



# ORDINANCE 10-2011

## AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ATLANTIC HIGHLANDS, CHAPTER 150, ENTITLED DEVELOPMENT REGULATIONS, ARTICLE VI, CONDITIONAL USES, TO ADD A NEW SECTION PROVIDING FOR THE ESTABLISHMENT OF BED AND BREAKFAST AS A CONDITIONAL USE

**WHEREAS** the Master Plan of the Borough of Atlantic Highlands sets forth the vision for future development of the Borough; That vision involves retaining its character as a small town and at the same time continuing to thrive as an active livable waterfront community with diverse housing, ample recreation, a healthy environment, adequate infrastructure and quality education, while maintaining a positive economic climate; and

**WHEREAS**, one of the goals of the Master Plan is to encourage and promote a viable economic base and expand the choice of goods, services and employment opportunities available within the Borough; and

**WHEREAS**, it has recently been brought to the attention of the Borough that bed and breakfast establishments provide an opportunity to enhance the choice of goods and services available within the Borough and the Planning Board having recommended that the Governing Body provide for such opportunities as a conditional use within the Borough of Atlantic Highlands; and

**WHEREAS**, the objectives of the Master Plan include providing sufficient space in appropriate locations for commercial, residential, light industrial, open space and recreational uses; and

**WHEREAS**, the policies of the Master Plan include providing for a variety of residential and non-residential uses which will maintain the Borough of Atlantic Highlands as an attractive community on Sandy Hook Bay and expanding the choice of beneficial goods, services and employment opportunities available within the Borough.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Atlantic Highlands, in the County of Monmouth and State of New Jersey that the Chapter 150, Article VI of the Borough of Atlantic Highlands is hereby amended and supplemented as follows:

**ARTICLE VI - Conditional uses of the Development Regulations of the Borough of Atlantic Highlands shall be amended to add the following:**

**150-47 – “BED AND BREAKFAST ESTABLISHMENTS**

#### A. PERMITTED USE:

Bed and breakfast establishments may be permitted as a conditional use in those zones specified provided that the use, structure and premises shall adhere to conditional use requirements set forth in this section. These requirements shall be considered minimum requirements. In the event that any applicable federal, state and local codes including, but not limited to, building, fire, health and safety codes (Hereinafter "Compliance Codes"), contain more stringent provisions, the more stringent provisions shall apply. Bed and Breakfast Establishments shall be considered as non-residential development for the purposes of the zoning ordinance.

#### B. DEFINITION:

**"Bed and Breakfast Establishment"** - A dwelling unit or part thereof, in which overnight accommodations and a forenoon meal are provided to transients for compensation. Such establishments shall also meet the definition and standards established by any applicable federal, state or local building, fire, health or safety code. They shall not include establishments providing long-term accommodations, that are classified as a "R-3 Bed and Breakfast Home Stay," rooming house or boarding house as defined by *N.J.S.A. 55:138-3*.

**"Owner-Occupied"** – The residing in a dwelling unit of a Bed and Breakfast Establishment by an individual or individuals having a controlling proprietary interest therein and meeting the requirements of owner occupancy contained in any Compliance Code applicable to Bed and Breakfast Establishments.

#### C. PRINCIPAL USE:

A bed and breakfast establishment shall be considered as a principal use of property and no more than one principal use may exist on any one lot.

#### D. PHYSICAL REQUIREMENTS:

The physical facilities of the bed and breakfast establishment shall be subject to the following requirements which shall be considered minimum requirements and shall also be subject to all applicable Compliance Codes. In the event that any applicable Compliance Code or this Ordinance contains more stringent provisions than the other, the more stringent provisions shall apply.

1. **Architectural Guidelines.** Buildings and structures used as a bed and breakfast establishment are encouraged to harmonize with existing conditions of the neighborhood in which they are located and the building and grounds thereof shall maintain a residential appearance.

**2. Occupancy.** Bed and breakfast establishments shall be owner-occupied. Bed and breakfast establishments may have non-resident employees. The maximum occupancy per guest room shall be two (2) adults and one (1) minor child.

**3. Bathrooms.** The building shall have a minimum of one (1) bathroom dedicated to the owner occupant; one (1) additional bathroom for each three (3) guest rooms and one (1) half-bath/washroom which shall be accessible from the common areas.

**4. Common areas.** Each bed and breakfast establishment shall, in addition to the guest rooms, include an indoor common gathering/dining area with a minimum aggregate area of 300 square feet for the exclusive use of guests including, but not limited to, parlors, dining rooms, libraries and solariums.

**5. Parking requirements.** All parking for the bed and breakfast shall be located on-site. Two (2) parking spaces shall be provided for the owner. One (1) parking space shall be provided for each guest room. Parking spaces shall have a minimum dimension of 9 ft. x 18 ft.. Parking spaces shall comply with the setback requirements for the zone in which the bed and breakfast establishment is located. Tandem parking shall be prohibited.

