
LAND USE PLAN ELEMENT

INTRODUCTION

The Borough of Highlands is a 0.71 square mile municipality located in northeastern Monmouth County adjacent to Gateway National Recreation Area and the Sandy Hook Bay. The most prominent landmark in Highlands is the Twin Lights (lighthouse), which was used to guide commercial and naval vessels into the Bay. Highlands is a developed suburban community, with a population density of 7,178 persons per square mile. The Borough's population has remained relatively stable since 1990 and is projected to fluctuate minimally over time.

The Land Use Element is perhaps the most important element of the Master Plan. Its primary purpose is to establish the framework to guide the future physical development of the community. It has the broadest scope and has the role of bringing together all of the elements of the Master Plan. The Land Use Element is a 'living' document where new policies or objectives to guide development within Highlands are born. Subsequently, the means of implementing this policy, -- zoning and subdivision regulations -- are modified to be consistent with the Master Plan.

DEVELOPMENT HISTORY

Highlands has been largely a fishing -- predominantly clamming and lobster -- and seasonal recreational community until the late twentieth century. Highlands' location near Manhattan and Northern New Jersey contributed into transforming Highlands into a "more" year round residential community, with a small-town central business district (CBD). This is not to say that the Borough lacks seasonal residents, rather today, they are more of an exception rather than the norm.

Initially, in Parkertown, the area of Highlands from the bridge to Miller Street, clamming was the entire economy. As stated by James W. Brydon in his 1975 description of the History of Highlands, he indicates that, "men lived off, by and for the clam." One writer said in 1890 that clams were to Parkertown "what the whale once was to Nantucket." In the decades that followed, commercial retail businesses, and seasonal residential cottages located in Highlands. Today, Highlands' is shaping a new vision and direction for the Borough to guide its development and redevelopment in an effort to create a sustainable economy reflective of the twenty-first century.

LAND USE ISSUES

There are several land use issues which are addressed in the Land Use Plan, as follows:

1. There were several new zoning districts approved since 1990 that need to be reconciled with the Master Plan. The newly created districts include the B-1, B-2, B-3, R-B, WC-1, WC-2, WTC and WTR.

The following districts have been eliminated: Commercial Business (CBD), Commercial/Business/Professional, Resort Commercial (RC), Waterfront Transition - 1, Waterfront Transitional - 2, and Municipal Complex (MC).

2. There are multiple special development areas, which are being closely evaluated for potential redevelopment. These special development areas include: the CBD Redevelopment district, the waterfront redevelopment areas and the gateway redevelopment district.
3. Addressing parking needs in established residential and commercial areas - Planning for parking demand associated with residential, and commercial growth in targeted areas of the Borough.
4. The plan should evaluate the adopted zoning for consistency with the existing land use pattern. There are several areas of the Borough where zone changes are recommended to be consistent with existing land uses, while other areas remain nonconforming to encourage their transition to a conforming use over time
5. Commercial districts should have clearly defined uses to reflect the type of redevelopment most appropriate for the respective district.
6. The conversion of commercial uses to residential along Bay Avenue continues to be a problem. The commercial districts, particularly along Bay Avenue should be reviewed to limit the location of commercial uses to well defined areas.
7. The appearance and quality of commercial development should be enhanced in all non-residential districts. This can be achieved by enforcing and updating the Borough's Central Business District Design Manual.
8. The plan should capitalize on the amenities of the waterfront, county park and bikeway improvements, the NYC ferry terminal and Gateway National Recreation Area (Sandy Hook).

9. The Plan should address flooding problems and the impacts of the Federal Emergency Management Agency Regulations.
10. The 1992 Master Plan proposed the creation of a new municipal complex which was never constructed. The Borough's intentions regarding a new or updated municipal complex should be addressed.
11. The Plan should address appropriate infill residential and commercial development.
12. The Land Use Element and Borough policies should be consistent with the State Development and Redevelopment Plan (SDRP) and NJ DEP Coastal Management Rules.

EXISTING LAND USE

Highlands' is characterized as an older suburban single-family residential community. On lower elevations within the Borough, adjacent to Sandy Hook Bay, lot sizes range from less than 2,500 square feet to 5,000 square feet. Single-family housing in newer sections of the Borough, north of Route 36 in "the highlands" are predominately located on lots ranging from 5,000 square feet to 14,000 square feet and larger. Transitional zones consisting of medium density condominiums and apartments exist between commercial districts and single-family residential districts. Waterfront commercial uses consisting primarily of marinas and restaurants contribute significantly to Highlands' sense of place.

