

BOROUGH OF HIGHLANDS, NJ  
**Central Business District**  
REDEVELOPMENT PLAN



**PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC**  
Planning and Real Estate Consultants

February 28, 2022

BOROUGH OF HIGHLANDS, NEW JERSEY

**Central Business District  
REDEVELOPMENT PLAN**

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**Prepared for:**

The Borough of Highlands

**Prepared by:**

Phillips Preiss Grygiel Leheny Hughes LLC  
Planning and Real Estate Consultants

33-41 Newark Street  
Third Floor, Suite D  
Hoboken, NJ 07030

The original of this report was signed and  
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Paul Grygiel, AICP, PP  
NJ Professional Planner License # 5518

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# I. INTRODUCTION

A redevelopment plan is a powerful planning document that combines the vision of a master plan with the authority of a zoning ordinance. The redevelopment plan's special legal status provides a municipality with a more effective way to control the nature and type of development in a redevelopment area than is possible through standard zoning. Benefits of utilizing redevelopment plans include the ability to create very specific redevelopment plan regulations for uses and design and providing the municipality with greater control of the redevelopment process, such as through the selection of developers.

The preparation and adoption of a redevelopment plan moves the redevelopment process from problem identification to problem solving. With the adoption of a redevelopment plan, the focus shifts from an analysis of existing conditions in a designated area to a discussion of its future use and redevelopment. Adopting a redevelopment plan sends a message to the development community about the Borough's long-term commitment to the redevelopment of an area.

Redevelopment plans may be designed to address a wide range of public purposes and land use issues. The potential scope of a redevelopment plan may include: permitted uses, bulk regulations (e.g., height, setbacks, coverage, etc.), building massing/design, streetscape/open space, sustainability measures, and parking and loading.

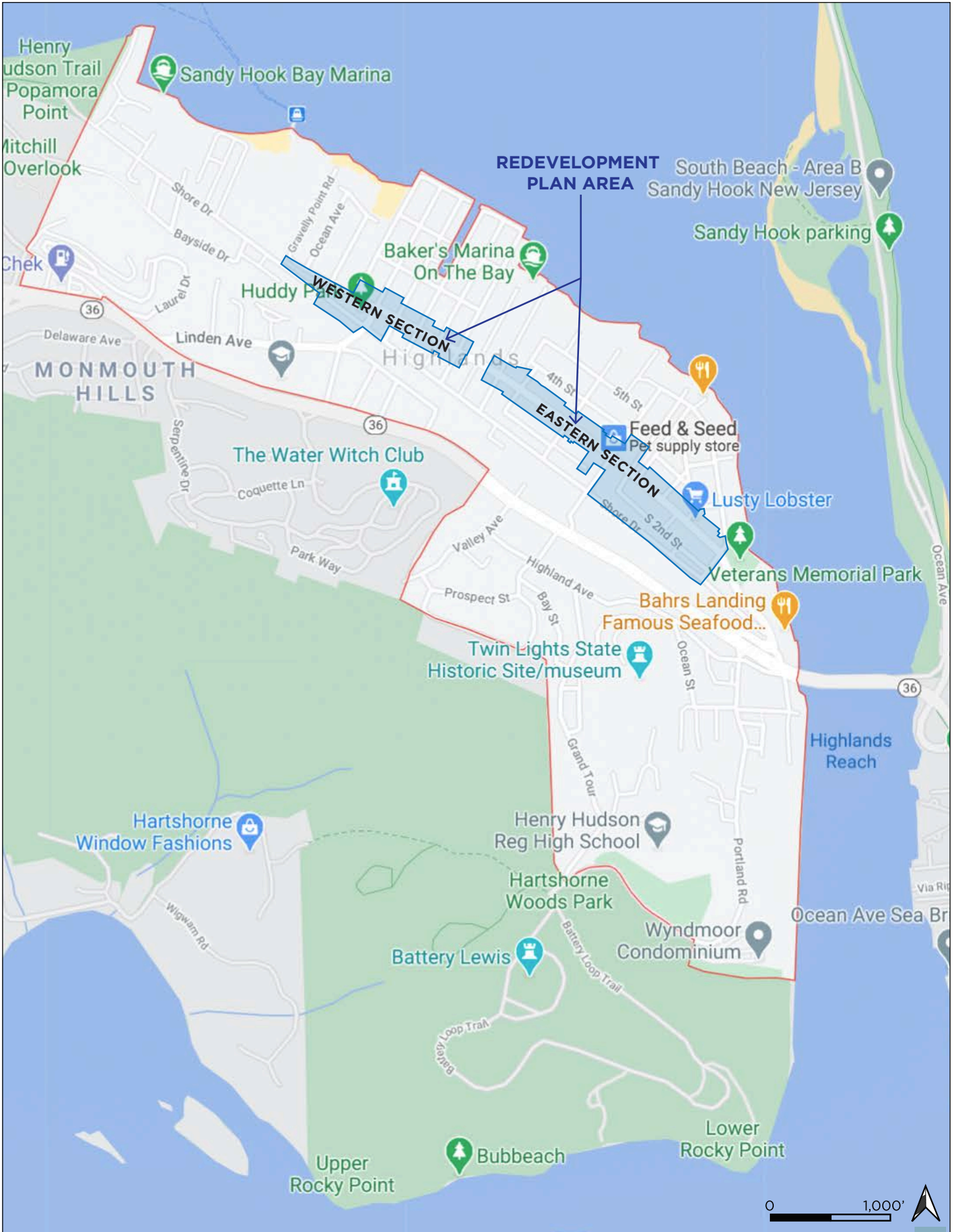
This Redevelopment Plan (the "Redevelopment Plan") has been prepared for an area comprised of 155 parcels on portions of 31 tax blocks known as Blocks 40.01, 41, 42, 45, 46, 47, 52, 53, 54, 58, 59, 63, 64, 69, 70, 71, 72, 73, 74, 75, 80, 81, 82, 83, 88, 89, 94, 95, 96, 96.01, and 114 (heretofore referred to as the "Redevelopment Area") in the Borough of Highlands, Monmouth County, New Jersey. This Redevelopment Plan provides an overall vision for the Redevelopment Area, as well as general recommendations and specific development regulations. It supports and enhances the Borough's ongoing efforts to improve the Bay Avenue corridor and adjoining areas and to attract additional public and private investment.

This Redevelopment Plan provides development regulations for the Bay Avenue corridor between South Street and Gravelly Point Road and certain adjoining areas, including use and bulk standards for the area, as well as site, building design and other regulations typically found in a Redevelopment Plan. But it also provides a vision, goals and general recommendations for the Redevelopment Area, all of which build upon prior efforts for the Central Business District and nearby areas.

The plan was prepared through a process that included the input from the community through meetings and a survey, as well as the input of Borough staff and officials. Notably, the Bay Avenue Redevelopment Survey obtained input from a cross-section of Highlands residents, property owners and business owners which informs the recommendations and regulations in this Redevelopment Plan. Planning and development documents reviewed in the process of preparing the plan included the Borough's Master Plan and updates, the Zoning Ordinance, the Highlands Central Business District Design Manual, and various reports on prior planning efforts for the Redevelopment Area and nearby areas. The consultants also visited the Redevelopment Area and vicinity on a number of occasions to document existing conditions. Data about demographics, housing and development was reviewed and analyzed, and maps were created based on information obtained from the Borough and other sources.



FIGURE 1. LOCATIONAL CONTEXT



## II. EXISTING CONDITIONS AND CONTEXT

The Borough of Highlands is a unique municipality. Located along Sandy Hook Bay and the Shrewsbury River, its assets include a substantial waterfront, business districts, State Highway frontage, a State Historic Site, a range of residential development types, ferry service to New York City and easy access to the Atlantic Ocean, large parks and trails. **Figure 1** shows the Borough’s locational context. However, Highlands faces a number of challenges, including flooding, traffic and fiscal limitations. There have been a number of plans and studies prepared in recent years for the Borough’s commercial and residential districts. Actions have been taken to implement some of the recommendations of these documents, including adoption of zoning amendments in 2018. But there remain issues both specific to Highlands as well as those affecting downtowns and small business districts, even prior to the COVID-19 pandemic. This Redevelopment Plan is intended to help Highlands’ Central Business District achieve its potential as both a community amenity and a destination.

The Redevelopment Area encompasses parts of 31 tax blocks located in the eastern section of the Borough of Highlands. The Redevelopment Area includes a portion of the parcels on Blocks 40.01, 41, 42, 45, 46, 47, 52, 53, 54, 58, 59, 63, 64, 69, 70, 71, 72, 73, 74, 75, 80, 81, 82, 83, 88, 89, 94, 95, 96, 96.01, and 114, as identified on the official tax maps of the Borough of Highlands. The Redevelopment Area is approximately 20.64 acres in area. It is defined by the boundaries of the CBD Zone as adopted on the Zoning Map by Ordinance 18-22 in December of 2018, which generally follows the north and south sides of Bay Avenue, and certain properties on both South Second Street and Shore Drive. **Figure 2** shows the boundaries of the Redevelopment Plan Area and the CBD zone.

Existing land uses in the Redevelopment Area include commercial, residential (one to four family), residential apartment, public property, municipal parks, a religious institution, a social institution, surface parking lots, and vacant, unimproved land. Land uses within the vicinity are varied and include a mix of residential and nonresidential uses. There are also various attractions and landmarks within the surrounding area. These include municipal and county parks, the Twin Lights State Historic Site and the Sandy Hook section of Gateway National Recreation Area.

The Redevelopment Area has been determined to be an “area in need of redevelopment” pursuant to the New Jersey Local Housing and Redevelopment Law (LRHL) at N.J.S.A. 40A:12A-1 et seq. The Mayor and Council of the Borough of Highlands adopted a resolution in February 2021 authorizing the Land Use Board to investigate all properties within the Central Business District zone to determine if they constituted an “area

