to Applied flat signs, type (a) sign size and location guidelines and recommended lettering styles. Internally illuminated signs cannot project 5" beyond the building line.

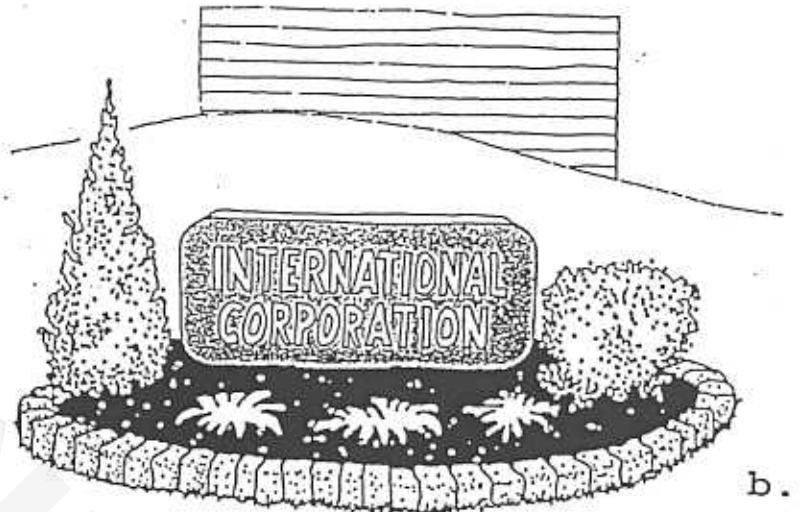
Maximum wattage is 150 for both internally and externally illuminated signs. Exterior application of fluorescent lamps are not permitted.

C. SIGNAGE DESIGN GUIDELINES

4. Free Standing Signs

a. Pole sign

Supported by a pole (sometimes more than one) and are usually elevated several feet above the ground.



b. Ground sign

Located on or in close proximity to the ground and are detached from structures.

Freestanding signs are most useful in situations where there is a large setback from the street. Freestanding signs are effective where the attention of people in fast-moving vehicles is sought. If there are several uses in one building or complex, freestanding signs are effective in conveying information.

Freestanding signs should be designed in concert with the buildings they identify. They should not overwhelm the building or setting they represent in size or proportion.

C. SIGNAGE DESIGN GUIDELINES

5. EXTERIOR HISTORIC MURALS

Historic pictorial murals depicting events that occurred in Highlands are encouraged on appropriate commercial building walls in public access view.