As depicted in Table LU-1, Highlands Borough consists of 459 acres (land area) or 0.71 square miles. Residential land uses comprise the majority of the Borough or 55 percent. This development is in the form of single-family residential housing (36.3%), medium density residential (13.5%), mobile home parks (3.3%) and high density residential (1.9%).¹ This Plan defines private open space as deed restricted property located within private condominium or apartment complexes that are regulated by homeowner associations.

Commercial development consisting of marinas (4.6%), restaurants/bars (1.6%) and retail sales and service (4.0%) represent 10.2 percent of land uses within the Borough. Lands associated with Streets and rights-of-way represents a significant portion of the Borough or 8.4 percent.

¹ Medium density residential consists of condominium and apartment complexes with a density less than 14 units per acre. High density development represents mid-rise apartment buildings as defined by the Residential Site Improvement Standards and which are greater than 14 units per acre.

Table LU-1 Existing Land Use

	<i>2000</i>	<i>2000</i>
<i>Land Use</i>	<i>Acres</i>	<i>Percent</i>
<i>Residential</i>		
Single-family Residential	174.0	36.3%
Mobile Home Park	16.0	3.3%
Medium Density Residential	64.6	13.5%
High Density Residential	8.9	1.9%
<i>Commercial</i>		
Marinas	22.2	4.6%
Restaurant/Bar	7.63	1.6%
Retail Sales and Service	19.4	4.0%
<i>Industrial</i>		
Industrial	1.1	0.2%
<i>Public/Quasi-public</i>		
Public Open Space	20.7	4.3%
Public/Quasi Public	28.5	5.9%
Religious	3.7	0.8%
Community Parking Lots	1.35	0.3%
<i>Water</i>		
Riparian Lots	20.2	4.2%
Water (lagoons)	1.2	0.25%
<i>Summary</i>		
Undeveloped	26.5	5.5%
Streets/Rights-of-way	40.5	8.4%
Total Area	480	100.0%
<i>Total Land Area</i>	<i>459</i>	<i>95.5</i>
<i>Total Water Area</i>	<i>21.4</i>	<i>4.5%</i>

Source: T&M Associates Field Survey

**FIGURE LU-2
EXISTING LAND USE MAP**

Atlantic Highlands

Gateway National Recreation Area

Middletown

Sea Bright



0' 500' 1,000'

KEY

- Single-family Residential
- Mobile Home Parks
- Medium Density Residential
- High Density Residential
- Marinas
- Restaurants
- Mixed Use
- Commercial
- Open Space/Recreation
- Public/Quasi Public
- Private Open Space
- Vacant Lot
- Riparian Lot
- Riparian Lot with Improvements
- Historic Site
- Utility
- Parking Lots
- Industrial
- Religious

EXISTING LAND USE MAP

Highlands Borough, Monmouth County, New Jersey

Figure LU-2



1"=1000'

October 2004

Since the adoption of the 1992 Master Plan, there has been relatively minimal new non-residential development in the Borough. Rather, over time as businesses vacate, they are replaced with new residential uses. The cycle of business "turnover" in Highlands' is partially related to flooding of the Bay Avenue corridor. In most cases after flooding occurs, the damage and loss of revenue associated with the flood forces businesses to close down. The effect of flooding often lasts several years before a new business is willing to relocate to the Highlands Business District. Accordingly, the long-term viability of the Borough's business districts relates to the ability to prevent/minimize flooding.

FUTURE DEVELOPMENT POTENTIAL

The development potential of the Borough is based upon analyzing vacant properties identified in the Borough's Geographic Information System and recently approved projects that have not yet been built. The majority of opportunities for future development will exist as a result of redevelopment of existing properties. However, the potential of redevelopment in terms of potential square footage was not conducted as part of this analysis.

As depicted in Figure LU-1, the Borough contains approximately 26 acres of vacant open space. Of the 26 acres, almost all of the remaining land is either Borough owned or environmentally constrained (located within the 100-year floodplain or steep slope areas).

POPULATION PROJECTION

As expressed in the future buildout section of this Plan, the Borough is predominantly built-out, having minimal new development potential. Unless redevelopment occurs in the Borough, which increases residential density, the Borough's population will remain stable. As indicated in the demographics section of this Plan, it should be noted that the number of housing units in the Borough actually decreased by 70 from 1990 to 2000, further suggesting that Highlands Borough is a fully developed community. As such, future growth will be limited, consisting mainly of residential infill development and increased occupancy rates of rental units.