FIGURE 2. REDEVELOPMENT PLAN AREA AND CBD ZONE

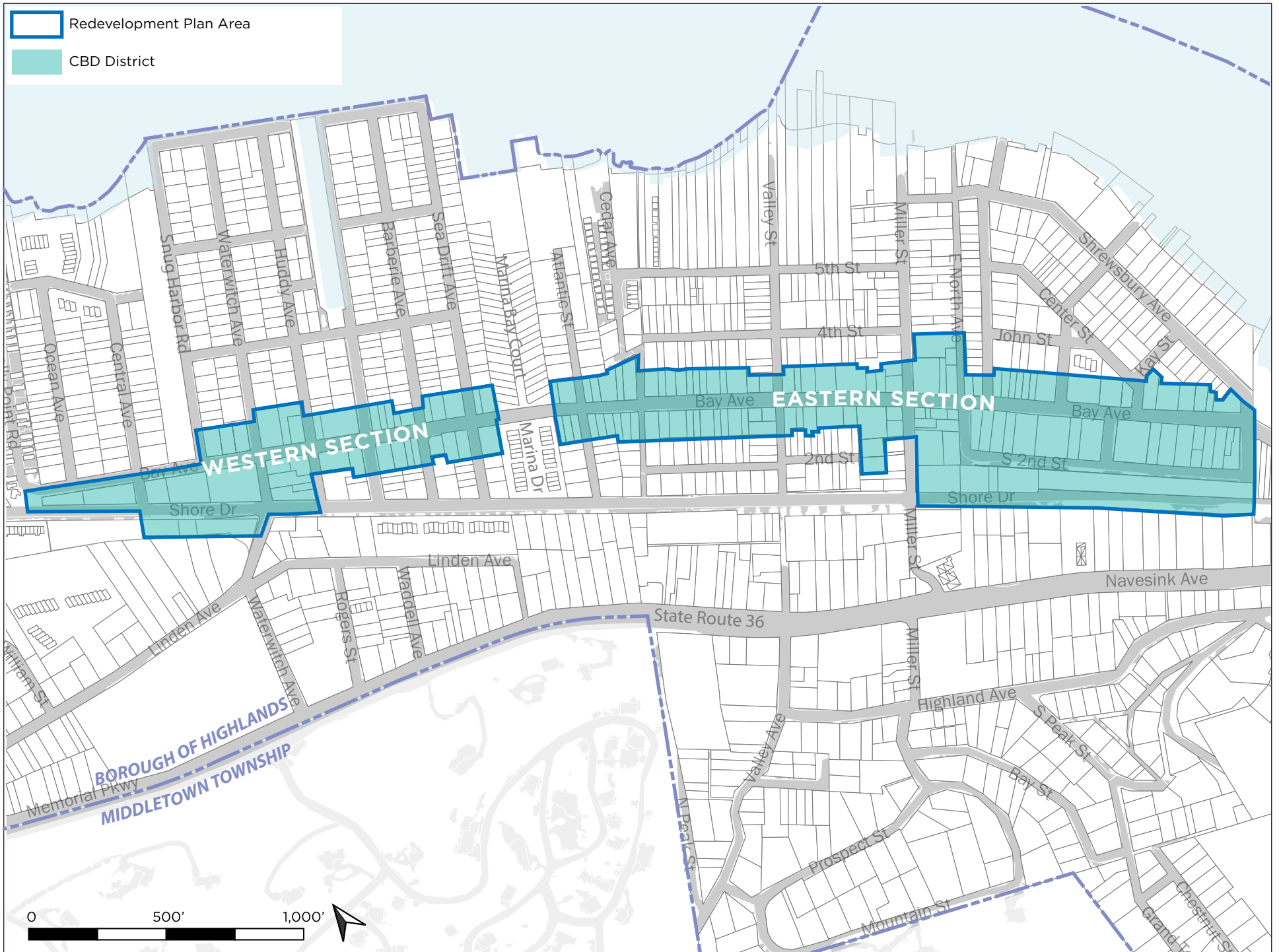


FIGURE 3A. REDEVELOPMENT AREA TAX LOTS: WESTERN SECTION

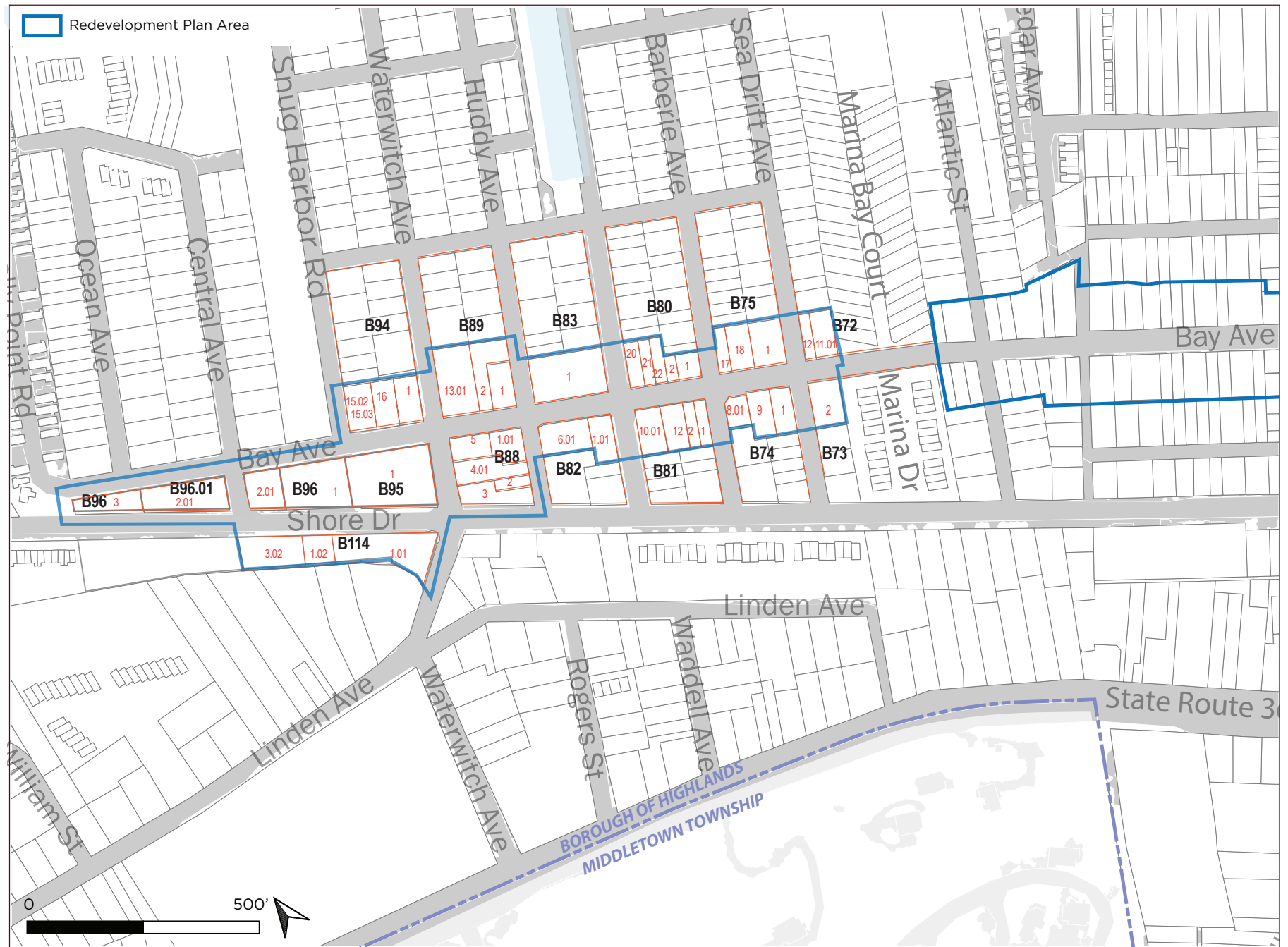
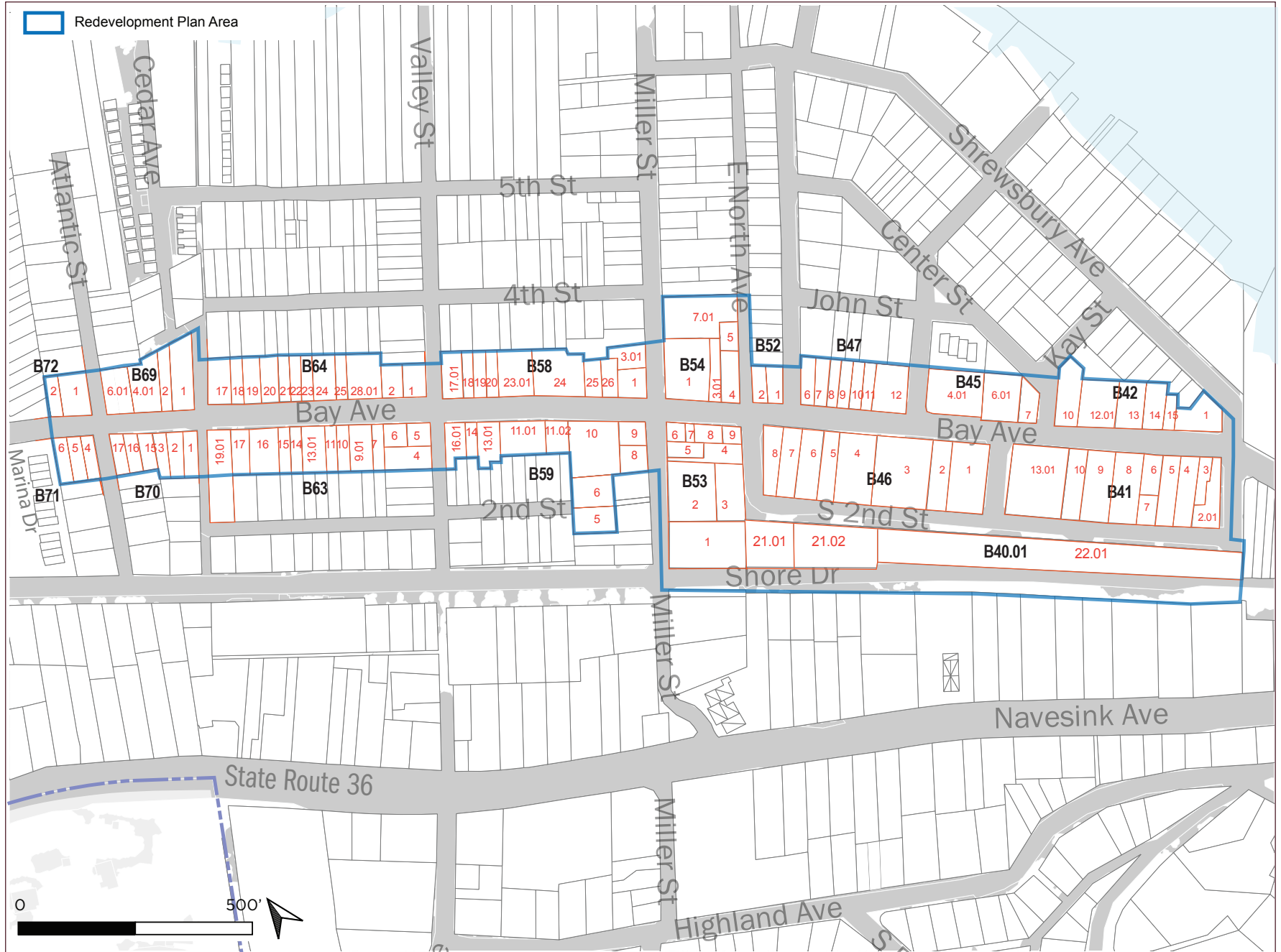


FIGURE 3B. REDEVELOPMENT AREA TAX LOTS: EASTERN SECTION



**TABLE 1: REDEVELOPMENT AREA TAX PARCELS**

BLOCK	LOT	ADDRESS
40.01	21.01	40 WEST NORTH STREET
40.01	21.02	42 WEST NORTH STREET
40.01	22.01	38 WEST NORTH STREET
41	2.01	57 BAY AVENUE
41	3	59 BAY AVENUE
41	4	61 BAY AVENUE
41	5	65-67 BAY AVENUE
41	6	69-71 BAY AVENUE
41	7	30 SECOND STREET
41	8	75 BAY AVENUE
41	9	BAY AVENUE
41	10	85-87 BAY AVENUE
41	13.01	95-99 BAY AVENUE
42	1	60 BAY AVENUE
42	10	88 BAY AVENUE
42	12.01	84 BAY AVENUE
42	13	78 BAY AVENUE
42	14	74 BAY AVENUE
42	15	68 BAY AVENUE
45	4.01	102 BAY AVENUE
45	6.01	98 BAY AVENUE
45	7	92 BAY AVENUE - KAY STREET
46	1	103-107 BAY AVENUE
46	2	111 BAY AVENUE
46	3	123 BAY AVENUE
46	4	125 BAY AVENUE
46	5	139 BAY AVENUE
46	6	141 BAY AVENUE
46	7	143 BAY AVENUE
46	8	BAY AVE & WEST NO ST
47	6	132 BAY AVENUE
47	7	130 BAY AVENUE
47	8	128 BAY AVENUE
47	9	126 BAY AVENUE
47	10	124 BAY AVENUE
47	11	122 BAY AVENUE
47	12	120 BAY AVENUE
52	1	CORNWALL ST & BAY
52	2	140 BAY AVENUE
53	1	MILLER ST
53	2	65 MILLER STREET
53	3	9 WEST NORTH STREET
53	4	7 NORTH STREET
53	5	63 MILLER STREET
53	6	BAY AVE & MILLER ST

BLOCK	LOT	ADDRESS
53	7	BAY AVENUE
53	8	157 BAY AVENUE
53	9	151 BAY AVENUE
54	1	150 BAY AVENUE
54	3.01	146-148 BAY AVE
54	4	144 BAY AVENUE
54	5	38 NORTH STREET
54	7.01	49 MILLER STREET
58	1	154 BAY AVENUE
58	3.01	50 MILLER STREET
58	17.01	192 BAY AVENUE
58	18	190 BAY AVENUE
58	19 (& 20)	188 BAY AVENUE
58	23.01	182 BAY AVENUE
58	24	170 BAY AVENUE
58	25	168 BAY AVENUE
58	26	164 BAY AVENUE
59	5	SECOND ST
59	6	SECOND TO MILLER
59	8	66 MILLER STREET
59	9	165 BAY AVENUE
59	10	171 BAY AVENUE
59	11.01	181 BAY AVENUE
59	11.02	179 BAY AVENUE
59	13.01	187 BAY AVENUE
59	14	191 BAY AVENUE
59	16.01	193-195 BAY AVENUE
63	4	VALLEY STREET
63	5	197 BAY AVENUE
63	6	203 BAY AVENUE
63	7	205 BAY AVENUE
63	9.01	207 BAY AVENUE
63	10	211 BAY AVENUE
63	11	213 BAY AVENUE
63	13.01	215 BAY AVENUE
63	14	219-221 BAY AVENUE
63	15	219-221 BAY AVENUE
63	16	225 BAY AVENUE
63	17	227 BAY AVENUE
63	19.01	231 BAY AVENUE
64	1	196 BAY AVENUE
64	2	208 BAY AVENUE
64	17	230 BAY AVENUE
64	18	228 BAY AVENUE
64	19	226 BAY AVENUE
64	20	222 BAY AVENUE

BLOCK	LOT	ADDRESS
64	21	218 BAY AVENUE
64	22	218 BAY AVENUE
64	23	216 BAY AVENUE
64	24	214 BAY AVENUE
64	25	210 BAY AVENUE
64	28.01	208 BAY AVENUE
69	1	234 BAY AVENUE
69	2	238 BAY AVENUE
69	4.01	242 BAY AVENUE
69	6.01	29 ATLANTIC STREET
70	1	233 BAY AVENUE
70	2	235 BAY AVENUE
70	3	237 BAY AVENUE
70	15	239 BAY AVENUE
70	16	241 BAY AVENUE
70	17	245 BAY AVENUE
71	4	247 BAY AVENUE-ATLANTIC ST
71	5	249 BAY AVENUE
71	6	251 BAY AVENUE
72	1	28 ATLANTIC STREET
72	2	BAY AVENUE
72	11.01	270 BAY AVENUE
72	12	272 BAY AVENUE
73	2	SEADRIFT AVENUE
74	1	273 BAY AVENUE
74	8.01	83 BARBARIE AVENUE
74	9	277 BAY AVENUE
75	1	274-276 BAY AVENUE
75	17	282 BAY AVENUE
75	18	284 BAY AVENUE
80	1	286 BAY AVENUE
80	2	288 BAY AVENUE
80	20	294 BAY AVENUE
80	21	292 BAY AVENUE
80	22	290 BAY AVENUE
81	1	285 BAY AVENUE
81	2	287 BAY AVENUE
81	10.01	295 BAY AVENUE
81	12	289 BAY AVENUE
82	1.01	297-299 BAY AVENUE
82	6.01	BAY & HUDDY AVE
83	1 (& 14)	300 BAY AVENUE
88	1.01	311 BAY AVENUE
88	2	71 WATERWITCH AVENUE
88	3	71 WATERWITCH AVENUE

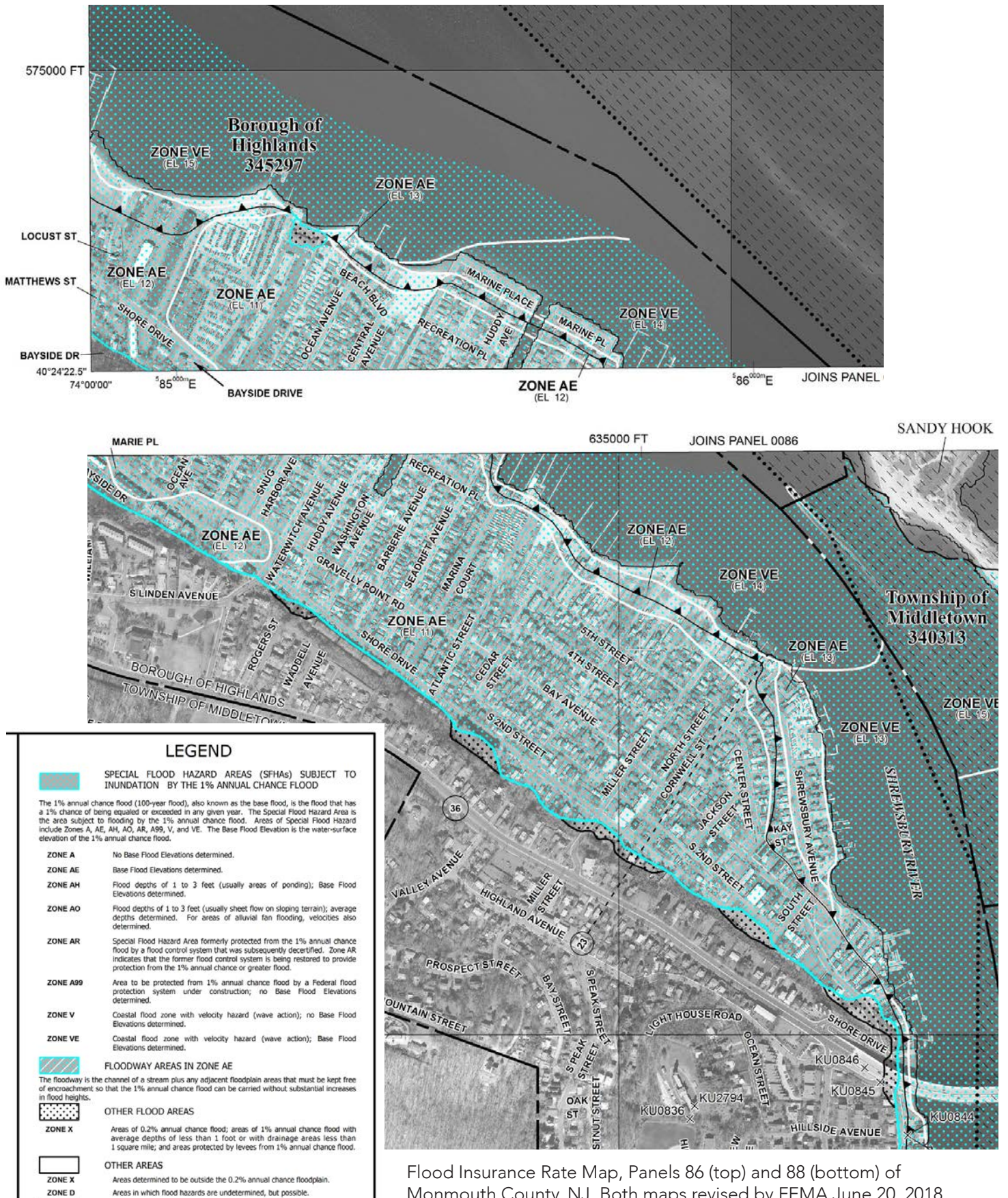
BLOCK	LOT	ADDRESS
88	4.01	67-69 WATERWITCH AVENUE
88	5	321 BAY AVENUE
89	1	310 BAY AVENUE
89	2	58-60 HUDDY AVENUE
89	13.01	65 WATERWITCH AVENUE
94	1	BAY & WATERWITCH AVENUES
94	15.02 & 15.03 (originally 15)	69-71 SNUG HARBOR AVE
94	16	326 BAY AVENUE
95	1	WATERWITCH & BAY AVENUE
96	1	331 BAY AVENUE
96	2.01	171 BAY AVENUE
96.01	2.01	BAY AVENUE
96 (was 96.01)	3	409 BAY AVENUE
114	1.01	SHORE DRIVE
114	1.02	SHORE DRIVE
114	3.02	SHORE DRIVE

<sup>1</sup>PROPERTIES HAVE BEEN COMBINED WHEN RECORDS COMBINE THEIR OWNERSHIP AND AREA INFORMATION.

in need of redevelopment” pursuant to the LRHL. The Central Business District Area in Need of Redevelopment Study was prepared in July 2021. All of the properties in the redevelopment study area were designated as “an area in need of redevelopment” by resolution of the Mayor and Council on October 20, 2021 following a recommendation by the Borough of Highlands Land Use Board. The designated redevelopment area includes 155 parcels, which are listed in **Table 1** and are shown on **Figures 3A** and **3B**.

Highlands’ waterfront location and topography have subjected portions of the Borough to significant flooding. As shown on **Figure 4**, the Redevelopment Area in particular is located almost entirely within the AE flood zone, according to the Federal Emergency Management Agency’s (FEMA’s) most recent Flood Insurance Rate Maps. The current Base Flood Elevation (BFE) in this zone is 11 feet, meaning that the BFE is about 5 to 7 feet above grade in most areas of the Redevelopment Area.

FIGURE 4. FLOOD INSURANCE RATE MAP FOR HIGHLANDS



Flood Insurance Rate Map, Panels 86 (top) and 88 (bottom) of Monmouth County, NJ. Both maps revised by FEMA June 20, 2018.



## III. VISION, GOALS AND RELATIONSHIP TO LOCAL OBJECTIVES

### A. Vision

This Redevelopment Plan aims for a vision of downtown Highlands that acknowledges and works with the constraints of its location within the Flood Hazard Area. The overall vision for the Redevelopment Area is a vibrant, walkable downtown along the Bay Avenue corridor and adjoining areas that includes a mix of old and new commercial and residential uses; additional apartments, stores, services, and attractions; improved parks and public facilities; and stronger connections to the broader community and the Shrewsbury River. Building and site designs will be consistent with Highlands' identity as a waterfront, historic small town, yet allow for a variety of architectural styles and building types. Retail and other active uses will be encouraged on the ground floor, where feasible, or otherwise on a floor raised above the flood elevation. In either case, guidelines are provided to ensure that retail businesses, apartments, and other uses will have a strong connection to the sidewalk. Streets, sidewalks and public spaces will be more inviting and attractive as a result of public and private investments in the Redevelopment Area.