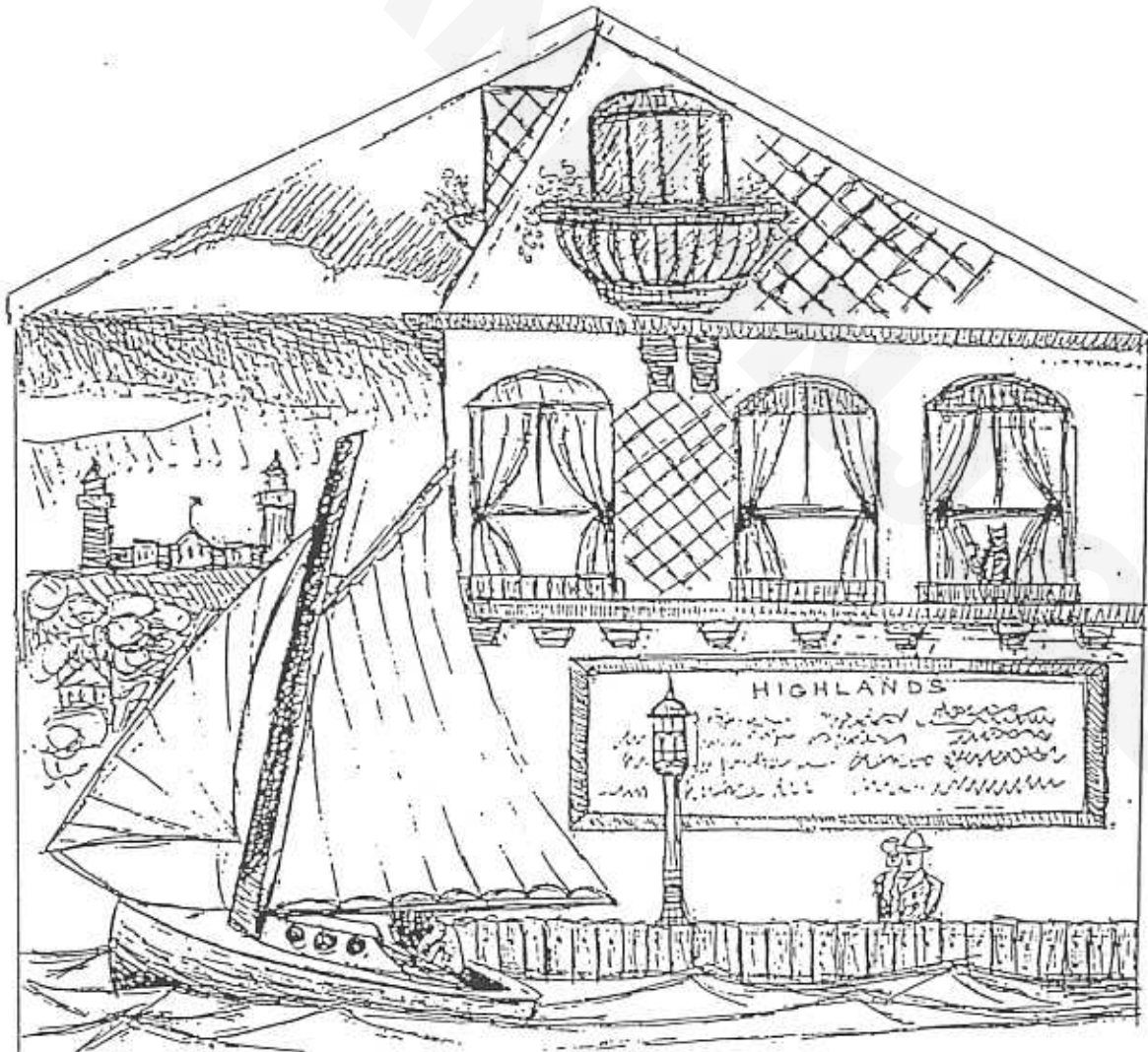
Design concepts for exterior historic murals must be submitted to the Building/NPP Office for review prior to the start up of a project.

The Design/Theme Review Committee will evaluate the proposed project for historical content and utilization of building surface wall space.

Commercial Properties are encouraged to install exterior historic murals, which have been linked to impact and promote tourism and economic development.

Highlands artists have brainstormed with local commercial property owners to create a historic mural program (suggested themes: - Rum running, fishing clamming, native Americans, Waterwitch etc. military events) that will promote tourism and business development for Highlands central business district.

Exterior stenciling of facades with appropriate designs are encouraged



C. SIGNAGE DESIGN GUIDELINES

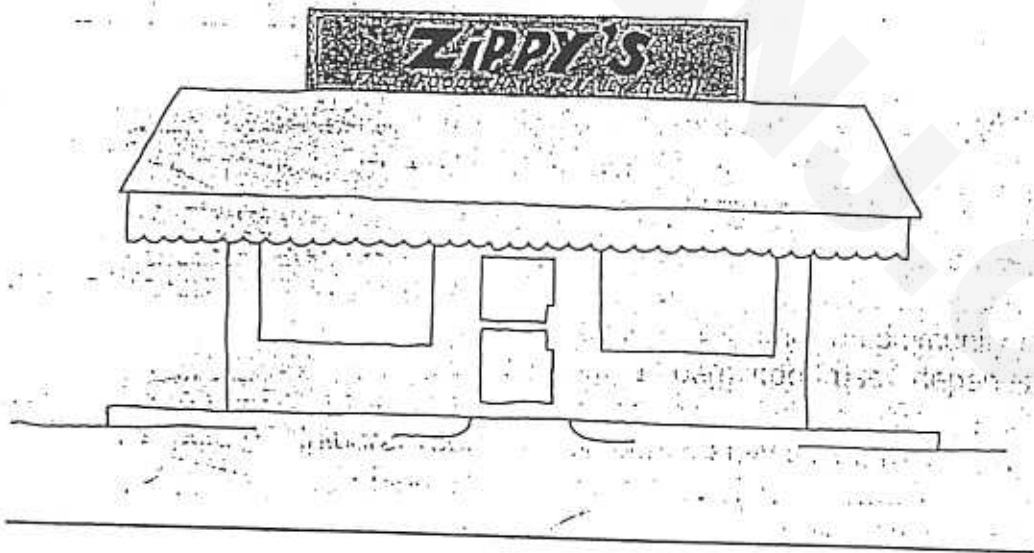
6. Roof Signs

Roof signs are only permitted on commercial buildings along the waterfront. Roof signs are mounted on the roof of a building or projects from the roof edge or the top of a roof embankment wall.

a. Integral Roof Signs are signs that are erected as an integral or essential part of a normal roof structure. The base of the integral roof sign does not extend vertically above the highest portion of the roof. The integral roof sign is designed so that no portion of the sign is separated from the rest of the roof by a space of more than six inches.

b. Roof Signs are signs that are mounted on the roof of a building or a sign which projects from the roof edge or the top of a roof embankment wall.