LAND USE PLAN

The Land Use Plan indicates the Master Plan's recommendations with respect to land use. Collectively, the Land Use Plan and corresponding map indicate the location and intensity of land for residential, commercial, industrial, public/quasi-public and other uses. The Land Use Plan is intended to guide the Borough to develop more detailed land use regulations, which are regulated by the Borough's ordinances.

Residential

Single-Family Residential (R-1.01, R-1.02, R-1.03, R-2.01, and R-2.02) & Single-family and Two Family Residential (R-2.03)

The Single-Family Residential Districts are designed for single family development in detached structures. They are located throughout the Borough. Density in residential districts ranges from 3.1 to 11.6 units per acre. The single-family districts also permit public uses, public utility rights-of-way, religious institutions and public and private schools. Over time, many of these uses may be expanded to service the community and accordingly, there is a need to create distinct regulations to better regulate such uses. For religious institutions, this Plan specifically recommends creating standards to better regulate their intensity, scale, building setbacks, parking requirements, appropriate buffers and other standards in the context of surrounding residential development.

Permitted conditional uses include home occupations and bed and breakfasts. Conditions associated with bed and breakfasts and home occupations should be monitored by the Borough and updated periodically.

In addition to single-family residential housing, the R-2.03 district permits duplexes on 7,500 square foot lots subject to increased lot frontage (75 feet compared to 50 feet) and increased side yard setback from 14 feet both sides to 20 feet both sides. An evaluation of land uses within the R-2.03 indicated the existence of only a few duplex units. In an effort to maintain the existing character of the Borough, this Plan specifically recommends removing duplexes as a permitted use within the R-2.03 district.

The principal issues in these districts are to preserve the integrity of the existing single-family neighborhood by reducing the potential for encroaching commercial and multi-family uses and to

provide flexibility to allow residential dwellings to be raised outside of the floodplain in accordance with FEMA regulations. Under current FEMA regulations the following improvements are required for new construction projects or substantial improvement projects (within the 100 year floodplain) to existing structures (when the value of the improvements exceeds 50% of the market value of the structure):

1. All structural components must be adequately connected and anchored to prevent flotation, collapse, or permanent lateral movement of the building during floods.
2. Building materials and utility equipment must be resistant to flood damage. All machinery and equipment servicing the building must be elevated one foot above the Base Flood Elevation (BFE).
3. All utilities must be flood proofed to at least two feet above the BFE including: furnaces, heat pumps, hot water heaters, air-conditioners, washers, dryers, refrigerators and similar appliances, elevator lift machinery, and electrical junction and circuit breakers boxes.
4. Any space designed for human habitation must be elevated to one foot above the BFE, including bedroom, bathroom, kitchen, dining living, family and recreation room.
5. Uses permitted in space below the BFE are vehicular parking, limited storage, and building access (stairs, stair-wells, and elevator shafts only, subject to design requirements described below for walls).

An issue that is threatening the existing character of the Borough is the result of raising one or a few structures on a block above the BFE, while the remaining structures continue at their existing elevation. The following example further elaborates this concept.



