



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



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

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

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

**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 February 22, 2024. WITNESS my hand this 23<sup>rd</sup> day of February 2024.

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Michelle Clark  
Municipal Clerk

DATE OF MAYOR'S APPROVAL: February 23, 2024

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Lori Hohenleitner  
Mayor



DEVELOPMENT REGULATIONS

150 Attachment 1

Borough of Atlantic Highlands

Exhibit 5-2

Schedule of Zoning District Requirements<sup>1,2,7,8</sup>

[Amended 11-27-2002 by Ord. No. 15-2002; 2-26-2003 by Ord. No. 4-2003; 11-10-2004 by Ord. No. 16-2004; 11-16-2009 by Ord. No. 16-2009; 5-26-2010 by Ord. No. 11-2010; 2-23-2011 by Ord. No. 03-2011; 4-24-2013 by Ord. No. 07-2013]

Zone District	Minimum Lot Size				Minimum Yard Requirements						Lot Shape Requirements <sup>3</sup> Minimum Diameter		Maximum Building Height <sup>15</sup>				Maximum Lot Coverage		Maximum Usable Floor Area Ratio (UFAR)	Minimum Gross Floor Area (square feet)			Density (dwelling units / acre)
	Interior Lots		Corner Lots		Principal Buildings and Structures				Accessory Buildings and Structures				Principal Building or Structure		Accessory Building or Structure					1-Story Building	More Than 1 Story		
	Area (square feet)	Frontage and Width (feet)	Area (square feet)	Frontage and Width (feet)	Front Yard (feet)	Side Yard (feet)	Total 2 Side Yards (feet)	Rear Yard (feet)	Side Yard (feet)	Rear Yard (feet)	Interior Lots (feet)	Corner Lots (feet)	Feet	Stories	Feet	Stories	Impervious Surface	Building			First Floor	Total Floors	
R-1	7,500	75	7,500	75	20	10	20	20	5	5	50	45	35	2½	16	1	50%	25%	0.40	1,040	900	1,500	--
R-2	15,000	100	15,000	100	25	15	30	30	10	5	65	60	35	2½	16	1	40%	15%	0.35	1,500	1,200	1,800	--
R-3	30,000	100	30,000	100	25	15	30	30	10	5	65	60	35	2½	16	1	30%	12%	17.5	1,500	900	1,800	--
O-R	10,000	100	12,000	120	30	15	30	30	10	10	40	40	35	2½	16	1	70%	20%	2.00	1,500	1,200	1,800	--
HBD <sup>14</sup>	4,000	35	4,000	40	—	—	—	—	—	10	30	35	35	3	16	1	100%	100%	<del>3.00</del> --	2,000	1,500	2,500	40
CBD <sup>14</sup>	10,000	100	10,000	100	—	—	—	—	—	10	60	60	40	3	16	1	75%	75%	<del>2.00</del> --	2,500	2,000	3,000	40
LI <sup>10, 14</sup>	40,000	150	40,000	150	20	15	40	20	15	15	85	85	40	3	16	1	75%	75%	2.00	2,500	2,000	4,000	--
MR <sup>11</sup>	40,000	150	40,000	150	30	15	30	30	15	15	85	85	35	2½	16	1	70%	25%	0.30	2,500	2,000	3,000	--
RTH <sup>4</sup>	5 acres	200	5 acres	200	25	25	50	25	15	15	145	145	35	2½	16	1	60%	20%	0.30	<sup>13</sup>	<sup>13</sup>	<sup>13</sup>	--
MF-1 <sup>5</sup>	40,000	150	40,000	150	35	25	50	25	15	15	95	90	32	2	16	1	45%	20%	0.35	<sup>13</sup>	<sup>13</sup>	<sup>13</sup>	--
MF-2 <sup>6</sup>	40,000	150	40,000	150	35	25	50	25	15	15	95	90	40	4	16	1	40%	20%	0.55	<sup>13</sup>	<sup>13</sup>	<sup>13</sup>	--
SC	15,000	100	15,000	100	30	15	30	30	10	10	55	55	35	2½	16	1	70%	20%	0.40	1,500/unit	1,200/unit	1,800/unit	--
WB <sup>12</sup>	40,000	200	40,000	200	25	10	20	10	10	10	160	160	35	2½	16	1	70%	30%	0.30	2,500	1,500	2,500	--
HB	40,000	200	40,000	200	30	15	30	30	10	10	135	135	32	2	16	1	70%	25%	0.25	2,500	2,000	3,000	--