All types of roof signs are subject to one double-sided installation per structure utilizing a maximum of 40% of signable wall area.



SIGNS NOT REQUIRING PERMIT:

- a. *Non-illuminated directional signs identifying parking areas, loading zones, entrances, exits, and similar locations. The signs may include a business name or professional name, but shall not include any advertising message and shall not exceed four (4) square feet in area.*
- b. *Temporary and permanent traffic signs and signals installed by the Borough, County and State for the purpose of directing and regulating the flow of traffic.*
- c. *Signs indicating public transportation stops when installed by the Borough or a public transportation utility. Not to exceed two (2) square feet in area.*
- d. *Historical tablets, cornerstones, memorial plaques, and emblems which do not exceed six (6) square feet in area and which are installed by government agencies or civil or religious organizations.*
- e. *Warning, no trespassing and other regulatory signs, not exceeding three (3) square feet in area.*
- f. *Flags or emblems of religious, educational, civic or governmental organizations flown from support on the buildings or grounds occupied by the organization and the American Flag whenever flown in accordance with the laws and rules promulgated by the federal government.*
- g. *Name and number plates identifying residents and affixed to a commercial house, apartment or mailbox, not exceeding one(1) square foot in area.*
- h. *Signs posted by governmental agencies or pursuant to governmental statute, order or regulation.*
- i. *Signs which are an integral part of vending machines, including gasoline pumps, provided they do not exceed two (2) square feet in area.*

SIGNS PROHIBITED

Signs are prohibited for various reasons such as: safety, sign pollution or non-contribution to the Highlands Central Business District.

- a. Any new signs not complying with the design criteria set forth in this document.
- b. Signs using red, yellow and green lights placed within 100 feet of any traffic control signal now or hereafter erected or signs using any reflective material or paint which sparkles, glitters or reflects light.
- c. Signs revolving or signs using blinking, flashing, vibrating, flickering, tracer or sequential lighting.
- d. Any sign which in the judgment of the Police Traffic Division and the Zoning Officer unreasonably tends to distract drivers or otherwise constitutes a traffic hazard.
- e. Signs or advertising matter of an indecent or obscene nature.
- f. Signs using words such as "stop", "look" "danger", etc., which are placed in a manner or position which in the judgment of the Police Traffic Division or the Zoning Officer constitutes a traffic hazard or otherwise interfere with the free flow of traffic.
- g. Advertising signs commonly known as billboards. Billboards are defined as any sign which does not advertise a use conducted on premises except a permitted "For Sale" sign or temporary job site sign.
- h. Signs producing glare or using bare bulbs or tubing.
- i. Any free-standing sign within an area bounded by the intersection or two right of ways, located less than 30 feet from such intersection along the right of way.
- j. Signs with a lighting or control mechanism which may cause radio or television or communication system interference.
- k. Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as a means of egress or ingress, or for fire-fighting purposes, or placed so as to interfere with an opening required for legal ventilation.
- l. Any advertisement which uses a series of two or more signs or units, placed in a line parallel to the highway, or in similar fashion, carrying a single message, part of which is contained on each sign.