### B. Redevelopment Plan Goals

The specific goals and objectives of the Redevelopment Plan are as follows:

- 1) Provide regulations for the reuse of buildings and the appropriate redevelopment of properties in the Redevelopment Area with a mix of residential and nonresidential land uses that support the Borough's planning and economic development objectives.
- 2) Address flooding through building and site design that elevates critical areas above flood waters and increases use of green infrastructure.
- 3) Require building and site design that is aesthetically attractive, relates to Highlands' existing character, and incorporates sustainability measures. Incentivize through additional building height the provision of retail or other active uses on the Lowest Floor of new buildings, and offer additional incentives to provide retail or other Active Uses at the ground floor, where it can best contribute to active, pedestrian-friendly streetscapes.
- 4) Provide regulations on specific building design elements such as facade transparency, location of the front door and parking access,

and building massing and articulation, to ensure that buildings are best configured for a pedestrian-friendly streetscape.

- 5) Improve pedestrian safety and comfort in the Redevelopment Area through a program to increase effective sidewalk width through deeper front setbacks and landscaping.
- 6) Provide adequate vehicle and bicycle parking, loading and access for uses in the Redevelopment Area, including flexible shared-use public parking. Provide design guidelines to downplay the visibility of off-street parking.
- 7) Provide additional open space, seating, and gathering areas, and attractions within the Redevelopment Area.
- 8) Make development in the CBD more financially feasible by redefining, or in some cases removing, onerous zoning requirements such as floor area ratio, building coverage and height, and parking ratios, and by providing more flexible standards.
- 9) Emphasize major Gateways into downtown Highlands with incentives for special features in building design and site planning.

### **C. Relationship to Master Plan**

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This Redevelopment Plan is consistent with the goals and objectives of the master planning efforts of the Borough of Highlands, as described further below, as it implements various recommendations of the 2004 Master Plan and updates as well other planning studies seeking to strengthen the vitality of the Borough's downtown and other business districts.

The Borough of Highlands has completed several plans and studies which attempt to address an ongoing lack of investment and business activity in the Borough, particularly on the Bay Avenue commercial corridor. These problems were noted prior to the destruction brought about by Superstorm Sandy but were exacerbated after the storm. The Borough has recommended a series of strategies to revitalize the Bay Area commercial corridor in recent years, several of which have been implemented. A previously untapped recommendation is to investigate the designation of eligible properties as areas in need of redevelopment to encourage a rebirth of the commercial corridor.

The Borough of Highlands' most recent comprehensive Master Plan was adopted in 2004 (the "**2004 Master Plan**"). To promote economic development in the downtown, the 2004 Master Plan recommended "investigating the potential for redevelopment within the downtown to address problems, identify opportunities and provide a guide for future

reinvestment,” and “[a]ssembling sites that can be offered for new business development,” among other strategies. At the time of writing the 2004 Master Plan, the Redevelopment Area roughly corresponded to the boundaries of the B-2 Central Business District, which was intended to “accommodate a higher density concentration of retail, service, office and entertainment uses than other commercial districts in the Borough.”

A reexamination of the 2004 plan, along with a land use plan element, was adopted in 2009 (the “**2009 Master Plan Reexamination**”). The 2009 Master Plan Reexamination recommended several changes to the Borough’s Development Regulations for the B-1 Neighborhood Business District and the B-2 Central Business District, which generally comprised the east and west ends of Bay Avenue and Shore Drive. The recommended changes related to flooding, parking, permitted uses, bulk requirements, and design to advance the Borough’s goal to “[s]trengthen commercial districts, especially the Bay Avenue Central Business District.”

The current Master Plan document consists of a reexamination report and amendments, which were adopted by the Borough’s Land Use Board on December 27, 2016 (the “**2016 Master Plan Update**”). The 2016 Master Plan Update “places special emphasis on facilitating recovery from Superstorm Sandy’s impacts, as well as promoting resiliency to future storm impacts and other potential natural hazards.” The plan describes the impact of Superstorm Sandy on the Borough:

Superstorm Sandy struck the coast of New Jersey on October 29, 2012, and caused extensive damage to the Borough of Highlands from both storm surge and wind damage. Approximately 1,250 homes within the Borough were damaged or destroyed as well as over 60% of all Borough businesses. All of the Borough’s sewage pump stations went offline due to floodwater inundation and/or power system failure. Trees and power lines throughout the Borough fell, in many cases damaging buildings and homes. (pp. 23)

A **2014 Strategic Recovery Planning Report** further noted that “14 downtown restaurants were destroyed, of these, six remain closed.” The 2016 Master Plan Update addressed the lack of business investment and activity in the downtown, stating that this “ongoing concern... was only exacerbated by the impacts of Superstorm Sandy.”

The **2016 Master Plan Update** contains significant discussion about the Redevelopment Area. In particular, it recommended elimination of the B-1 and B-2 districts and overlay zones, and establishment of a unified Central Business District (CBD) zone “to better accommodate the desired uses for the downtown area [and to] minimize nonconformities and reduce the number of variances that may be required to encourage

redevelopment in underutilized lots and areas damaged by Superstorm Sandy or that may be damaged in future storm events.” The 2016 Master Plan Update recommended that the new CBD Zone be governed by a form-based code to “ensure all redevelopment occurs in a manner that is consistent with the image and character of the Borough.” The 2016 Master Plan Update assured consistency with past plans, noting that “many of the recommendations from the 2009 Report will be integrated into the new zone district.” It recommended that the Borough should encourage downtown building design and streetscape features “that promotes and emphasizes the nautical, seaside, small town nature of Highlands.” In addition to the creation of a new CBD Zone, the 2016 Master Plan Update recommended allowing parking as a conditional use in business districts outside of the waterfront to encourage “more opportunities for innovative parking arrangements.” The plan also recommended that residential uses be permitted on all floors above the ground level in mixed-use buildings. In terms of redevelopment, the 2016 Master Plan Update recommended that “[r]edevlopment studies should include the waterfront, downtown neighborhoods, and the Miller Street corridor.”

The Borough amended its Development Regulations to remove reference to the B-1 and B-2 districts and overlays, create reference to the CBD Zone, and update permitted uses in the zone, including allowing parking as a permitted conditional use in the CBD Zone (see **Ordinance 18-01**, adopted in February of 2018, and Ordinance 18-06, adopted in May of 2018). No new regulations were adopted related to permitting residential uses on the upper floors of mixed-use buildings.

The most recent **Zoning Map** was adopted by Ordinance 18-22 in December of 2018, which established the Central Business District (CBD) zone and demarcated it “along Bay Avenue from South Street to the VFW and along Miller Street from Bay Avenue to the Waterfront to replace current existing zoning and overlay districts; with the exception of the existing Multi-Family Zone District located along Marina Bay Court.” The Redevelopment Area is entirely within the CBD Zone.

Since the 2016 Master Plan Update, area in need of redevelopment investigations and plans were adopted for the Captain’s Cove Marina and the Shadow Lawn Mobile Home Park, in 2018. No area in need of redevelopment investigations have been conducted for areas within the CBD Zone until the investigation of the Redevelopment Area described herein.

A full list of the 2016 Master Plan Update Goals & Objectives related to commercial land uses and economic development/redevelopment can be found in the publicly-available 2016 Master Plan Update.

## **D. Relationship to Local Objectives**

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This Redevelopment Plan sets forth definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements. In particular, the Redevelopment Plan provides development regulations that regulate development intensity and residential density, allowing for a range of land uses. The Redevelopment Plan encourages reuse of buildings and new construction, in tandem with upgrading of existing infrastructure and community facilities.

Beyond the Master Plan-related studies mentioned earlier, a number of other plans and studies have been prepared for the Redevelopment Area, including:

### **CENTRAL BUSINESS DISTRICT DESIGN MANUAL, 1995**

- The Borough’s *Highlands CBD Design Manual, Neighborhood Preservation Program* (the “Design Manual”) was approved in 1995. It is primarily focused on design changes and improvements to historic buildings and retail storefronts & signage. The Design Manual is very detailed in terms of specific building components such as doors, windows, cladding, and cornices, and leans towards traditional materials and architectural styles. However, because it was written before Superstorm Sandy and before flood control regulations became more onerous, it is not well suited to alone guide anticipated new development in the CBD. For new construction and renovations to existing buildings, this Redevelopment Plan supersedes the older Design Manual. Applicants may choose to seek guidance from the Design Manual as well, but where a conflict occurs, this Redevelopment Plan shall govern.

### **INTRABOROUGH BICYCLE PLAN, JUNE 2011**

### **HIGHLANDS RECOVERY PLAN, 2013**

### **RUTGERS BLOUSTEIN SCHOOL STUDIO REPORT, SPRING 2014**

### **“GETTING TO RESILIENCE” RECOMMENDATIONS REPORT, JUNE 2014**

### **STRATEGIC RECOVERY PLANNING REPORT, SEPTEMBER 2014**

- This report identified 13 priority actions that are “most urgently needed to improve public safety, increase resistance to damage from future storms, and stimulate economic recovery” (NJ DCA).” Of relevance to redevelopment of the Redevelopment Area, priority action #9 was to, “[u]ndertake redevelopment study(ies) and prepare plan(s) for areas determined to be in need of redevelopment. Previous plans have recommended redevelopment efforts in several areas of the borough, including the waterfront and downtown neighborhoods. Moreover,

there have also been recommendations to... elevat[e] buildings in the downtown area. All of these recommendations could be reviewed and, if feasible and acceptable, accomplished through the redevelopment planning process.”

- In addition, priority area #11 stated, “The [Getting to Resilience (GTR)] Report... recommends that the Borough’s plans (including the Master Plan and any redevelopment plan) include explicit references and recommendations related to resiliency.”

**COASTAL STORM RISK MANAGEMENT PRESENTATION/BRIEFING, MARCH 2017**

**CAPITAL IMPROVEMENT PROGRAM FOR 2017**

**STORMWATER POLLUTION PREVENTION PLAN, APRIL 2018**

**FINAL INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT, RARITAN BAY AND SANDY HOOK BAY, HIGHLANDS, NEW JERSEY, COASTAL STORM RISK MANAGEMENT, MAY 2020**

- This document by the U.S. Army Corps of Engineers assesses the feasibility and environmental impact of a series of intervention options to reduce flood risk between the study period of 2026 to 2076.

## **E. Relationship to Highlands Zoning Ordinance**

The Redevelopment Area is located within, and is defined by the boundaries of, the Central Business District (CBD) Zone. The boundaries of the CBD Zone and adjacent zoning districts in the Borough are shown on the Zoning Map adopted in December of 2018. Uses and bulk requirements permitted in the CBD Zone are currently governed by the Borough’s Zoning Ordinance.

This Redevelopment Plan does not supersede the Zoning and Land Use Regulations of the Borough of Highlands in Chapter 21 of the Borough’s Revised General Ordinances (the “Zoning Ordinance”), except as specifically set forth in the development regulations for the Redevelopment Area. The Redevelopment Area shall overlay the existing zoning, and consist of three overlay zone districts, which in a number of instances provide different zone regulations than the underlying zoning district. Final adoption of this Redevelopment Plan by the Mayor and Council shall be considered an amendment of the Borough of Highlands Zoning Map.

## **E. Definitions and Terminology**

The definitions set forth in the Zoning Ordinance shall apply to this Redevelopment Plan.

As used in this Redevelopment Plan, the following terms shall have the meanings indicated:

- “**BFE+1**” shall mean Base Flood Elevation plus one foot. “Base Flood Elevation” is defined in the Zoning and reproduced below in **Section V, Flood Requirements**.
- “**Body piercing, tattoo and skin art studio**” shall mean any establishment where a body piercing and/or tattoo artist conducts the business of piercing the skin or other parts of the body.
- “**Land Use Board**” shall mean the Borough of Highlands Land Use Board.
- “**Mayor and Council**” shall mean the governing body of the Borough of Highlands.
- “**Special Flood Hazard Area**” shall mean the areas of special flood hazard for the Borough of Highlands, Community No. 345297, which pursuant to Section 21-115 of the Zoning Ordinance are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
  - ◇ A scientific and engineering report “Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)” dated June 20, 2018.
  - ◇ Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panels 34025C0067G, 34025C0069F, 34025C0086G, and 34025C0088G; whose effective date is June 20, 2018.
- “**Townhouse**” shall mean a “One-family Attached Dwelling” as defined in the Zoning Ordinance (i.e. a one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls),
- “**Two-family dwelling**” shall mean “a building designed or used exclusively for occupancy by two (2) families,” as defined in the Zoning Ordinance.
- “**Multi-family dwelling**” shall mean any dwelling or part thereof containing three or more dwellings per unit, as defined in the Zoning Ordinance.
- “**Zoning Map**” shall mean a document entitled “Zoning Map, Highlands Borough, New Jersey” dated July, 2018, as may be periodically amended.

Except as otherwise provided herein, words not defined above or in this document that appear in this Redevelopment Plan shall be interpreted in accordance with the definitions in the Zoning Ordinance as set forth in Section 21-8: “Definitions.” If a term used in this Redevelopment Plan is not defined in the Zoning Ordinance, the definition in the Municipal Land

Use Law (the “MLUL”), N.J.S.A. 40:55D-1 et seq., or the LRHL shall apply.

Throughout this Redevelopment Plan, a conscious distinction is made in the regulations between “shall” and “should.” “Shall” or “must” means that a developer is required to comply with the specific regulation, without any deviations. “Should” means that a developer is encouraged to comply but is not required to do so. If the exact recommendation cannot be met, the Land Use Board will entertain any modification that meets the underlying spirit and intent of the regulation and/or the Redevelopment Plan generally.



## IV. GENERAL RECOMMENDATIONS

Chapters V through IX of this Redevelopment Plan provide specific regulations for land uses and other development regulations as are typically included in a redevelopment plan. This chapter provides additional recommendations for the Redevelopment Area based on input from survey respondents, developers, the Borough, and others.

### A. Design

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- **Implement building and site design to mitigate flooding impacts and improve stormwater management.** Given the Redevelopment Area’s location and history, ensuring that new development and renovations can withstand flood events will help attract investment and types of uses desired by the community.
- **Incorporate sustainability measures.** Green design provides benefits to business and property owners, as well as to the environment.
- **Make downtown more physically attractive and welcoming.** Survey respondents and community meeting attendees cited physical improvements as an important part of this Redevelopment Plan. Improvements to the streetscape and lighting, additional trees and other plantings, murals and burying utility wires were among the suggestions for upgrading the appearance of the Central Business District.
- **Preserve historic character and identity.** At the same time, as changes are made to the area there is still a strong desire to maintain and enhance Highlands’ identity as a waterfront, historic small town.
- **Provide Gateway treatments at important intersections.** Providing streetscape features such as paver crosswalks, signage, public art, and buildings with prominent design elements would reinforce the Central Business District’s identity as a distinct place.
- **Focus on key sites with the potential to spur additional redevelopment.** There are a number of properties within the Redevelopment Area that are adequate in size or possess other factors that make them appropriate for larger-scale development and have the ability to positively influence nearby areas.

## B. Coordination

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- **Improve connections to the Shrewsbury River, Sandy Hook Bay, the Twin Lights and other nearby attractions.** While the waterfront is located outside the Redevelopment Area, Highlands’ setting on the Shrewsbury River and Sandy Hook Bay at the northern tip of the Jersey Shore is essential to its character. Nearby beaches and the Twin Lights also bring large numbers of visitors to the area who represent a significant potential market for shops, services and eateries in the Central Business District.
- **Align redevelopment efforts in the Central Business District with other redevelopment and planning initiatives.** There are opportunities for synergy between projects in Highlands such as the Captain’s Cove and Shadow Lawn redevelopments, improved waterfront access, upgrades to utility infrastructure and potential “Transit Village” designation.

## C. Uses

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- **Continue to permit and support a range of commercial uses and attractions.** Highlands has a variety of existing businesses, but would benefit from additional complementary uses, including businesses not currently located in the Redevelopment Area, attractions, arts, culture and entertainment.
- **Permit residential-only development in accordance with design that enhances the streetscape.** While commercial uses and mixed-use development will continue to be permitted throughout the CBD Zone District, new residential development will also be permitted, subject to flood control, land use, bulk restrictions, and other regulations.
- **Provide housing for a diverse population.** New and renovated residential units should include a range of sizes, types and prices.