## DEVELOPMENT REGULATIONS

### NOTES:

- <sup>1</sup> The location and requirements on accessory structures defined as essential services, and the location of specific types of structures such as signs, fences and antenna structures are governed by Article VII of the Development Regulations.
- <sup>2</sup> Adjustments for steep slope areas shall be as prescribed by § 150-78.
- <sup>3</sup> Each lot shall be able to contain within it the shape of a circle tangent to the front yard setback line and located within the minimum side and rear yard lines. The diameter of the circle shall be as prescribed for the zone district. See Exhibit 5-3 for illustration.
- <sup>4</sup> The gross density of the RTH District shall not exceed eight dwelling unit per acre.
- <sup>5</sup> The gross density of the MF-1 District shall not exceed 16 dwelling units per acre.
- <sup>6</sup> The gross density of the MF-2 District shall not exceed 25 dwelling units per acre.
- <sup>7</sup> Area, bulk and setbacks in the PB District shall be based upon the specific use, building or structure approved by the governing body.
- <sup>8</sup> The MC District consists of the open waters of Sandy Hook Bay as shown on the zone map. The intent is to limit disturbance and maintain the open hay. Area, bulk and setback requirements are not applicable to this zone.
- <sup>9</sup> No structure, except within the MR District, shall be located within 50 feet of the mean high tide line of Sandy Hook Bay or of any area fronting thereon which is reserved for public beach purposes except for approved shore protection structures and water-dependent structures for public recreation. Within the MR District, buildings shall not be located within 35 feet of the mean high tide line, except

- for marine transportation facilities or any portion of a building or structure whose function is to provide service to boats or any building on a pier. A marine transportation facility may include such accessory uses as shops, restaurants, cocktail lounges and personal service facilities. In calculating the permitted useable floor area ratio of a building on a pier, the pier area may be used.
- <sup>10</sup> A fifty-foot-wide buffer shall be maintained between the LI District and an adjoining residential district.
- <sup>11</sup> Within the MR District no gasoline pump, gasoline storage tank nor any structure used for storing fuel or oil shall be located nearer than 100 feet to adjacent residential or commercial properties, except other boatyards or marinas.
- <sup>12</sup> A fifty-foot-wide buffer shall be maintained between the WB District and the R-1 District.
- <sup>13</sup> The minimum floor area requirements in the RTH, MF-1 and MF-2 Districts shall be as follows:
  - a. One-bedroom units: 750 square feet/unit.
  - b. Two-bedroom units: 900 square feet/unit.
  - c. Three-bedroom units: 1,100 square feet/unit.
  - d. Multifamily dwelling units over three bedrooms are prohibited.
- <sup>14</sup> In the HBD, CBD and LI Districts, basements and cellars utilized for off-street parking to accommodate on-site uses shall not be counted as a floor.

## ATLANTIC HIGHLANDS CODE

<sup>15</sup>For all properties located within the special flood hazard area, the height of buildings for new construction and/or reconstruction shall have the lowest floor, including basement, together with the attendant utilities and sanitary facilities, elevated at no lower than one foot above the base flood elevation as shown on the Advisory Base Flood Elevation Map. For such properties, building height shall be measured from one foot above the base flood elevation. For all properties located within the special flood hazard area, a lawfully existing building may be elevated to comply with Chapter 183 and shall be permitted a maximum 10% increase over the maximum building height. Expansions, additions, or any other alterations completed as part of elevating the structure shall comply with the building height requirements.