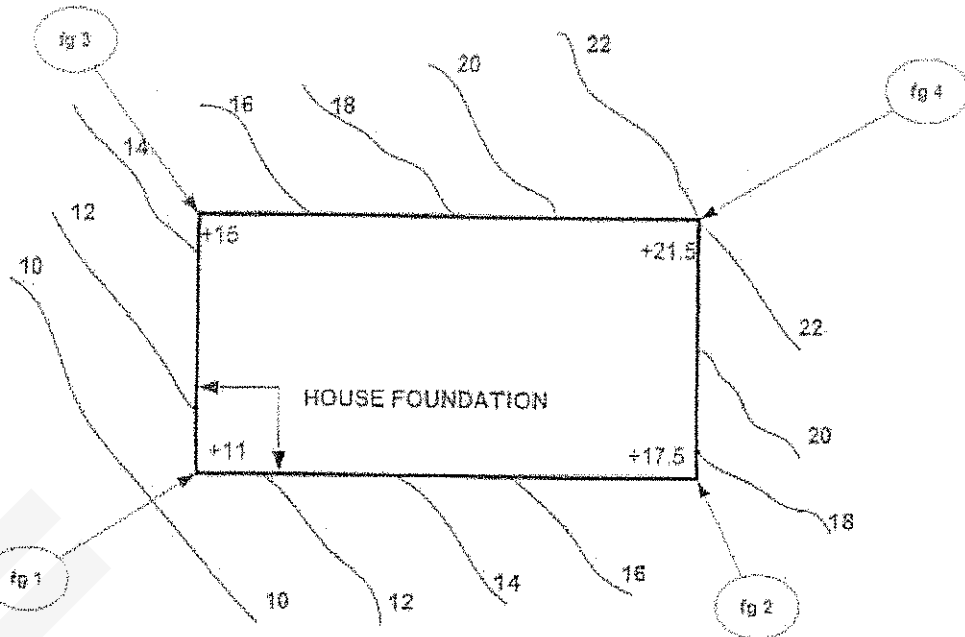
SIGNS PROHIBITED - CONTINUED

- m. *Signs which in any way simulate official, direction or warning signs erected or maintained by the State of New Jersey, or a county or municipality thereof, or by any railroad or public utility, or similar agency concerned with the protection of the public health or safety.*
- n. *Signs or banners spanning a public street or highway regardless of sponsor, unless given special permission by the mayor and council.*
- o. *Signs on poles maintained by public utilities or on trees and fences or attached to signs or buildings owned by other persons.*

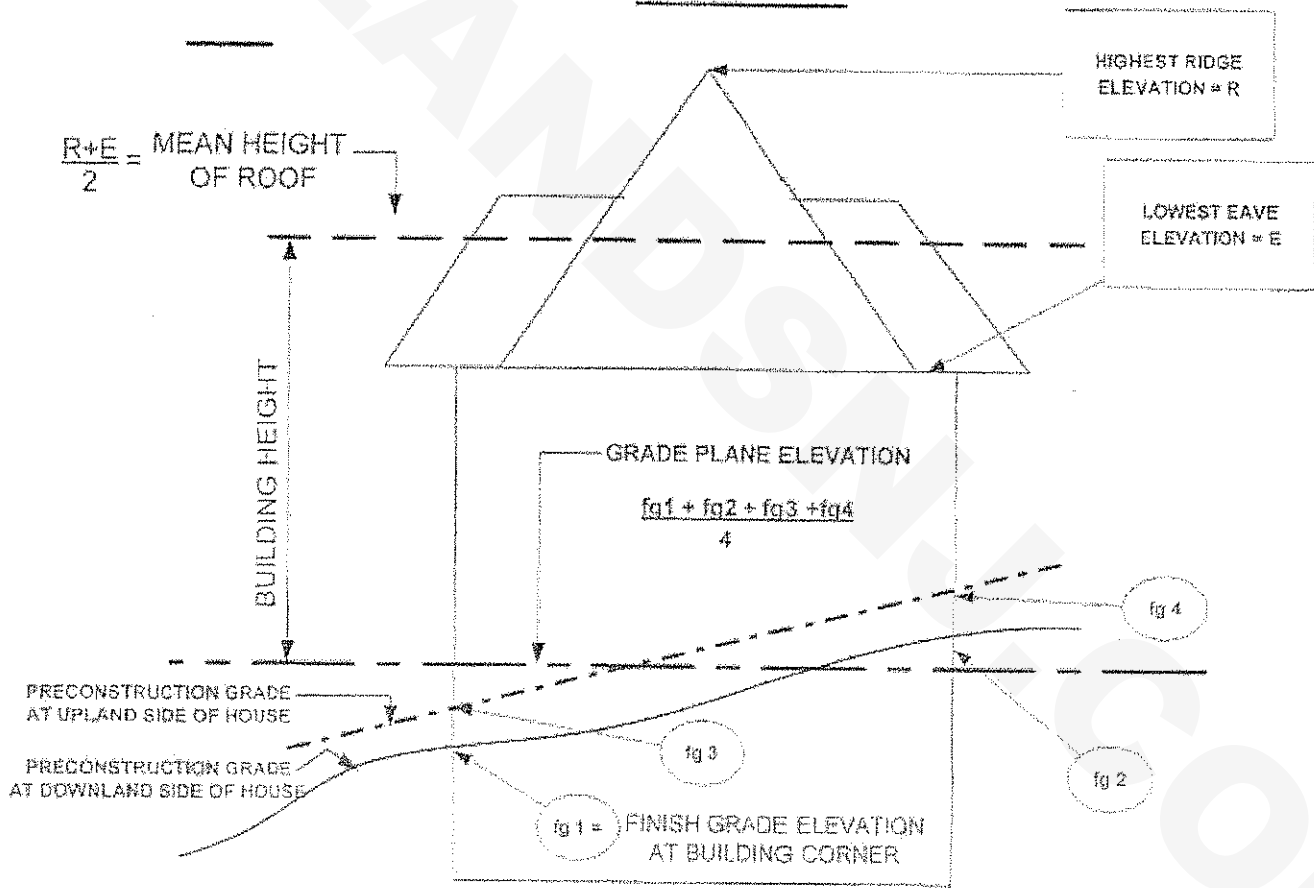
These guidelines assist our efforts to promote Highlands Central Business District and project our best visual introduction and character.