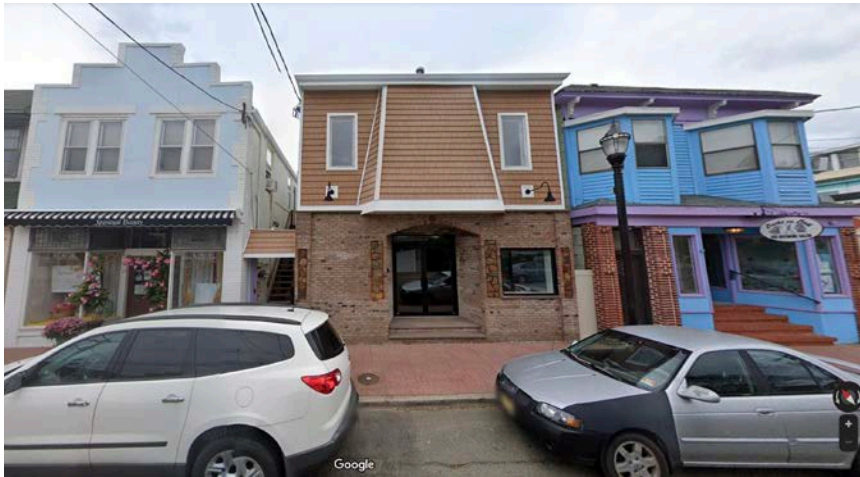
## D. Circulation

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- **Incorporate “Complete Streets” principles in street and site design.** Private and governmental actions implementing this Redevelopment Plan should consider the needs of pedestrians, bicyclists, public transit users, and motorists during design and throughout all stages of any new roadway or streetscape project, in order to make streets safer for all users.
- **Promote pedestrian activity and bicycle usage.** Taking the above recommendation one step further, building and site design should

consider the existing prevalence of non-motorized transportation in the Redevelopment Area and environs and support walking and bicycling.

- **Utilize creative design techniques to provide adequate parking.** While parking is necessary to support most uses, addressing parking requirements onsite is not feasible or necessary for all uses. Allowing shared parking among uses, providing additional publicly available parking, and allowing payment in lieu of providing parking are some of the measures that should be considered.



The eastern end of Bay Avenue includes several traditional mixed-use buildings with ground-floor retail.

## V. FLOOD REQUIREMENTS

### A. General Zoning and Land Use Regulations

#### FROM ARTICLE II, DEFINITIONS

The following is from the Borough of Highlands' Zoning and Land Use Regulations, Article II, Definitions.

##### FLOODPROOFING.

Measures applied to a building that are intended to prevent or provide resistance to displacement, buoyancy and damage from flooding up to a certain elevation, so as to eliminate or reduce potential flood damage to the building and its contents. There are two (2) types of floodproofing:

- **Wet floodproofing**, which are measures that allow floodwaters to enter a building, and thereby balance hydrostatic pressure on the structure during a flood. Wet floodproofing generally includes using flood-resistant materials, protecting mechanical and utility equipment, and using openings or breakaway walls; and
- **Dry floodproofing**, which are measures that prevent floodwaters from entering a building. Dry floodproofing generally includes making the building watertight through sealing openings, installing waterproof doors and windows, or sealing walls with waterproof coatings, impermeable membranes and/or a supplementary layer of masonry or concrete.

It should be emphasized that for the CBD of Highlands, dry floodproofing is a strategy that can be used to protect retail or commercial space below the Base Flood Elevation (“BFE,” see **next section**); but it is not allowed as a measure to protect residential buildings, except for parts of a building that are used for access, parking, or storage. With dry floodproofing, building walls and foundations may require retrofitting to be strong enough to withstand hydrostatic pressure from water and scouring, shearing, and overturning forces. **Dry floodproofing is most practical when the BFE is less than 3 feet above grade<sup>1</sup>, due to the excessive hydrostatic forces.**

<sup>1</sup> Sources: Coastal Flood Resilience Design Guidelines, Boston Planning and Development Agency, Draft, September 2019, page 47; and Resilient Retail, NYC Department of City Planning, July 2016, page 36.

## FROM ARTICLE XXIV, FLOOD DAMAGE PROTECTION

The following sections are from the Borough code chapter on Flood Damage Protection, which deals with the Borough as a whole (that is, it is not specific to the CBD). BASE FLOOD ELEVATION (BFE).

This is defined (§21-113) as follows:

The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Most occupiable, usable space in a building is required to be elevated to at least one foot above the BFE. Therefore, for brevity, this Redevelopment Plan often uses the term “**BFE+1**” as shorthand to mean “Base Flood Elevation plus one foot.”

### Lowest Floor

This is defined as follows:

The **lowest floor** of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building’s lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

The Lowest Floor is an important concept because where retail or other active uses are encouraged or required, the Redevelopment Plan permits it to be built at-grade and dry-floodproofed, or raised at least one foot above the Base Flood Elevation, on what is effectively the second floor of the building. In either case, the floor containing the retail or other active space would be considered the Lowest Floor. In certain Overlay and Gateway Areas, an incentive in the form of additional height is provided to encourage retail or other active uses at the ground floor, where it can best create active streetscapes.

### General Standards: Enclosure Openings

The Zoning Ordinance (§21-124.5) specifies that:

All new construction and substantial improvements having fully enclosed areas below the “lowest floor” that are usable solely for the 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.

### **Specific Standards: Residential Construction**

The Zoning Ordinance (§21-125.1) specifies, in part, that:

New construction and substantial improvement of any residential structure located in an A or AE Zone shall have the “lowest floor,” including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the **Base Flood Elevation plus one (1) foot** or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

### **Specific Standards: Nonresidential Construction**

The Zoning Ordinance (§21-125.2) specifies, in part, that:

All new construction and substantial improvement of any commercial, industrial or other nonresidential structures located in the AE Zone shall have the “lowest floor,” including the basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

- Either elevated to or above the Base Flood Elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; or
- To be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water.

For non-residential uses, the first of the two approaches is more affordable, but would result in a gradual shifting of ground-floor retail spaces to an elevated zone, making for a fragmented downtown sidewalk environment. For this reason, this Redevelopment Plan provides a strong incentive for retail or other active uses to be provided at the ground floor, by means of a height bonus for higher story heights and a full additional story. See **Section VIID, Building Height**.

### **Coastal A Zones (§21-126)**

The Coastal A Zone of the Special Flood Hazard Area is an area that is subject to ‘Moderate Wave Action,’ and includes a large swath of Highlands along the beach coastline. It does not include the AE zone, and therefore does not affect building in the CBD Zone. Nevertheless, it is instructive to compare the requirements of the Coastal A zone with those of the AE zone, to see how building form could differ. In the Coastal A zone, all new construction and substantial improvements are required to be elevated on pilings or columns to a minimum height of Base Flood Elevation plus

one foot. All space below is required to allow *the unimpeded flow of water, except for breakaway walls*. With such requirements, no lobbies, showrooms, or other active retail spaces could be provided below BFE+ 1 foot in the A zone, even if such spaces were dry-floodproofed.

In contrast, the CBD Zone lies in the AE zone, and therefore is permitted to include dry-floodproofed at-grade space for retail or commercial uses, which helps to preserve the traditional downtown feeling of sidewalks lined by shops and restaurants.

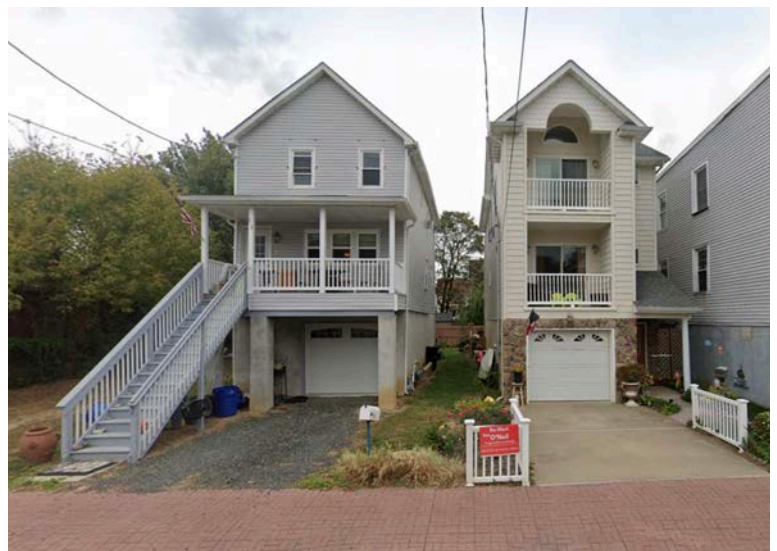
## **B. The Base Flood Elevation in the CBD**

Nearly all of Highlands' entire CBD Zone lies in FEMA's designated "AE" zone. The designated Base Flood Elevation here is 11 feet (based on the North American Vertical Datum of 1988)<sup>2</sup>, as shown on Figure 4. The ground elevation along Bay Avenue ranges from roughly 4 feet to nearly 6 feet<sup>3</sup>. Properties on the south side of Shore Drive within the CBD Zone are generally higher, at 8 to 9 feet elevation.

**As explained above, Borough zoning requires that all residential living spaces be elevated at least one foot above the Base Flood Elevation of 11 feet in the CBD Zone, a "BFE+1" of 12 feet.** Therefore, the "lowest floor" of residential living space will have to be located at least about 5 or 7 feet *above grade* for most parcels along Bay Avenue. Facing this situation, most residential builders will decide to create an even higher space under the building, to accommodate parking, so that the "lowest floor" may be closer to eight (8) to ten (10) feet *above grade*.

**Borough zoning allows non-residential spaces, such as retail storefronts, to be located at-grade and below the BFE+1, provided that they are dry-floodproofed.** Because dry-floodproofing is costly, a developer may find it more cost-effective to put the retail or other active use above BFE+1, over an at-grade level of parking, or omit it entirely. However, since elevated retail does not contribute as well to creating active, interesting sidewalks, this Redevelopment Plan offers strong incentives for retail or other active uses to be provided at-grade (see **Section VII.D., Building Height / Bonuses**). This Redevelopment Plan also provides Design Standards (**Chapter IX**) to

Many residential buildings in Highlands have already been adapted or built new for flood resiliency.



<sup>2</sup> Source: FEMA FIRM for Monmouth County, NJ Panel 88 of 457. Last updated June 20, 2018.

<sup>3</sup> Source: FEMA FIRM map at <https://apps.nationalmap.gov/viewer/>, using Spot Elevation Query in toolbar.

ensure that all buildings maintain an active relationship to the street, regardless of which floor contains the active uses.

## **C. Adapting the Ground Floor of Existing Buildings**

### **ADAPTING MIXED-USE AND COMMERCIAL BUILDINGS**

While existing mixed-use or commercial buildings in the CBD may be adapted by dry-floodproofing their ground floors, such an approach can be prohibitively expensive. Another approach that is possible if the ground floors have a sufficiently high floor-to-ceiling height, is to construct a raised floor area within the ground floor at or above the required BFE+1. The approach is two-fold:

- Where permitted by zoning and flood control regulations, the lower-value, less-critical areas of the ground-floor (such as restaurant seating or merchandise display areas), would be wet-floodproofed, allowing them to flood through intentional openings in the walls. These “sacrificial” floodable areas are best located within the front of the ground-floor space in order to allow views into the space from traditional storefront windows at sidewalk level. At a minimum, an entry lobby for the retail space can be provided in this floodable area at the sidewalk grade.
- The more critical areas of the ground floor (such as mechanical equipment, cash registers, and kitchen appliances) would be elevated above BFE+1 at the rear or center of the space, located on a dry-floodproofed raised-floor podium or hung on brackets from the ceiling, and connected to the wet-floodproofed areas by an internal staircase or ramp. Alternately, if ceiling heights and budgets allow, the majority of the ground-floor uses could be raised on a podium.

### **ADAPTING RESIDENTIAL BUILDINGS**

Existing all-residential buildings with residential space on the ground floor may be adapted by dry-floodproofing the ground floor and converting it to retail or commercial use, which is permitted below the Base Flood Elevation. Alternately, the ground-floor space could be wet-floodproofed and converted to parking and/or storage. Provided the building still complies with height limits, it might be possible to make up the residential space lost from the ground floor on a new top floor, with structural retrofitting as necessary to support the new floor.



## VI. LAND USE REGULATIONS

### A. Introduction

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This section provides regulations for future land uses within the Redevelopment Area. The designations are based on analysis of existing land uses, suitability for new uses and the availability of redevelopable land. The proposed land uses recognize existing conditions within the Redevelopment Area, while in some instances proposing changes in use to further the goals and objectives of this Redevelopment Plan.

It should be noted that uses on properties for which the zoning designation is changed may continue as legal non-conforming uses as a matter of law, regardless of any change in the zoning designation. It is only when the property owner seeks to change the existing use to another use that the new zoning standards will apply.

### B. Redevelopment Overlay Zones

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The Redevelopment Plan includes three redevelopment overlay zones as designated on **Figures 5 and 6, Redevelopment Overlay Zones, Gateways, and Height.**

#### **CBD REDEVELOPMENT OVERLAY 1 (C-RO-1)**

The C-RO-1 Overlay Zone, or “Overlay 1,” includes properties on both sides of Bay Avenue between Barberie Avenue and Cedar Avenue. These parcels flank the condominium development along Marina Bay Court.

#### **CBD REDEVELOPMENT OVERLAY 2 (C-RO-2)**

The C-RO-2 Overlay Zone covers the largest portion of the Bay Avenue corridor in the CBD Zone District. It comprises a large number of fairly small parcels that abut residential zones, generally located along both sides of Bay Avenue between Huddy and Barberie Avenues and between Cedar Avenue and Miller Street, and also on the north side of Bay Avenue between Miller Street and Shrewsbury Avenue.

#### **CBD REDEVELOPMENT OVERLAY 3 (C-RO-3)**

The C-RO-3 Overlay Zone is located at the eastern portion of the Borough, an area with generally wider, larger parcels and currently lower-intensity uses. This overlay zone is envisioned as an area where greater building height and larger scale development could be accommodated without affecting adjoining single-family homes.