**6. Signage.** A maximum of one (1) sign shall be permitted for a bed and breakfast establishment. No façade signs are permitted. Signs shall be free-standing. The sign height shall be limited to six (6) feet. The sign area shall be limited to four (4) square feet on each side. Signs shall not be internally lit. Lighting may be provided from an integrated shaded fixture or an external spot light aimed to illuminate the sign. Lights shall be designed so that there is no light spillage beyond the property lines and shall provide shields as necessary to accomplish this. The message to be contained on the sign shall be limited to the name of the establishment, a house or street number, phone number and associated “logo”. The sign shall be located in a front yard area. The sign shall be located a minimum of six (6) ft. interior from the front property line. The sign shall not be located within a public right of way. The sign shall not be located within any sight triangle.

**7. Annual inspection.** Bed and Breakfast establishments shall be licensed in accordance with the licensing provisions of the Ordinance and inspected for compliance with the conditional use requirements and all other licensing requirements on at least an annual basis and upon any change in ownership.

**8. Compliance with Code Regulations.** Bed and Breakfast establishments shall meet all applicable Compliance Codes. At minimum, each establishment shall be equipped with a hardwired central alarm system for fire, smoke and carbon monoxide detection. Kitchen facilities shall meet all applicable Compliance Codes including, but not limited to, Department of Community Affairs, New Jersey

Administrative Code, Uniform Fire Code, Uniform Construction Code and Board of Health Code.

9. **Meals.** Bed and breakfast establishments shall provide forenoon meal service. Meal service shall be limited to registered guests and shall be limited to a single forenoon meal. Cooking in guest rooms shall be prohibited.

10. **Guest registry.** The bed and breakfast establishment shall maintain a guest registry including the following information which shall be obtained and entered at or before the time of registration:

- Name and permanent address of guests.
- Identification presented at registration. (ie. Passport, Driver's License, other Government Issued Identification Document)
- Arrival and departure dates of guests.
- Vehicle make, model and license plate number for guests.

11. **Limitation on guest stays.** The length of visit for any guest shall be limited to fourteen (14) consecutive days during a single visit. A visit exceeding five (5) consecutive days shall be considered an "extended visit". Extended visits shall not occur more often than four (4) times per year. Visits must be separated by a minimum of three (3) days. Extended visits must be separated by a minimum of thirty (30) days.

12. **Bulk Zoning requirements.** The Bulk Zoning requirements for bed and breakfast establishments shall be the same as those for other uses in the Zone in which it is located with the following additional requirements:

- a. No lot shall have an area less than 22,000 sq. ft..
- b. Each lot shall have perimeter fencing or landscape screening a minimum of five (5) ft. in height along property lines contiguous to residential lots, uses or zones.
- c. The lot must have frontage on a street which is not a limited access roadway, one lane roadway or dead end roadway.

13. **Site plan requirements and standards.** Bed and breakfast establishments shall be required to obtain Site Plan approval to insure compliance with the applicable standards as set forth in the Site Plan Ordinance and these conditional use requirements. Site Plans shall be based upon a certified survey and sealed architectural plans. The applicant shall provide information sufficient to establish the availability of public utilities and other necessary services.

**Article 2, Section 2.4** – "Definitions" shall be revised to add the following definition –

**“Bed and Breakfast Establishment.”** A dwelling unit or part thereof, in which overnight accommodations and a forenoon meal are provided to transients for compensation. Such establishments shall also meet the definition and standards established by any applicable federal, state or local building, fire, health or safety code. They shall not include establishments providing long-term accommodations, that are classified as a “R-3 Bed and Breakfast Home Stay,” rooming house or boarding house as defined by *N.J.S.A. 55:138-3*.

Article 5, Section 5.2.D – Shall be replaced with the following language:

5.2.D. Every principal building shall be located on a lot as defined in this Chapter. Except for multi-family, non-residential and qualifying bed and breakfast establishment development, no more than one principal building and its accessory buildings shall hereafter be erected on any one lot.

**Exhibit 5-4 – “Schedule of uses”** shall be revised to add the following use under the classification of “residential” as follows:

“Bed and Breakfast Establishments” shall be designated “C” as a permitted conditional use in the R-1, R-2, R-3 & OR Zone Districts.

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

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

A motion to approve this ordinance was offered by Councilman L Fligor and was duly seconded by Councilman R Sutton

This motion was passed by the following vote:

<b>Ayes:</b>	Councilman R Delloso, Councilman P Doyle, Councilman L Fligor, Councilman J Hoffmann and Councilman R Sutton (5)
<b>Nays:</b>	Councilman J Archibald (1)
<b>Abstain:</b>	None (0)
<b>Absent:</b>	None (0)

Public Hearing and possible Adoption is scheduled for July 27, 2011.