APPENDIX B

BUILDING HEIGHT ILLUSTRATION



KEY PLAN



KEY SECTION

BUILDING HEIGHT

Borough of Highlands
Schedule I - Bulk and Area Requirements

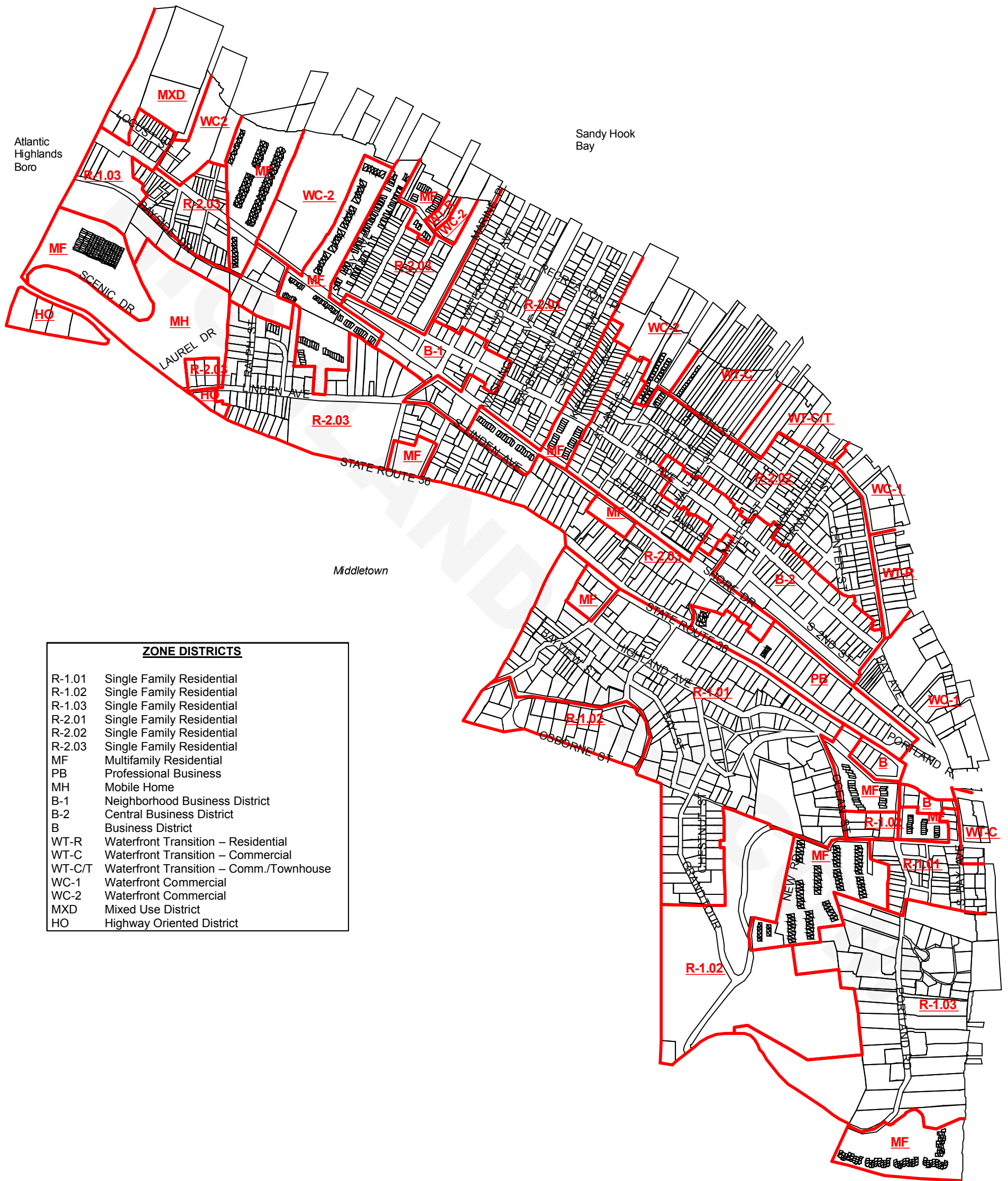
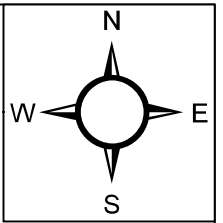
Zone	Minimum							Maximum		
	Lot Size	Lot Frontage/ Width	Lot Depth	Front Setback	Side Setback	Rear Setback	Height* **	Lot Coverage	Building Coverage	FAR
	sq. feet	feet	feet	feet	feet	feet	feet			
RESIDENTIAL										
R-1.01	5,000	50	100	*35	8/12	25	30	70%	30%	-
R-1.02	7,500	70	100	*35	8/12	25	30	60%	25%	-
R-1.03	14,000	75	200	*35	8/12	25	30	60%	25%	-
Single Family										
R-2.01	3,750	50	75	*20	6/8	20	30	75%	33%	-
R-2.02	4,000	50	75	*20	6/8	20	30	75%	33%	-
R-2.03	5,000	50	100	*20	6/8	20	30	75%	30%	-
PB	5,000	50	100	35	8/12	25	30	70%		-
MF	1 acre	150	200	35	25/25	50	35	65%	22%	0.45
MH	5 acres	-	-	35	15/15	25	30	50%	20%	0.20
NON-RESIDENTIAL										
B-1	-	-	-	0	**	12	36	80%	35%	0.65
B-2	-	-	-	0	**	12	36	80%	35%	0.65
B	-	-	-	20	10	10	36	80%	35%	0.65
HO	15,000	100	100	50	10	10	36	80%	35%	0.65
WT-R	See R-2.03									
WT-C	Residential: See R-2.02									
Non-Res	-	50	400	20	6/8	-	36	65%	25%	0.60
WT-C/T	Same as WT-C									
WC-1	-	100	150	20	8/8	-	36	65%	25%	0.60
WC-2	-	100	150	20	10/10	-	36	70%	25%	0.60
MXD	See Section 21 -96.01									