FIGURE 5. REDEVELOPMENT OVERLAY ZONES, GATEWAYS, AND HEIGHT: WESTERN PORTION

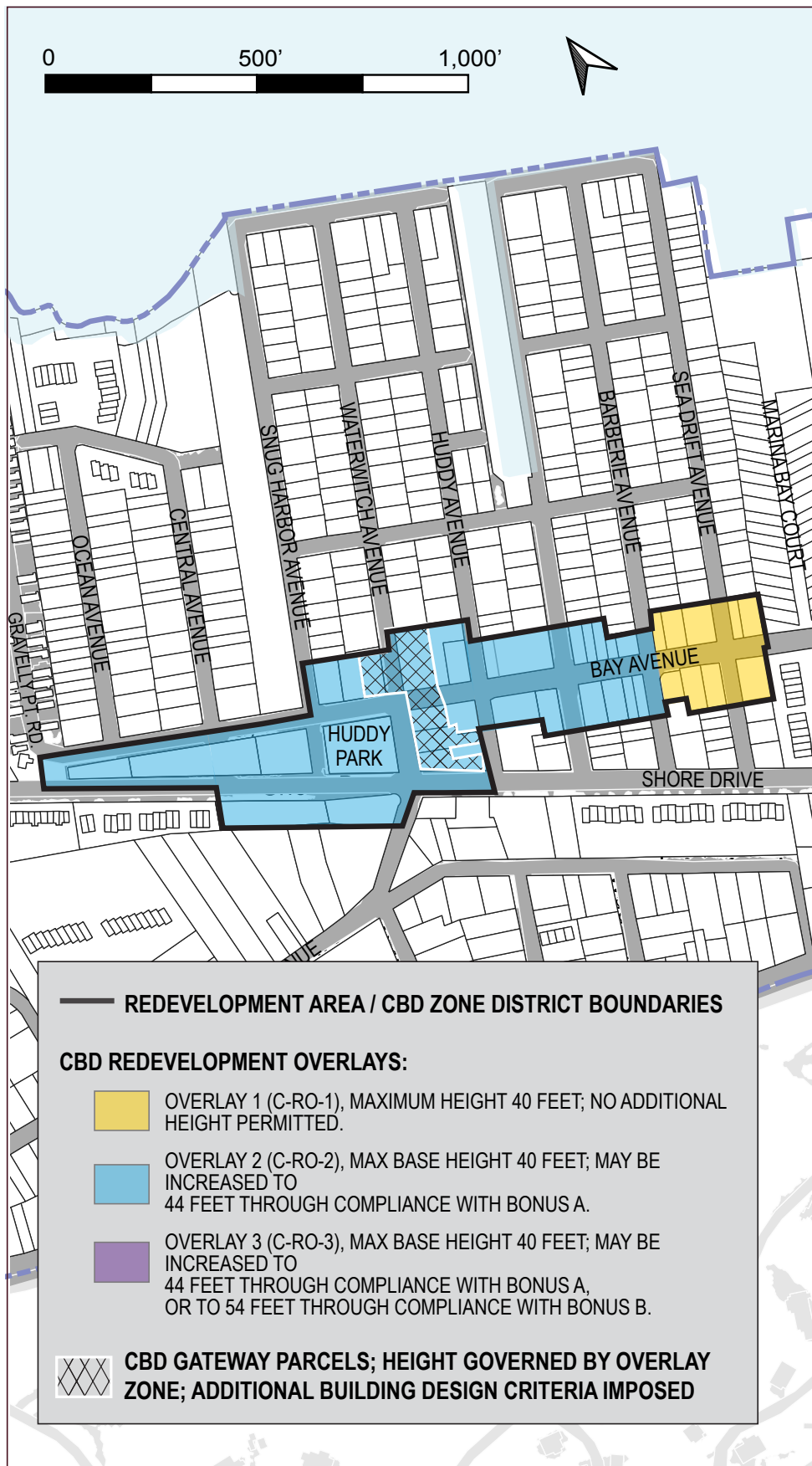
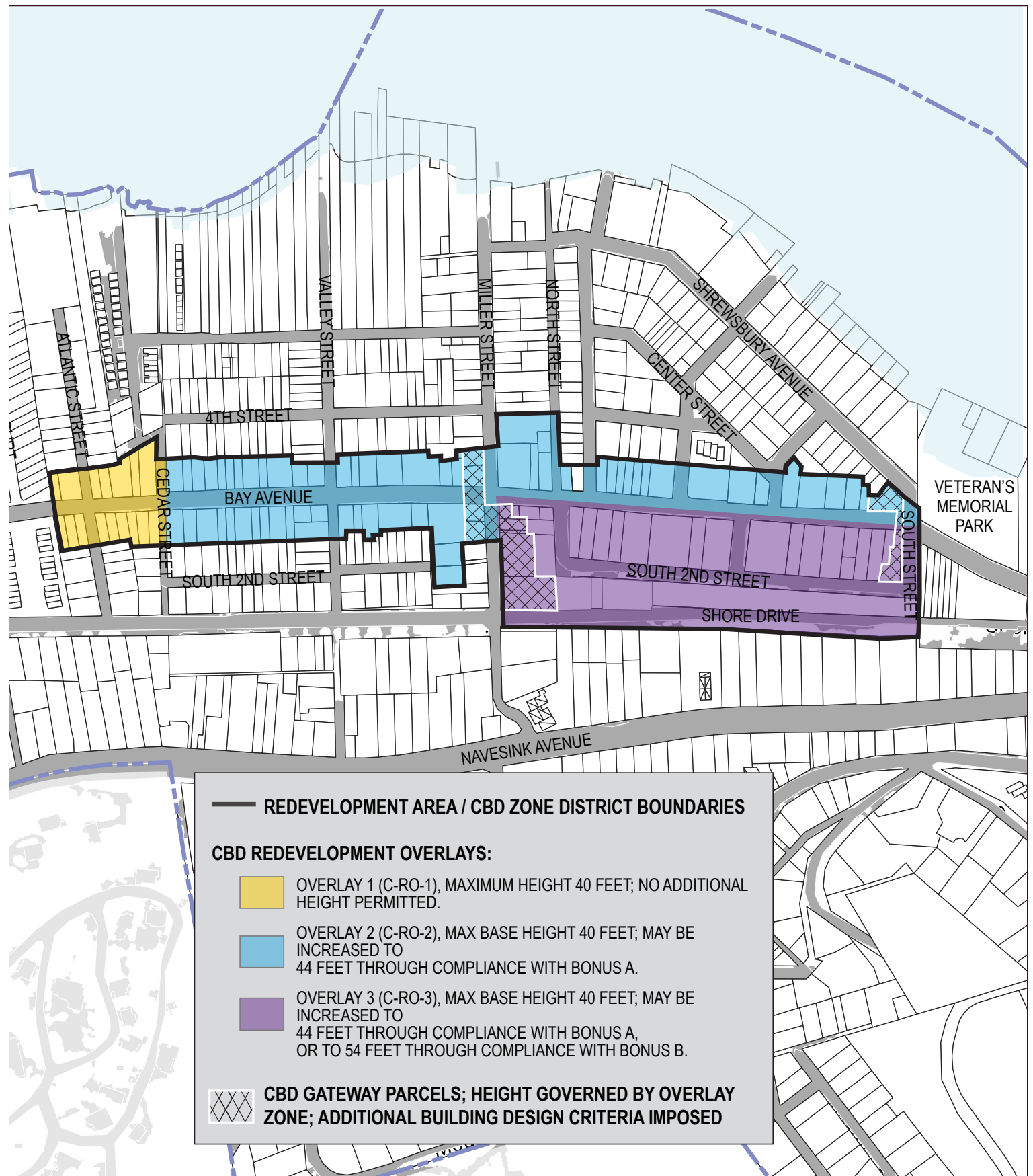


FIGURE 6. REDEVELOPMENT OVERLAY ZONES, GATEWAYS, AND HEIGHT: EASTERN PORTION



## C. Gateway Parcels

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Special Gateway treatments are encouraged at certain intersections to reinforce the Central Business District’s identity as a distinct place and create a sense of entry to the Borough. The three “Gateways” are shown in **Figures 5 and 6** and include:

- Waterwitch Avenue at Huddy Park, between Bay Avenue and Shore Drive;
- Miller Street between Shore and Bay; and
- The eastern end of Bay Avenue near the Veteran’s Memorial Park.

These Gateway locations correspond to the intersections identified for special treatment in the 1995 Highlands CBD Design Manual. **Figure 5, Redevelopment Overlay Zones and Gateways**, shows the designated Gateway parcels.

In order to create a sense of arrival at these locations, this Redevelopment Plan requires architectural massing to create a focal point for new construction in the Gateway parcels. Such focal point elements should be located along Bay Avenue; or at the corner of Bay and Waterwitch Avenue or Bay and Miller Street; where a parcel does not adjoin Bay Avenue, the focal element should be along Waterwitch Avenue or Miller Street,

### REQUIRED MASSING ELEMENTS

Specifically, Gateway parcel buildings shall include massing elements that emphasize the Gateway at a corner or along a street corridor, for example: towers, cupolas, bay windows, corner entries, contrasting window or glazing patterns, and/or higher and varied roof heights and shapes. Generous front porches or roof terraces are recommended for residential buildings.

### ACTIVE USES AND DEEPER FRONT SETBACKS ENCOURAGED

In addition, retail or other uses are encouraged at the ground level or on an elevated Lowest Floor of buildings in Gateway parcels, and buildings are encouraged to provide deeper front setbacks that are landscaped as plazas. To help achieve these goals, buildings on Gateway parcels that fall within Overlay 2 or 3 are eligible for an additional four (4) feet of height (to a maximum of 44 feet) if they meet the requirements for the Height Bonus Option A. Buildings on Gateway parcels in Overlay 3 are eligible for an additional 14 feet of height (to a maximum of 54 feet) if they meet the requirements for the Height Bonus Option B. Refer to **Section VII.D, Building Height**, for more information.

## **D. Permitted Uses**

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### **EXISTING CBD ZONING'S PERMITTED USES**

All uses currently permitted in the underlying CBD zoning district, such as existing single-family homes, “residential above the first floor,” stand-alone retail or commercial, and mixed-use buildings with residential over retail or commercial uses, shall continue to be permitted in all three redevelopment overlay zones.

### **CBD REDEVELOPMENT OVERLAY 1 (C-RO-1)**

In addition to uses permitted in the underlying CBD Zone District, the C-RO-1 Overlay Zone also permits the following uses:

- Public parks and open space.
- Townhouses.
- Multi-family dwellings.
- Mixed-use buildings with any of the permitted uses stacked vertically within a building.
- Body piercing, tattoo and skin art studio as a conditional use, subject to the following requirements:
  - o Tattoo samples shall not be displayed in such a manner as to be visible to the general public outside the studio.
  - o Window displays shall not contain sample artwork or posters that have not been professionally mounted or framed.
  - o All establishments must comply with all health requirements of the Borough of Highlands and the Health Department of the State of New Jersey.

### **CBD REDEVELOPMENT OVERLAY 2 (C-RO-2)**

The C-RO-2 Overlay Zone permits all uses from the underlying CBD Zone District, and also permits all uses allowed in the C-RO-1 Overlay Zone. In addition, the C-RO-2 Overlay zone permits the following uses:

- Bed and breakfasts, which are designated as Conditional Uses in current zoning, are hereby changed to a Permitted Use in this Redevelopment Plan for Overlay 2. Bed and breakfasts shall comply with their conditional use requirements in the current Zoning Ordinance, §21-97.A Conditional Uses: Bed and Breakfasts. However, adherence to such requirements shall not be construed to mean that such businesses are a conditional use in the CBD; they are permitted uses.
- Mixed-use buildings with any of the permitted uses stacked vertically.

### **CBD REDEVELOPMENT OVERLAY 3 (C-RO-3)**

The C-RO-3 zone permits all uses from the underlying CBD Zone District, as well as those from the C-RO-1 and C-RO-2 Overlay Zones. In addition, the C-RO-3 Overlay Zone permits the following uses:

- Hotels, which are designated as Conditional Uses in current zoning, are hereby changed to a Permitted Use in this Redevelopment Plan for Overlay 3. Hotels shall comply with their conditional use requirements in the current Zoning Ordinance, §21-97.K, Conditional Uses: Hotels. However, adherence to such requirements shall not be construed to mean that such businesses are a conditional use in the CBD; they are permitted uses.
- Mixed-use buildings with any of the permitted uses stacked vertically.

### **ACTIVE USES**

See **Section VII.D. Building Height**, further down, for an explanation of Active Uses as related to building height bonuses.

## VII. BULK REGULATIONS

### A. Setbacks

Minimum required building setbacks are largely the same as in underlying zoning, as follows.

#### FRONT SETBACK

**For all properties in the CBD zone, a minimum two (2) foot front setback is required.** This will help to increase the effective sidewalk width. The required two-foot setback area must be paved with concrete in a similar pattern and material as the public sidewalk.

Where a property is a through lot that adjoins Bay Avenue on one side and another public street on the opposite frontage, Bay Avenue shall be defined as the front street.

**Section D, Building Height**, below, discusses optional height bonuses tied to various improvements, including providing a deeper front setback of at least eight (8) or 12 feet.

#### REAR SETBACK

The minimum rear setback is 12 feet.

#### SIDE SETBACK

No side yard setback is required where a property borders another property that is also located in the CBD Zone, however, if any side yard is to be provided, it shall be at least five (5) feet wide.

Where the side lot line of a property in the CBD Zone *directly* adjoins a property in a residence zone (that is, not where an intervening public street creates a separation), a side yard of minimum five (5) feet wide is required, and shall include a buffer as described in existing zoning, Section 21-65.3 Buffers.

## B. Coverage

### LOT COVERAGE

Maximum **lot coverage** is 80 percent.

As an incentive to create more active and pedestrian-friendly streetscapes, lot coverage for buildings in Overlay Zone 3 only may be increased to 88 percent if a building attains the requirements for the Height Bonus Option B, described below. These include having retail or other active uses on the ground floor frontage with minimum depth of 25 feet and a front setback area of minimum depth of 12 feet. Refer to **Section VII.D, Building Height**, below, for the full requirements.



Porous paving in a driveway

### BUILDING COVERAGE

Maximum **building coverage** is 80 percent.

## C Floor Area Ratio

**Floor area ratio (FAR):** No minimum or maximum FAR is required.

### HEIGHT EXAMPLE

#### 152 BAY AVENUE, HIGHLANDS

2 stories, retail and apartments

ESTIMATED TOTAL HEIGHT:  $\pm$  28' to 32' high from grade to  
ridgeline / peak of roof.

ESTIMATED ZONING HEIGHT:  
 $\pm$  17' to 21' from BFE+1 (based  
on an illustrative grade of 5  
feet elevation, meaning BFE+1  
is 7 feet above grade) to the  
midpoint of the gabled roof.





## D. Building Height

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### HEIGHT IN THE EXISTING ZONING CODE

#### Definitions

The existing zoning defines *building height* and the related concept of *grade plane* as follows. These definitions continue to apply under this Redevelopment Plan.

**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 mid-point 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 (10%) percent above the permitted building height, whichever is less.

**GRADE PLANE:** Shall be defined as follows:

- **Areas Located Outside the Flood Hazard Area:** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Finished grade shall be preconstruction grade on level sites and not in excess of two (2) feet above the preconstruction grade on the upland side(s) of a structure on sloping sites. **[This definition is not applicable to the vast majority of CBD parcels.]**
- **Areas or Portions of the Building Area of a Lot Located Within the Flood Hazard Area:** The reference plane shall be the more restrictive of the base flood elevation or advisory base flood elevation of the flood hazard area plus one (1) foot. **[This definition applies to the vast majority of CBD parcels.]**

Note that the existing building height definition provides an incentive for pitched roofs because it measures height to the midpoint of a sloping roof, but to the deck level of a flat roof.

In addition to the zoning definition above, this Redevelopment Plan adds a clarification for the CBD: rooftop parapets are permitted to exceed maximum building height by up to four (4) feet.

#### Height Variations based on Site Grade

The zoning requires that height for all parcels within the Flood Hazard Area – which includes nearly the entire CBD – be measured with respect to the Base Flood Elevation plus one foot (“BFE+1”), which is 12 feet for this area. Because the finished grade of most parcels within the CBD is between 4 and 9 feet elevation, all such parcels will have some “free”

building height below the BFE+1 of 12 feet. But the parcels on the lowest-elevation ground will have the most effective available buildable height because there is more height available below the 12-foot BFE that can be used for parking. Refer to the **Figure 7** on the next page, in the discussion of **Base Height Allowance**, for an illustration of how different grades permit different total building heights, even within the same base height allowance. The same logic applies to building heights in relation to site grade under the optional Bonuses A and B.

## HEIGHT EXAMPLES

### 170 BAY AVENUE, HIGHLANDS

2.5 story single-family over storage level.

ESTIMATED TOTAL HEIGHT: ± 32' to 36' high from grade to ridgeline / peak of roof.

ESTIMATED ZONING HEIGHT: ± 21' to 24.5' from BFE+1 (based on an illustrative grade of 5 feet elevation, meaning BFE+1 is 7 feet above grade) to the midpoint of the gabled roof.

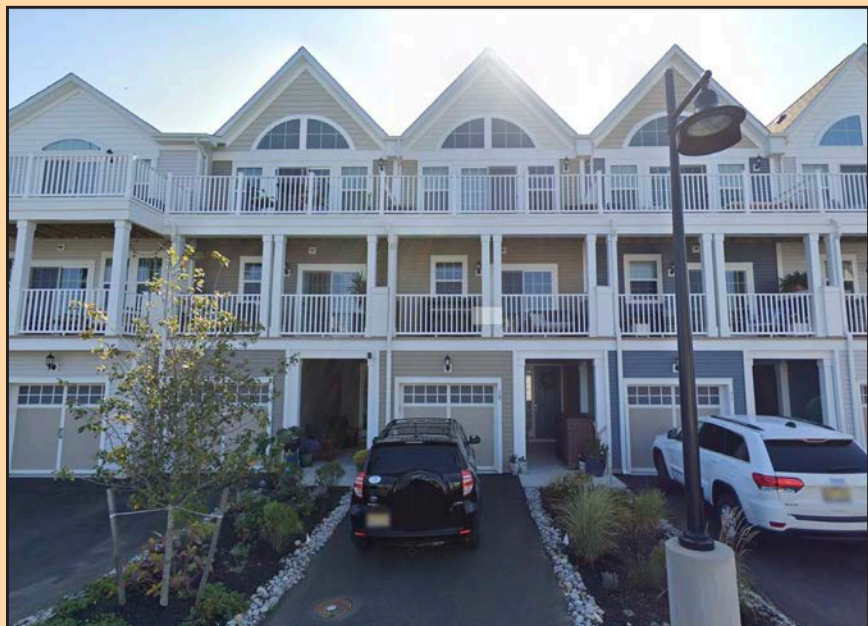


### 7 HALFMOON COURT, HIGHLANDS (outside CBD)

2-story townhouses over garage level

ESTIMATED TOTAL HEIGHT: ± 32' to 35' from grade to ridgeline / peak of roof.

