

Borough of Highlands Public Notice

Please take notice that the following ordinance was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Highlands, in the County of Monmouth, State of New Jersey, on January 7, 2015. Notice is hereby given that the following ordinance will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Highlands Elementary School, 360 Navesink Avenue, Highlands, NJ 07732, on Wednesday, February 18, 2015 at 8:00 PM. At that time, the public is invited to participate in the discussion of the Ordinance. Copies of the Ordinance are available in the Municipal Clerk's Office located at 42 Shore Drive, Highlands, NJ and are posted on the Display Board at the Municipal Building. Copies are available at no charge to the general public.

BOROUGH OF HIGHLANDS COUNTY OF MONMOUTH ORDINANCE NO. O-14-33

AN ORDINANCE AMENDING § 21-86 OF THE BOROUGH CODE EXEMPTING EXISTING BUNGALOW COLONIES FROM CERTAIN BULK AND AREA REQUIREMENTS, DEFINING BUNGALOW COLONY AND REQUIRING CERTIFICATES OF OCCUPANCY FOR SEASONAL RENTALS

WHEREAS, N.J.S.A. 40:55D-1, et seq. authorizes local governmental units to adopt ordinances to regulate land use to promote the public health, safety, morals and general welfare; and

WHEREAS, the Borough regulates land use and zoning by and through Chapter 21 of the Borough Code; and

WHEREAS, the Borough Engineer has recommended that the Borough Code be amended to exempt existing bungalow colonies from certain bulk and area requirements; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Section 21-86 to provide for the within changes; and

WHEREAS, at its meeting on November 13, 2014, the Planning Board recommended additional changes to this Ordinance; and

WHEREAS, at its meeting on December 3, 2014, the governing body reviewed the Planning Board report and desires to incorporate the changes recommended by the Planning Board.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

NOTE: All additions are shown in ***bold italics with underlines***. The deletions are shown as ~~***strikeovers in bold italics***~~. Sections of Chapter 21 that will remain unchanged are shown in normal type.

Section 1. Chapter 21, Section 86, Subsection A(4), “Single Family Residence”, of the Borough Code shall be amended to provide as follows

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~~ 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 (1) parking space, located on site, either adjacent to the individual unit or in a common parking area.
 - (c) Total building coverage shall not exceed thirty-five (35%) of the total lot area and total lot coverage shall not exceed seventy-five (75%) ***except for those situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28.***

- (d) Building height shall not exceed twenty (20) feet.
- (e) **Shall require an application for a site plan for the entire property except for those situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28. Notwithstanding, no site plan application shall be required for any application filed to elevate a structure for flood mitigation in accordance with the provisions of this Code.**

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

Section 2. Section 10-5.2 of the Code of the Borough of Highlands shall be amended as follows:

No person shall rent, lease or allow any person to live in or occupy as a tenant, any room, dwelling, apartment or the like except if the same is part of a motel or hotel unless a certificate of occupancy is obtained from the inspector after an inspection certifying that the room, dwelling, apartment or the like is fit for human habitation and is in compliance with all applicable Federal and State laws and borough ordinances.

Notwithstanding anything to the contrary contained herein, no room located within a licensed rooming or boarding house within the Borough of Highlands shall be required to submit to a certificate of occupancy inspection requirement more than once every three months, or four times in any given calendar year, except where otherwise required by **this Code**, State law or regulation.

Notwithstanding anything to the contrary contained herein, including, but not limited to the aforementioned provision that no room located within a licensed rooming or boarding house within the Borough of Highlands shall be required to submit to a certificate of occupancy inspection requirement more than once every three months, or four times in any given calendar year, seasonal rentals shall obtain a certificate of occupancy upon each change in occupancy. "Seasonal Rental" means use or rental for a term of not more than 125 consecutive days for residential purposes by a person having a permanent place of residence elsewhere. "Seasonal rental" does not mean use or rental of living quarters for seasonal, temporary or migrant farm workers in connection with any work or place where work is being performed.

A certificate of occupancy shall be required of all new construction, new rental situations or rerelease situations or sales or resales. The said certificate of occupancy shall apply only to the tenancy for which it is issued. In the event that the rental unit has been inspected as new construction or a sale or resale of an existing structure and a certificate of occupancy issued, then a subsequent inspection for a rental certificate of occupancy and the receipt of a rental certificate of occupancy shall not be required so

long as the unit is rented within 30 days of the issuance of the certificate of occupancy for new construction, sale or resale, and the owner complies with the application provisions of subsection 10-5.3. The inspector shall prepare appropriate application forms for such a certificate of occupancy, which shall be available to applicants at the office of the inspector. (Ord. No. O-70-10 § 2; Ord. No. O-84-10 §§ 5, 7; Ord. No. O-00-06; Ord. No. O-07-20)

Section 3. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

Section 4. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Carolyn Cummins
Borough Clerk