*Or the average of the existing front yard setback within 200 feet in the same block and zone, per Section 21-80.

**See Section 91.4.

***Where a dwelling is constructed or reconstructed to provide the required parking under the structure, the maximum height shall be increased by 2.5 feet.

Zoning Map
 Borough of Highlands
 Monmouth County, New Jersey
 February 2007



ZONE DISTRICTS

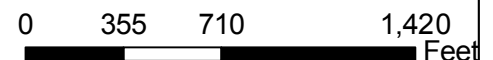
R-1.01	Single Family Residential
R-1.02	Single Family Residential
R-1.03	Single Family Residential
R-2.01	Single Family Residential
R-2.02	Single Family Residential
R-2.03	Single Family Residential
MF	Multifamily Residential
PB	Professional Business
MH	Mobile Home
B-1	Neighborhood Business District
B-2	Central Business District
B	Business District
WT-R	Waterfront Transition – Residential
WT-C	Waterfront Transition – Commercial
WT-C/T	Waterfront Transition – Comm./Townhouse
WC-1	Waterfront Commercial
WC-2	Waterfront Commercial
MXD	Mixed Use District
HO	Highway Oriented District

Prepared April 2007
 File path: H:\HGHL\00370\GIS\Projects\hghl370_zoning11x17_020107.mxd

Tax Parcels
 Proposed Zoning (Line)

Adopted by the Highlands Borough Council
 on April 4, 2007.

1 inch equals 700 feet



NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.