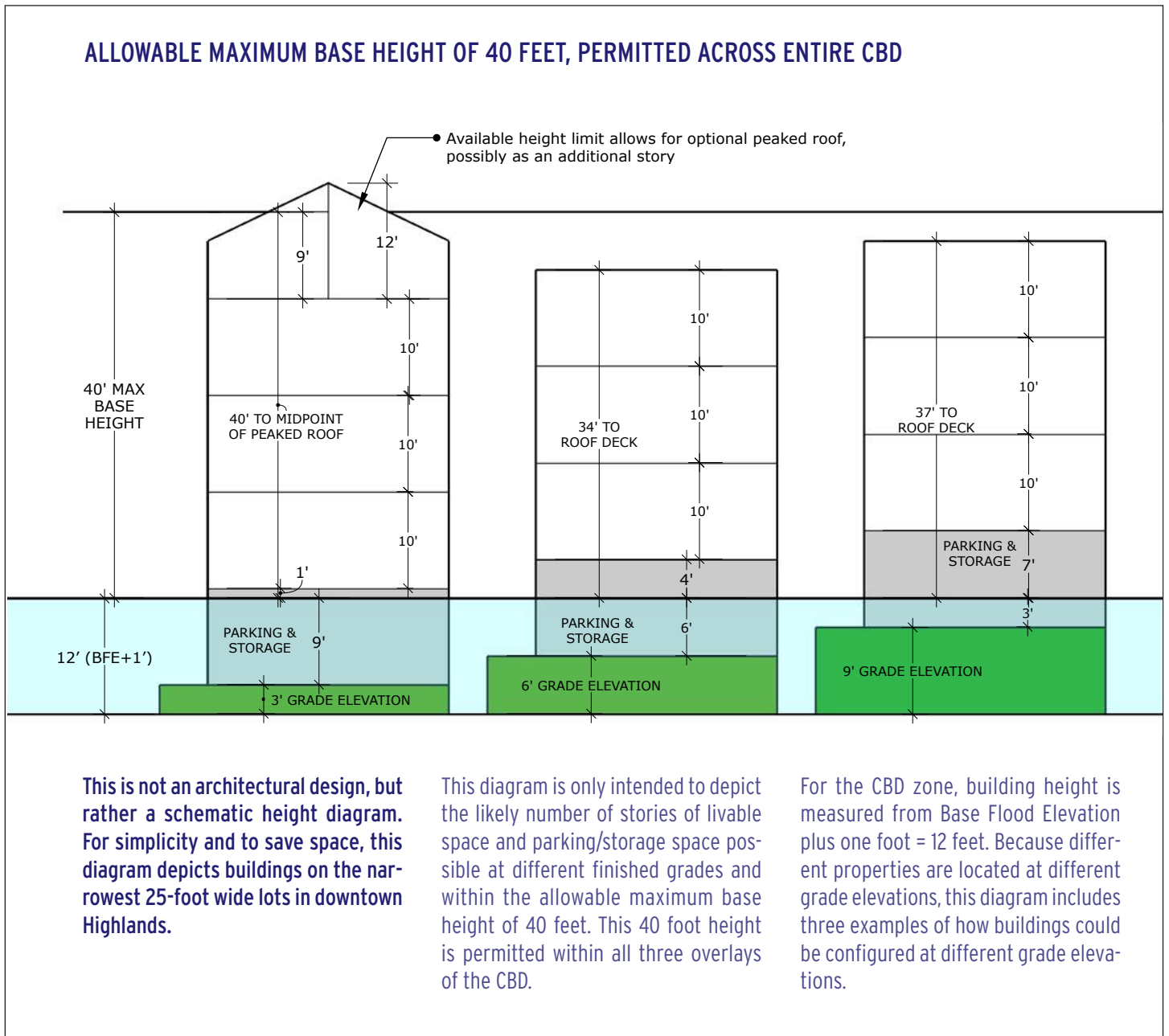
ESTIMATED ZONING HEIGHT: ± 22.5' to 25.5' from BFE+1 (based on an illustrative grade of 5 feet elevation, meaning BFE+1 is 7 feet above grade) to the midpoint of the gabled roof.



## BASE HEIGHT ALLOWANCE

Buildings in all three Overlay areas are permitted an as-of-right maximum height of 40 feet. **Figure 7** shows examples of how buildings can be constructed within this allowable 40 feet. The illustration also shows how total maximum possible building height will vary depending on the finished grade of a particular site.

**FIGURE 7. ILLUSTRATION OF 40 FEET MAXIMUM BASE HEIGHT PERMITTED THROUGHOUT CBD**



## BONUSES FOR ADDITIONAL HEIGHT ALLOWANCE

This section describes two entirely optional approaches by which a developer may gain additional permitted building height by complying with certain very specific requirements. These additional heights are only permitted in certain defined Overlay areas, not the entire CBD. The requirements are intended to help create a more spacious, engaging, pleasant, and environmentally-beneficial public realm, particularly along Bay Avenue. **Table 2** compares the major requirements necessary to attain Height Bonus A or B.

### Height Bonus Option A (Overlays 2 and 3)

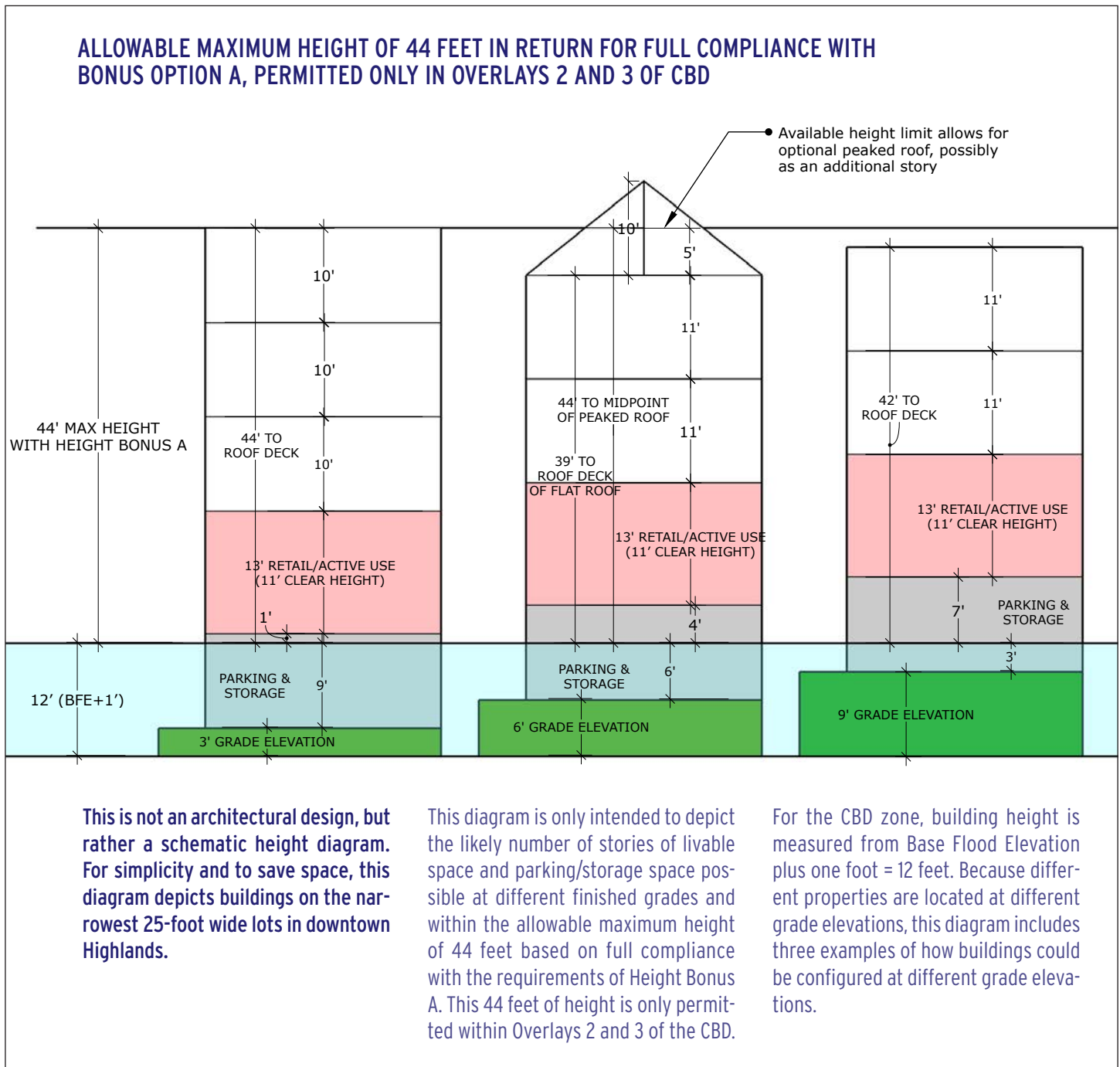
In Overlay Zones 2 and 3, a Height Bonus Option A provides for the *option (not a requirement)* of building height to be increased by an additional four (4) feet, for a total of 44 feet maximum height, *provided that* they comply with certain requirements for active uses and front setbacks. The intention of this bonus option is to provide for more generous and higher-quality floor-to-floor heights, such as 12 to 14 feet for the Lowest Floor, and 11 feet for each of the upper floors. Requirements to gain this Height Bonus Option A shall include all of the following:

- The building shall provide a minimum eight (8)-foot deep front setback. The front setback area shall be improved with decorative paving and landscaping and at least a portion shall serve as an extension of the public sidewalk. Larger shade trees are encouraged, particularly to augment any gaps in street trees within the public sidewalk.
- All surfacing in the front setback shall be designed and maintained to permit infiltration of stormwaters, such as via porous paving, rain gardens, coarse gravel, and/or landscaping.
- The building shall provide active uses (see definition below) of minimum depth 15 feet on the Lowest Floor (as defined in zoning; this might be a dry-floodproofed ground floor or a floor raised above the BFE); and of minimum width of 50 percent of the building frontage.
- Any raised Lowest Floor active uses shall be accessed from the sidewalk by stairs leading up to an elevated deck or porch of minimum five (5) feet depth and occupying at least half of the building facade width. Stairs that are recessed within the building facade, and elevators, are not a means to meet this requirement; however, they may be provided as a secondary means of access.
- The Lowest Floor shall have a minimum internal clear height of 11 feet (floor to ceiling).
- Required setback areas may not be fenced off from the public sidewalk.

- The top floor of buildings that use the Height Bonus Option A shall comply with front and rear Stepbacks, as defined in **Section IX.A.4. Massing and Articulation / Stepbacks**, below.

**Figure 8** shows how buildings may be constructed within Height Bonus Option A's allowable maximum height of 44 feet, as well as how total maximum possible building height will vary depending on the finished grade of a particular site.

**FIGURE 8. ILLUSTRATION OF 44 FEET MAXIMUM HEIGHT WITH OPTIONAL BONUS A, AS PERMITTED ONLY IN OVERLAYS 2 AND 3**



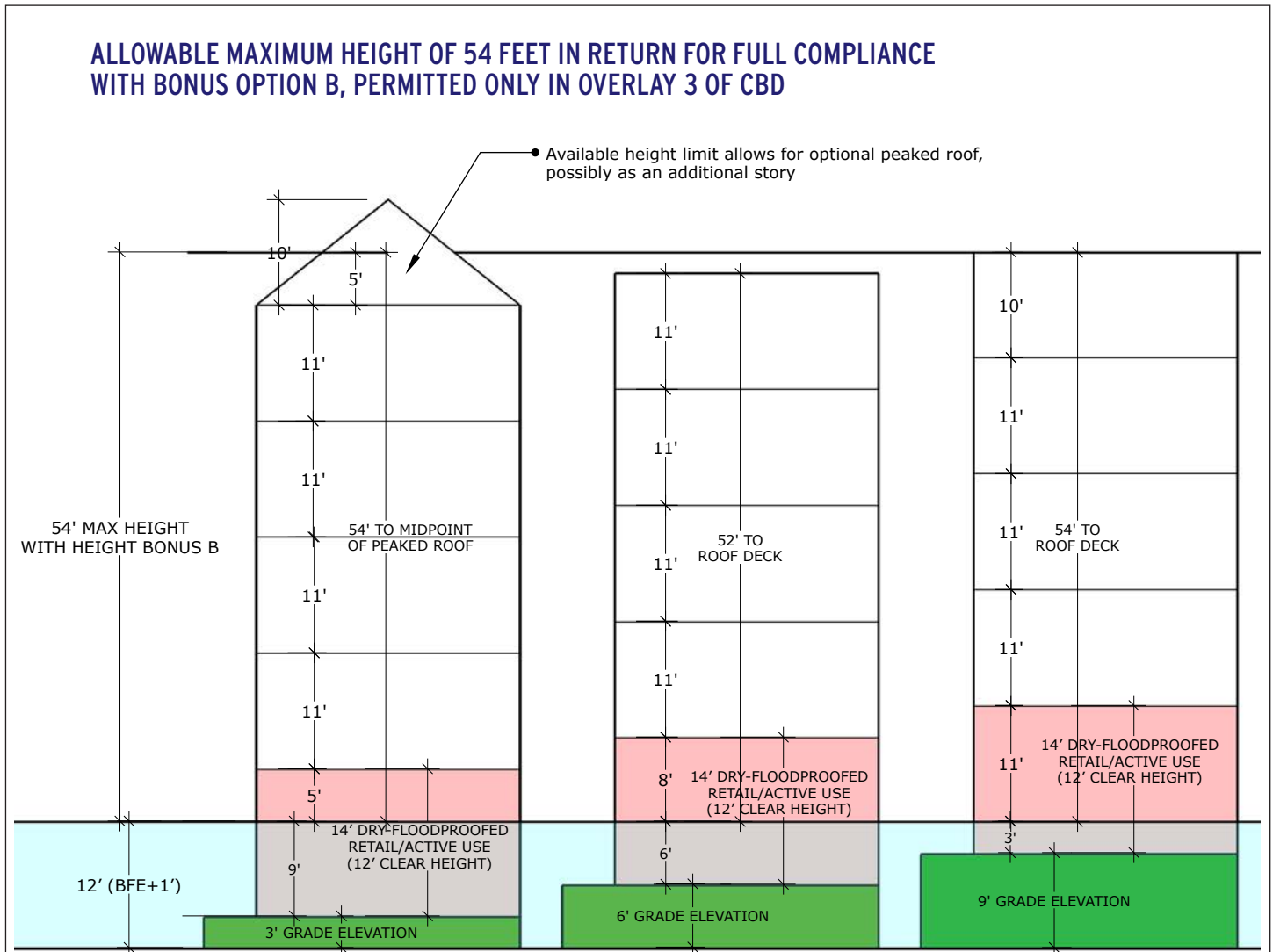
### Height Bonus Option B (Overlay Zone 3 only)

In Overlay Zone 3 only, a Height Bonus Option B provides for the option of building height to be increased by an additional 14 feet, for a total of 54 feet maximum height, *provided that* buildings comply with certain stronger requirements for active ground-floor uses and front setbacks. (This bonus is not cumulative with Height Bonus Option A.) The intention of this bonus is to provide for generous floor-to-floor heights *and* a full additional story, as compensation for the expense of providing dry-floodproofed ground-floor active uses. Requirements to gain this Height Bonus Option B shall include all of the following:

- The building shall provide a minimum 12-foot deep front setback. A portion of the front setback area shall serve as an extension of the public sidewalk.
- All surfacing in the front setback shall be designed and maintained to permit infiltration of stormwaters, such as via porous paving, rain gardens, coarse gravel, and/or landscaping.
- The building shall provide dry-floodproofed, ground-floor, active use(s), (see definition below) of minimum 25-foot depth and occupying at least 50 percent of the building frontage. “Ground floor” shall mean that the finished floor of the active use is within three (3) feet of the grade of the sidewalk at the store entry. All such ground floor uses shall be constructed in compliance with Borough Zoning §21-125.1 and §21-125.2, which govern Residential and Non-Residential Construction in Areas of Special Flood Hazard.
- The path to ground-floor entries shall remain unobstructed, but the remainder of the setback area shall be designed as a plaza with decorative paving, landscape planters, low and medium-height plantings, and small ornamental trees. Larger shade trees are encouraged, particularly to augment any gaps in street trees within the public sidewalk. Where appropriate to the adjoining use, the setback area shall include seating for outdoor dining or space for merchandise sales; otherwise, informal public seating shall be provided, such as a bench, small tables and chairs, or a low stone wall around a landscaping area. Pedestrian-scaled lighting and bicycle racks are encouraged as well.
- The second floor and all upper floors may include any of the permitted uses for Overlay Zone 3.
- Front porches and decks are permitted for the second floor and upper floors, and may include a staircase from the ground level.
- The ground floor shall have a minimum internal clear height of 12 feet (floor to ceiling).
- Required setback areas may not be fenced off from the public sidewalk.
- The top floor of buildings that use the Height Bonus Option B shall comply with front and rear Stepbacks, as defined in **Section IX.A.4. Massing and Articulation / Stepbacks**, below.
- Maximum lot coverage is permitted to increase from 80 percent to 88 percent if all requirements for this Height Bonus Option B are attained. See **Section VII.B, Coverage**, above.

