



BOROUGH OF ATLANTIC HIGHLANDS  
COUNTY OF MONMOUTH  
**ORDINANCE 03-2024**

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

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

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

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

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

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

**WHEREAS**, some of the specific objectives of the Master Plan include (1) limit future development and population density; (2) retain the small-town residential character while continuing to thrive as an active, livable waterfront community (3) continue to strengthen off street parking requirements for principal uses in commercial zones; and

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

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

Section 1. Amend Chapter 150 – Development Regulations

§150-29 A. (2)- Schedule of district Zone requirements. District regulations for zone districts within the Borough of Atlantic Highlands are hereby established and are attached hereto, as **amended** Exhibited 5-2, and are hereby made a part of this Chapter, together with all notations, references and designations shown thereon<sup>32</sup>.

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

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

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

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

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

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

(a) One-bedroom dwelling unit: 750 square feet

(b) Two-bedroom dwelling unit: ~~900~~ **950** square feet

(c) **Three-bedroom affordable dwelling unit: 1,000 square feet.**

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

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

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

§150-89. Improvement Standards.

A. [no changes]

B. Off-street parking.

(1) – (4) [no changes]

(5) Location of parking

(a) – (g) [no changes]

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

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

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

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

**Motion:** Introduce Ordinance 03-2024, **Moved by** Councilman Dougherty; **Seconded by** Councilman Murphy

**Vote:** Motion carried by roll call vote (**summary:** Yes = 6).

**Yes:** Councilman Colasurdo, Councilman Crowley, Councilwoman Cusack, Councilman Dougherty, Councilwoman Forbes, Councilman Murphy

**No:** None

**Absent:** None

I, Michelle Clark, Municipal Clerk of the Borough of Atlantic Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Regular Meeting, held January 11, 2024, WITNESS my hand this 12th day of January 2024.



Michelle Clark, Municipal Clerk