**Figure 9** shows how buildings may be constructed within Height Bonus Option B's allowable maximum height of 54 feet, as well as how total maximum possible building height will vary depending on finished grade.

**FIGURE 9. ILLUSTRATION OF 54 FEET MAXIMUM HEIGHT WITH OPTIONAL BONUS B, AS PERMITTED ONLY IN OVERLAY 3**



**This is not an architectural design, but rather a schematic height diagram. For simplicity and to save space, this diagram depicts buildings on the narrowest 25-foot wide lots in downtown Highlands.**

This diagram is only intended to depict the likely number of stories of livable space and parking/storage space possible at different finished grades and within the allowable maximum height of 54 feet based on full compliance with the requirements of Height Bonus B. This 54 feet of height is only permitted within Overlay 3 of the CBD.

For the CBD zone, building height is measured from Base Flood Elevation plus one foot = 12 feet. Because different properties are located at different grade elevations, this diagram includes three examples of how buildings could be configured at different grade elevations.

**TABLE 2. COMPARISON OF MAJOR REQUIREMENTS AND DIFFERENCES FOR BASE HEIGHT AND OPTIONAL BONUSES A AND B.**

This is not a complete list of requirements for building and site standards, nor does it fully describe requirements for Bonuses A and B. Please refer to the text of this Redevelopment Plan for complete details, including definitions of Active Use and Lowest Floor.

	<b>BASE AS-OF-RIGHT HEIGHT</b>	<b>WITH INCREASED HEIGHT VIA BONUS A</b>	<b>WITH INCREASED HEIGHT VIA BONUS B</b>
<b>WHERE PERMITTED IN CBD</b>	All three Overlay Areas	Overlays 2 and 3 only	Overlay 3 only
<b>MAX. PERMITTED HEIGHT ABOVE BFE+1</b>	40 feet	44 feet	54 feet
<b>REQUIRED BUILDING ELEMENTS</b>	Ground Floor may only include parking, storage, and other uses compatible with wet-floodproofing.	Active Use at Lowest Floor, of min. 15-foot depth and occupying min. 50 percent of frontage width. Top floor compliance with front and rear building setback requirements. Elevated deck or porch required at any raised Lowest Floor, accessed from front staircase.	Active use in a dry-floodproofed Ground Floor, of min. 25-foot depth and occupying min. 50 percent of frontage width. Top floor compliance with front and rear building setback requirements.
<b>REQUIRED SITE ELEMENTS</b>	2-foot front setback, to be paved with concrete as an extension of the public sidewalk.	8-foot front setback, with landscaping and porous decorative paving.	12-foot front setback, with landscaping and porous decorative paving. Seating encouraged if appropriate to the Ground-Floor use.
<b>LOT COVERAGE</b>	80 percent	80 percent	May be increased to 88 percent if all requirements for Bonus B are met.

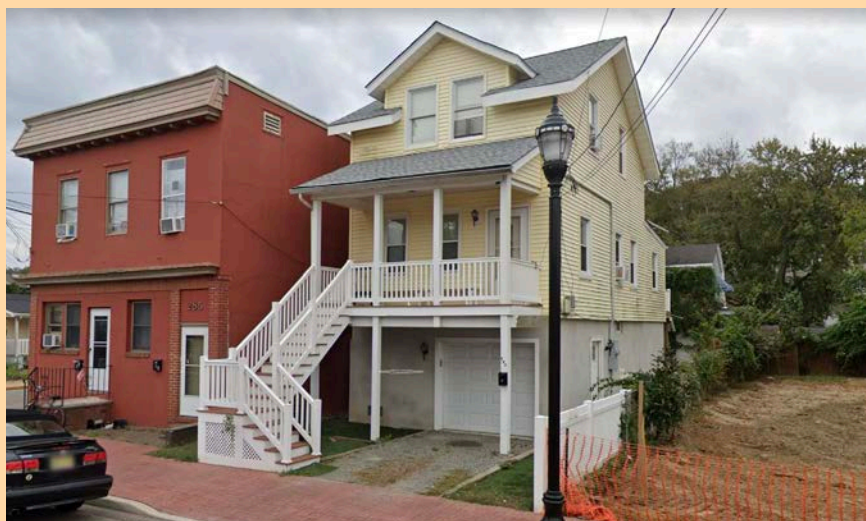
**HEIGHT EXAMPLE**

**288 BAY AVENUE, HIGHLANDS**

2-story single-family over garage level.

ESTIMATED TOTAL HEIGHT: ± 32' to 36' high from grade to ridgeline / peak of roof.

ESTIMATED ZONING HEIGHT: ± 21' to 25' from BFE+1 (based on an illustrative grade of 5 feet elevation, meaning BFE+1 is 7 feet above grade) to the midpoint of the gabled roof.





## HEIGHT EXAMPLE



### **5 WASHINGTON AVENUE, HIGHLANDS (outside the CBD)**

3-story single-family over  
garage level

ESTIMATED TOTAL HEIGHT:  $\pm$  34'  
to 42' from grade to ridgeline /  
peak of roof.

ESTIMATED ZONING HEIGHT:  $\pm$   
22' to 29' from BFE+1 (based  
on an illustrative grade of 5  
feet elevation, meaning BFE+1  
is 7 feet above grade) to the  
midpoint of the gabled roof.



## ACTIVE USES

Active uses at the ground floor, and to a lesser degree, on an elevated floor, create more pedestrian foot traffic, vibrancy, and visual interest at the sidewalk. Active uses that are permitted to be provided towards meeting the Height Bonuses, Option A or Option B, requirements include, but are not limited to:

- Restaurants, cafes, retail shops, boutiques, and kiosks, grocery stores, banks, certain types of walk-in service retail, such as hair salons and realtors, and art-related uses such as galleries, studios, and workspaces.
- Shared support spaces for upper floor residential units, such as lobbies and amenity areas such as resident lounges, mail rooms, game rooms, and work-out rooms.

The following uses are not permitted to count as active uses in the Height Bonus requirements because they tend not to contribute visual activity or “eyes on the street”:

- Office-type commercial uses, such as professional offices, law and accountant offices, insurance offices, and medical offices, and private residential units.
- Parking garages and entries to parking garages.



Examples of active street fronts with retail spaces, lots of windows, and outdoor seating in setback plaza areas.



## E. Required Open Spaces

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### PRIVATE OPEN SPACE

For residential uses, this Redevelopment Plan applies a similar requirement for private open space as in existing zoning §21-91, A.4.b, with a couple of minor changes to remove the per-bedroom open space requirement and to allow porches, as follows.

For any building containing residential uses, outdoor living space is required at the rate of one hundred (100) square feet per unit; however, no additional open space is required based on the number of bedrooms. Each unit's minimum 100 square feet of outdoor space shall be private to and connected directly to the unit, either adjoining a floor of the unit or connected by a private staircase to the roof or the ground.

This private open space may be provided through any combination of outdoor, open-air spaces at ground level, directly adjacent to the unit and elevated in the form of balconies, decks, *porches*, and/or in the form of roof top terraces. Compared to existing zoning, *porches* – which are typically defined as an outdoor space that is covered with a roof -- are a new permitted format for the required private outdoor open space, and should provide more flexibility in building design because they can be covered with a roof or another floor of uses.

The areas provided shall be for the exclusive use of the adjoining residential unit and shall be sufficiently screened or otherwise designed to insure such privacy and exclusive use.

Front setback open spaces may not be counted as Private Open Spaces if they are provided as part of the minimum front setback requirements for Height Bonuses, Option A or Option B, as such spaces are intended to be public or shared communal spaces.

Open spaces must be exterior, out of doors, and open air. Indoor spaces such as resident lounges and gyms do not count as private open space.

### PUBLICLY-ACCESSIBLE OPEN SPACE

Buildings with retail or commercial space are encouraged to provide a plaza or pocket park with room for outdoor dining, café seating, merchandise sales, and/or informal public seating within front setbacks or any street-facing setbacks. This is encouraged even when the front setback is not tied to a Height Bonus. Benches, landscape planters, and small ornamental trees and bushes are encouraged in these front areas as well.



A modern style of covered porch



Private open space on a roof deck

## VIII. PARKING AND CIRCULATION

### A. Vehicular Parking

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#### PARKING SUPPLY

##### Ordinance O-21-29 (2021)

Borough **Ordinance O-21-29 (June 2021)** amended Section 21-65.14 of the Zoning Ordinance to address off-street parking requirements across the entire Borough. The new Ordinance continues to permit required parking to be provided on-site or off-site, and contains provisions that make it easier to provide parking for new development, such as:

- Residential uses are permitted to count first any available on-street parking spaces before determining the number of parking spaces that must be provided off-street.
- Outside the CBD, the non-residential parking requirement (excluding restaurants and bars) was lowered to 1 space per 600 square feet. In the CBD, the requirement remained one space for every 300 square feet GFA; however, a new exemption was added that allows the first 1,000 SF of GFA to be exempt from any parking requirements. The net result of these changes penalizes larger non-residential uses (those over 2,000 SF) in the CBD by imposing higher parking requirements than elsewhere in town.
- If the required non-residential parking supply cannot be provided on-site, the developer is required to pay an annual fee to the Highlands Capital Improvement Fund based on the number of deficient spaces so that the Borough may provide the parking at one of its municipal lots.
- Where a shared parking approach for uses with different peak demand periods could result in a total overall lower parking requirement, the Borough may allow the construction of the lesser number of spaces, provided the site plan shows how the additional space will be provided if necessary.

In order to streamline and unify parking regulations in the CBD, **this Redevelopment Plan includes new parking ratios (below) that shall replace those of Ordinance O-21-29. The Borough shall strike from Ordinance O-21-29 any regulations specific to the CBD.**

##### New Minimum Parking Ratios for Residential in the CBD

- Single-family detached and townhouses: follow NJ Residential Site Improvement Standards (RSIS) for single-family, namely 1.5 spaces for a two-bedroom, 2.0 spaces for three-bedroom, and 2.5 spaces for four-bedroom, and 3.0 spaces for five or more bedrooms.

- Two-family attached and multi-family buildings with three (3) or more units: follow RSIS for Midrise Apartments, namely 1.8 spaces for one-bedroom units, 2.0 for two-bedroom units, and 2.1 for three-bedroom units.
- **BONUS PARKING REDUCTION:** Any residential units in a building in Overlay Zones 2 or 3 containing retail or other active use on the Lowest Floor or ground floor, as specified for Height Bonuses, Option A or Option B in the **Section VII.D, Building Height**, may elect to follow the lower RSIS standards for High-Rise Apartments, namely: 0.8 spaces for one-bedroom units, 1.3 spaces for two-bedrooms, and 1.9 spaces for three-bedrooms.

### **New Minimum Parking Ratios for Non-Residential in the CBD**

- Bars and restaurants shall provide 1 space per 4 seats or stools (same as the Parking Ordinance O-21-29).
- For other non-residential uses: The first 1,000 square feet of non-residential space shall be exempted from parking requirements. After that, parking ratios shall be 1 space per 600 square feet of non-residential space. Where a building contains more than one non-residential space or storefront, the areas of each space shall be combined before deducting the 1,000 SF exemption, and the remaining space shall be used to determine required parking for all the non-residential areas as a whole. In other words, the 1,000 SF exemption may only be used once per building.
- Similar to how residential parking is addressed in Ordinance O-21-29, non-residential uses are now also permitted to first count any available and adjacent on-street parking spaces before determining the number of off-street parking spaces to be provided.

### **PARKING ACCESS**

Where possible on corner lots and through lots, structured parking and open parking areas under buildings should not be accessed from Bay Avenue, but rather should be accessed from the rear of the lot or from a side street. Such access allows for a more inviting and safer street frontage, without the interruption of garage doors or driveways.

The permitted number and width of driveways and curb cuts from a public street are discussed in existing zoning, **Section 21-65.5, Driveways**. In addition, in the CBD, continuous curb cuts (such as lead to a row of pull-in parking spaces) are prohibited.

## PARKING DESIGN AND BUFFERING

### Surface Parking Lots



A low wall and simple chain fencing delineate a parking lot.

The Borough’s **Parking Ordinance (Amending Section 21-65-14 of the Borough Code)** includes regulations that appear to apply to surface parking lots, and require that *non-residential* parking areas be “delineated by a treated wood guide rail ... a minimum of 30 inches above grade and consist of vertical and horizontal members.” The purpose of the guide rail appears to be to screen and improve the appearance of open, exposed parking areas.

### Parking Garages

The Ordinance also specifies that parking garages, where permitted and constructed, shall incorporate “features to add visual interest and improve the overall appearance of the structure as viewed from the street.”

### Exposed Parking Level on Ground Floor of a Building

Where the ground-level of a building, regardless of the building use, includes parking spaces that are exposed along any street frontage, one or more of the following improvements shall be included to soften the view of the parked cars. Any portion of street-facing building frontage that remains open, with the exception of driveways and garage entries, shall be buffered with a low masonry wall of one to three feet in height, a decorative fence of three to four feet in height, and/or a landscaping planter bed. Plantings, if used, should include a variety of species and should include those that maintain shape and texture through the winter, such as evergreens and tall native grasses. Alternately, the entire parking facade (except for driveways and garage entries) may be covered with a wood or PVC lattice screen, set within or behind regularly-spaced piers or columns.

### Solid Walls around Parking Level on Ground Floor of a Building

Where all or a portion of a ground floor garage’s solid facade wall faces a public street, it is important to break down the scale of the garage facade and provide some transparency and connection to the street. This is likely only an issue on wider parcels that have extensive street frontage, or on a corner lot; on the typical interior-block narrow residential lot, the garage door and porch stairs or front door likely occupy the entire street-facing facade, leaving little area of “blank” garage wall along the street.

Accordingly, any portion of a ground floor garage’s solid facade wall that faces a public street shall include the following measures. Windows and/or ventilation screens or grates should be provided at least every 20 feet.

High clerestory windows with translucent or opaque glazing are suggested for maximizing privacy while creating a sense of visual permeability in the parking facade. Alternately, metal grilles or screens may be used in garage windows to allow inflow and outflow of floodwaters. Large expanses of garage walls should be broken down in scale, for example with a thicker masonry base, accent trim, and/or contrasting textures or brickwork.

Garage door design is discussed below in **Section IX. Design Standards / Building Design / Facade Transparency / Garage Doors.**

## **B. Bicycle Parking**

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For buildings containing more than three (3) residential units, indoor bicycle parking racks shall be provided within a secure, access-controlled room inside each building or within a separate area within the garage, at a minimum ratio of one indoor bicycle parking space for every 4 residential units. At least 15 square feet of area shall be provided for each bicycle space to account for maneuvering room around handlebars and pedals; double-height racks to stack bicycles are permitted in order to meet this requirement. Bicycle racks must be securely anchored and designed to allow the bicycle frame and one wheel to be secured.

Outdoor bicycle racks shall also be provided near the primary pedestrian entry, as follows. A minimum ratio of one (1) outdoor bicycle parking space shall be provided for every eight (8) residential units, as well as one (1) outdoor bicycle space for every 2,000 square feet of retail or commercial space. Bicycle racks must be securely anchored and designed to allow the bicycle frame and one wheel to be secured.



Attractive outdoor bicycle parking racks

# IX. DESIGN STANDARDS

## A. Building Design

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### BUILDING ORIENTATION AND ACCESS

For parcels with frontage along Bay Avenue, the front facade shall face Bay Avenue. For parcels not adjoining Bay Avenue, but located along Shore Drive, the front facade shall face Shore Drive. For parcels not located along either of these streets, the orientation of the front facade is flexible.

The primary entry door to ground-floor retail or commercial uses shall be located within the front facade.

The primary entry door to residential uses in an all-residential building shall be located in the front facade, and may be placed within an at-grade residential lobby or vestibule in the front facade at the ground level, connecting via an internal staircase to the elevated “lowest floor”; or on the elevated “lowest floor,” accessed by an external staircase and porch at the front facade. In mixed-use buildings, residential entry doors may be located on a side facade as long as the entry door to the other active use is located in the front facade.

### FACADE TRANSPARENCY

#### Retail / Commercial Uses

At least 50 percent of the front facade area of retail and commercial spaces (whether ground-floor or elevated) shall have large storefront-style plate glass windows and fully-glazed doors, in order to maximize visibility into the space. Where a building’s retail or commercial space wraps the corner at a side street, the side frontage shall include windows comprising at least 50 percent of that floor’s facade area for at least the front ten (10) feet of the space.

Roll-up or fold-away windows or walls are encouraged for front facades of restaurants, cafés, and other retail businesses in order to allow the interior space to be more open and well-ventilated during good weather or during a pandemic. Seating for outdoor dining is encouraged as well.

#### Residential Uses

The primary entry door for residential uses shall include a glazed area, such as a row of glass lites or a large panel of

Outdoor dining can help enliven streets.





glass. To further accentuate the door, side lite windows and wall-mounted sconce lighting are encouraged.

Residential uses on upper floors shall include windows comprising at least 25 percent of the facade area along all street-facing facades. In order to strengthen the relationship between private interior space and the public sidewalk, multi-family buildings shall place common areas such as lobbies, mail rooms, and amenity spaces at the front facade, where they can take advantage of larger areas of windows.

## Garages

Garage doors shall be paneled, and shall include a row of glazed lites (window panes), which may be frosted or opaque for privacy and security concerns. Alternately, mesh or metal screens are permitted in lieu of lites in garage doors in order to facilitate inflow of floodwaters in a wet-floodproofing configuration. Individually-operable garage doors are preferred over double-wide garage doors, because they have a smaller, pedestrian-friendly scale.

## PRESERVING THE CONNECTION BETWEEN UPPER FLOORS AND THE STREET

Given the requirements to elevate residential uses above BFE+1, and the expensive of dry-floodproofing any non-residential uses placed below BFE+1, it is likely that the Lowest Floor of buildings will be elevated, placing most of the activity – whether residential, retail, or other use -- far above the sidewalk. Where this is the case, the following requirements are intended to strengthen the relationship between the raised uses and the public sidewalk. These requirements are independent of whether a Height Bonus has been used (see **Section VII.D., Building Height / Bonuses**).

### Required Porch or Deck at Raised Lowest Floor

Where the Lowest Floor *containing any use* is raised above the sidewalk, a porch or deck shall be provided at the Lowest Floor, occupying the full width of the front facade. The porch or deck shall be accessed by generously-proportioned stairs and/or ramps; indoor elevators are also permitted but do not remove the need for the front porch or deck. The Lowest Floor facade should include a high proportion of windows. The configuration of the porch or deck's railings should not block views of the Lowest Floor windows from the sidewalk. Any turn in the staircase or ramps should happen at a low-enough height that the elevated front door remains visible from the sidewalk, rather than being obscured by railings.

For Lowest Floor *non-residential uses*, a series of terraces or landings with seating and landscaping should be incorporated into the stairs or ramps



An example of a generous front porch on the Lowest Floor.

to make them more inviting. The Lowest Floor porch or deck should be designed as an inviting space that encourages people to come up and explore, such as with seating, landscaping, and shade elements, and pedestrian-scaled lighting.

## MASSING AND ARTICULATION

### Vertical Bays

The following applies to all new buildings exceeding 40 feet in length or width. Such buildings shall be broken down along all street-facing facades into a series of vertical bays each not to exceed 30 feet in width. Each bay shall be defined by a physical change in plane of at least one (1) foot relative to adjacent bays, such as is provided by a recessed or projecting bay, stacked balconies or porches, or stacked projecting bay windows. Differentiation based only on facade colors or materials is insufficient to define a bay.

### Stepbacks

Buildings using either Height Bonus (see **Section VII.D. Building Height**) shall provide both front and rear stepbacks on the topmost floor, as follows:

- Buildings between 40.1 and 44.0 feet tall (that is, where additional height is permitted through attaining the **Height Bonus Option A**) shall provide front and rear stepbacks, each of a minimum six (6) feet deep.
- Buildings taller than 44.1 feet (that is, where additional height is permitted through attaining the **Height Bonus Option B** for a maximum height of 54.0 feet) shall provide front and rear stepbacks, each of a minimum ten (10) feet deep.

The stepbacks are measured relative to the primary facade plane of the floor below, and shall be designed as balconies, porches, or terraces for adjoining living spaces. A roof is permitted over stepback areas, but any such roof shall be designed and massed as secondary to the main roof mass of the building.

### Roof Form

Sloping roofs with deep eaves or overhangs are the preferred roof forms and are incentivized by the definition of where building height is measured. Cross-gables and dormers are encouraged on sloping roofs. Any areas of flat roof should receive horizontal emphasis such as deep overhangs, parapets, and/or cornices. On larger buildings, the roofline shape should vary in relation to the massing of vertical bays below.

## Articulation

Building facades shall be articulated and enlivened with elements such as bay windows, balconies, piers, corner boards, overhangs, awnings or canopies, porches, windows and varied materials and textures, so as to avoid large uninterrupted areas of blank walls. Shutters, if used, shall be large enough to actually cover the window they frame, even if they will remain fixed in place.

On buildings with ground-floor retail or commercial uses, architectural accents shall be used to highlight the ground floor, such as: a cornice band above the storefront floor, flat sheltering canopies over entryways and large expanses of windows, wall-mounted sconce or gooseneck lighting, decorative tilework, and attractive signage. In addition, higher floor heights are encouraged for ground floors.

## Gateway Massing

Special Gateway treatments are required on new buildings located at important intersections to reinforce the Central Business District's identity as a distinct place and create a sense of entry to the Borough. The three identified Gateways to the CBD are shown in the **Figure 5, Redevelopment Overlay Zones and Gateways**, and include parcels bordering Waterwitch Avenue at Huddy Park, between Bay Avenue and Shore Drive; Bay Avenue at Miller Street; and Bay Avenue at Shrewsbury Avenue and the Veterans Memorial Park.

As explained in more detail above in **Section VI.C, Gateway Parcels**, buildings fronting onto these Gateway intersections are required to have accent massing to emphasize the corner. Additional height is permitted at these Gateways, as specified for their location within either Overlay 2 or 3, if they comply with the requirements for the Height Bonuses, Option A or Option B, as appropriate. Parking lots and garages shall be placed away from these important intersections where possible.

## Green Building Design

On southern exposures, buildings shall include projecting overhangs, flat canopies, brise-soleils / sunshades and the like to shield against solar gain, provide shade, and increase building energy efficiency.

Roof coverings painted in highly-reflective, light colors are encouraged. Green roofs are encouraged as a means to help detain precipitation and provide insulation to floors below.

Where a deeper front setback is required as a condition of attaining the Height Bonuses, Option A or Option B, this entire front setback is required to be surfaced with porous materials. See **Section VII.D. Building Height**

/ **Bonuses** for details on requirements for porous paving in front setback areas.

## **ARCHITECTURAL STYLE AND MATERIALS**

### **Building Styles**

A broad design palette is permitted, provided that buildings have high-quality design. Buildings are encouraged to make reference to prevailing historic styles and vernacular materials of the Jersey Shore, such as (but not limited to) shingle cottages, “gingerbread” trim, generous front porches (often on all levels of a building), and gambrel or hipped roof forms with dormers. However, references to historical motifs should be used in moderation and only where they form a cohesive design.

### **Façade Materials**

Preferred façade materials include fiber cement and wood siding in horizontal clapboards or shingles, board and batten siding, brick, cultivated stone, or other masonry. Stucco and EIFS are discouraged. Materials used below BFE+1 should be able to withstand periodic inundation by floodwaters.

### **Application of Materials**

No more than three different materials should be used as primary materials within each building bay. Within the chosen primary materials, variation in color, texture, and/or pattern may be employed to create further distinctions. Changes in materials, colors, texture, or pattern that occur across a horizontal line should be marked by a change in plane, dimensional band or belt cornice, a recessed channel, or similar horizontal feature. Materials should be extended around corners and extensions to a logical vertical break in plane, in order to avoid a “pasted on” appearance. The level of materials, detailing, and articulation should be consistent along all building facades, not just street-facing facades.

## **B. Public Improvements**

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This section discusses possible improvements that the Borough of Highlands could make on its public rights-of-way to help improve the pedestrian environment.

### **GATEWAY TREATMENTS**

Within the public right-of-way, special Gateway treatments at important intersections could help to reinforce the Central Business District’s identity as a distinct place and create a sense of entry to the Borough. Re-

fer to **Section VI.C., Gateway Parcels**, above for a description of three designated Gateways. It is recommended that the Borough improve the public streetscape in these areas with such features as unit-paver pedestrian crosswalks at all sides of major intersections, bulb-outs at the ends of parking lanes to shorten pedestrian crossing distances, “Welcome to downtown Highlands” signage, public art, and landscaped sidewalk plantings and accent street trees. A feasibility and design study is needed in order to plan these improvements in more detail.

## **STREET LANDSCAPING AND OPEN SPACES**

Downtown Highlands has few street trees. In part this is due to the very narrow sidewalk widths and the need to provide adequate clear walking paths for pedestrians. Street trees need generous planting volume to grow and thrive. In addition, periodic saltwater flooding may make for an inhospitable tree environment. Some towns with narrow sidewalks plant street trees in curbed planting areas within the parking lane between designated parking spots. Similarly, Highland could plant street trees in the parking lane between garage entry curb cuts. It should be noted, however that trees in the parking lane make it more difficult to street-sweep and plow snow.

Therefore, this Redevelopment Plan provides an incentive for planting of trees and other landscaping within front setbacks (i.e., on private land). The Height Bonuses, Option A and Option B (see **Section VIID. Building Height/Bonuses**, above), grant additional building height in exchange for several requirements, including a front setback area of 8 to 12 feet deep with landscaping. The landscaping in these front setback areas should include large street trees or smaller ornamental trees, either of which would contribute greatly to the appeal of Bay Avenue for pedestrians. In addition, the front setbacks will create an effectively wider sidewalk width, making the walking environment more spacious and comfortable.

## X. REDEVELOPMENT ACTIONS

This Redevelopment Plan provides for several actions in support of the overall Redevelopment Plan goals and objectives, as follows:

### **A. Outline of Proposed Actions**

Construction of new structures and other improvements will take place as proposed in Chapters V through IX of this Redevelopment Plan. Infrastructure will be constructed as set forth in one or more redevelopment agreements or as set forth in connection with site plan approval. Redevelopers should adhere to the overall parameters for development presented in this Redevelopment Plan.

### **A. Properties to Be Acquired**

The Redevelopment Area was designated as a “non-condemnation Redevelopment Area”; no properties are currently identified for acquisition by eminent domain for redevelopment purposes.

### **A. Relocation**

Any redeveloper will be required to provide for the temporary and permanent relocation, as necessary, of residents in the project area in accordance with applicable statutes and regulations.

The Redevelopment Area and surrounding areas include a substantial amount of decent, safe and sanitary dwelling units affordable to displaced residents.

### **A. Other Actions**

In addition to the actions described above, several other actions may be taken to further the goals of this Plan. These actions may include, but shall not be limited to:

- Demolition of existing structures as necessary to allow for new construction.
- The option to consolidate and/or resubdivide lots to the extent necessary.
- Provisions for utilities and other infrastructure necessary to service and support new development.
- Environmental remediation as necessary to effectuate the Redevelopment Plan.
- Creation and/or vacation of easements as may be necessary for redevelopment.

- The Borough may from time to time enter into redevelopment agreement(s) with property owners to the facilitate the goals of the Redevelopment Plan in accordance with the LRHL.
- Any and all other actions and powers authorized by State law, including, but not limited to, the LRHL.

# XI. GENERAL ADMINISTRATIVE REQUIREMENTS

## **A. Site Plan and Subdivision Review**

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For any development plan requiring site plan approval, prior to commencement of construction, a site plan for construction of improvements within the Redevelopment Area, prepared in accordance with the requirements of the MLUL, shall be submitted by the applicant for review and approval by the Highlands Land Use Board, unless such approval has previously been granted. One- and two-family homes are specifically exempt from site plan review. Subdivision approval shall also be required for any lot consolidations or mergers.

## **A. Easements**

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No building shall be constructed over a public easement in the Redevelopment Area without prior written approval of the Engineer of the Borough of Highlands.

## **A. Adverse Influences**

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No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

## **A. Non-Discrimination Provisions**

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No covenant, agreement, lease, conveyance, or other instrument shall be affected or executed by the Borough of Highlands Mayor and Council or by a developer or any of his or her successors or assignees, whereby land within the Redevelopment Area is restricted upon the basis of race, creed, color, ancestry, sex, national origin, family status, disability, or sexual orientation in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color, ancestry, sex, national origin, family status, disability, or sexual orientation.



## **A. Affordable Housing Provisions**

This paragraph addresses the requirements of the LRHL at N.J.S.A. 40A:12A-7 pertaining to existing affordable dwelling units. The Redevelopment Area includes 155 tax lots, of which approximately 100 are developed with buildings that include one or more residential units, either as a freestanding residential use or within a mixed-use structure. There are no known dwelling units in the Redevelopment Area subject to formal affordability controls. While there may be existing housing units that are affordable to low and moderate income households, it is not known precisely how many (if any) exist, and whether any such units will be removed as a result of implementation of the redevelopment plan. Any residents displaced by redevelopment of a building containing a dwelling unit will be provided statutory relocation services.

In addition, the mandatory set-aside requirements in Section 26-2 of the Borough of Highlands Affordable Housing Ordinance apply to any multifamily residential development of five (5) dwelling units or more, including the residential portion of a mixed-use project.

## **A. Deviation Requests**

The Highlands Land Use Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Highlands Land Use Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Redevelopment Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

Notwithstanding the above, any changes to the uses, heights, and densities permitted in the Redevelopment Area shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough governing body and only upon a finding that such deviation would be consistent with

and the furtherance of the goals and objectives of this Redevelopment Plan.

### **A. Escrows**

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Any redeveloper shall be responsible to post sufficient escrows to cover any and all costs of the professional consultants retained by the Borough of Highlands to review the proposed redevelopment project and advise the Borough on any and all aspects of the redevelopment process.

### **A. Electric Vehicle Charging Infrastructure**

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Pursuant to the LRHL at N.J.S.A. 40A:12A-7, the Redevelopment Plan mandates the provision of public electric vehicle charging infrastructure in a manner that appropriately connects with an essential public charging network. There are multiple existing municipal parking lots in the Redevelopment Area, of which one or more may be considered for siting of the charging network. In addition, pursuant to P.L. 2021, c.171, which was signed into law on July 9, 2021, electric vehicle supply/service equipment and parking spaces pre-wired for electric vehicle supply/service are now permitted accessory uses in all zoning or use districts Statewide, and certain nonresidential and multifamily residential developments are subject to installation of electric vehicle charging infrastructure.

## **XII. PLAN CONSISTENCY REVIEW**

### **A. Relationship to Master Plans of Adjacent Municipalities**

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The Borough of Highlands shares municipal boundaries with the Borough of Atlantic Highlands, the Township of Middletown and the Borough of Sea Bright. However, the Redevelopment Area is located in the interior of Highlands and is not proximate to any of the adjacent municipalities. Furthermore, the Redevelopment Plan continues to permit the uses currently permitted in the Borough’s Central Business District and certain additional complementary uses. Therefore, this Redevelopment Plan will not impact any of the adjacent municipalities or their master plans.

### **B. Relationship to the Monmouth County Master Plan**

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Monmouth County’s current Master Plan was adopted in 2016. The Monmouth County Master Plan designates Highlands as a “Priority Growth - Reinvestment Area/Site Overlay (PG-RAS).” These are defined as “(a) reas or sites located within the PGIA where more intense or significant development, redevelopment, revitalization, and hazard mitigation investments are highly encouraged.”

The Redevelopment Plan is also consistent with the goals of the Monmouth County Master Plan, notably the following: “Promote beneficial development and redevelopment that continues to support Monmouth County as a highly desirable place to live, work, play, and stay.”

### **C. Relationship to the State Development and Redevelopment Plan**

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The New Jersey State Development and Redevelopment Plan (the “SDRP”) was originally adopted in 1992. The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-

adopted every three years, the SDRP has only been re-adopted once during the 29 years since its original adoption. A new State Strategic Plan (SSP) has been proposed as the revision to the 2001 SDRP. A timeframe for the adoption of the SSP is uncertain.

This Redevelopment Plan is thoroughly consistent with the SDRP and the draft SSP, as it epitomizes the smart growth principles set forth in both documents. In particular, the Redevelopment Plan promotes the preservation and reuse of developed property, and development of vacant properties, in an area well served by infrastructure, roads and transit, while also promoting upgrades to mitigate impacts from flooding. This Redevelopment Plan therefore furthers the goals, strategies and policies of the SDRP and the proposed SSP.

### **XIII. PROCEDURE FOR AMENDING THE PLAN**

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law. Applicable fees and escrows shall be payable to the Borough of Highlands for any request to amend this Plan.

No amendment to this Redevelopment Plan shall be approved without the review and recommendation of the Land Use Board, and a public hearing and adoption by the Borough Council. A copy of any proposed change to the Redevelopment Plan shall be filed with the Office of the Borough Clerk.