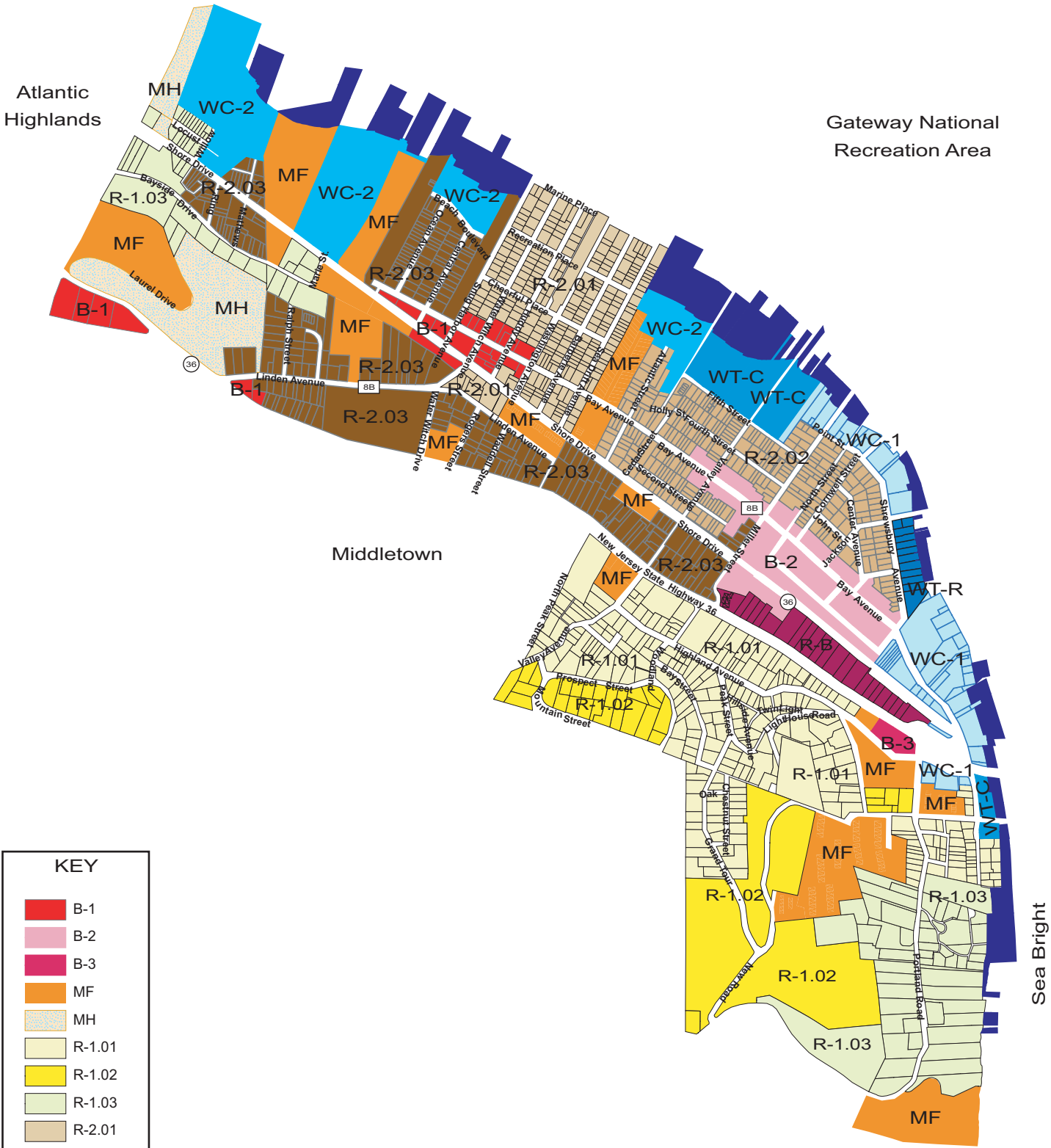
A resident intends to reconstruct a portion of their house estimated at costing more than 50% of its market value. Accordingly, the applicant/owner is required to meet the above reference FEMA standards. The lowest grade elevation where a foundation wall lies is 5 feet above mean sea level (MSL). The base flood elevation in the 100-year flood plain portion of the Borough is 10 feet

above MSL. For this instance, the applicant is required to construct habitation areas at a minimum of 11 feet and 12 feet for utilities. This results in elevating some houses higher than other houses on the same block or district. The potential aesthetic results of only a percentage of properties complying with FEMA regulations can be devastating to the Borough.

This Plan specifically recommends the creation of a user-friendly manual with illustrations indicating the necessary steps to build in the floodplain. The manual should indicate the approximate time-frame to complete the permitting process and recommend design solutions to minimize the effect of having houses situated adjacent to one another with distinct elevation changes.

The maintenance of residential and commercial property in many areas of the Borough is substandard, particularly residential housing. Poor property maintenance of housing may be attributed to the Borough's high percentage of renter-occupied housing. As discussed in the Housing Plan Element of this Master Plan, new policies and implementation strategies are needed to upgrade property maintenance and the image of the Borough. This process should begin as a municipal effort at the Department of Public Works yard and continue to remaining portions of the Borough. However, to adequately enforce the Borough's property maintenance code, the Borough should consider hiring additional staff or contracting with a private inspection agency. Other recommendations included in the Housing Plan include computerizing the inspection process to better track inspections, inspecting all rental units on an annual basis and aggressively prosecuting code violations.

FIGURE LU-3
EXISTING ZONING MAP



KEY

	B-1
	B-2
	B-3
	MF
	MH
	R-1.01
	R-1.02
	R-1.03
	R-2.01
	R-2.02
	R-2.03
	R-B
	WC-1
	WC-2
	WT-C
	WT-R
	Riparian

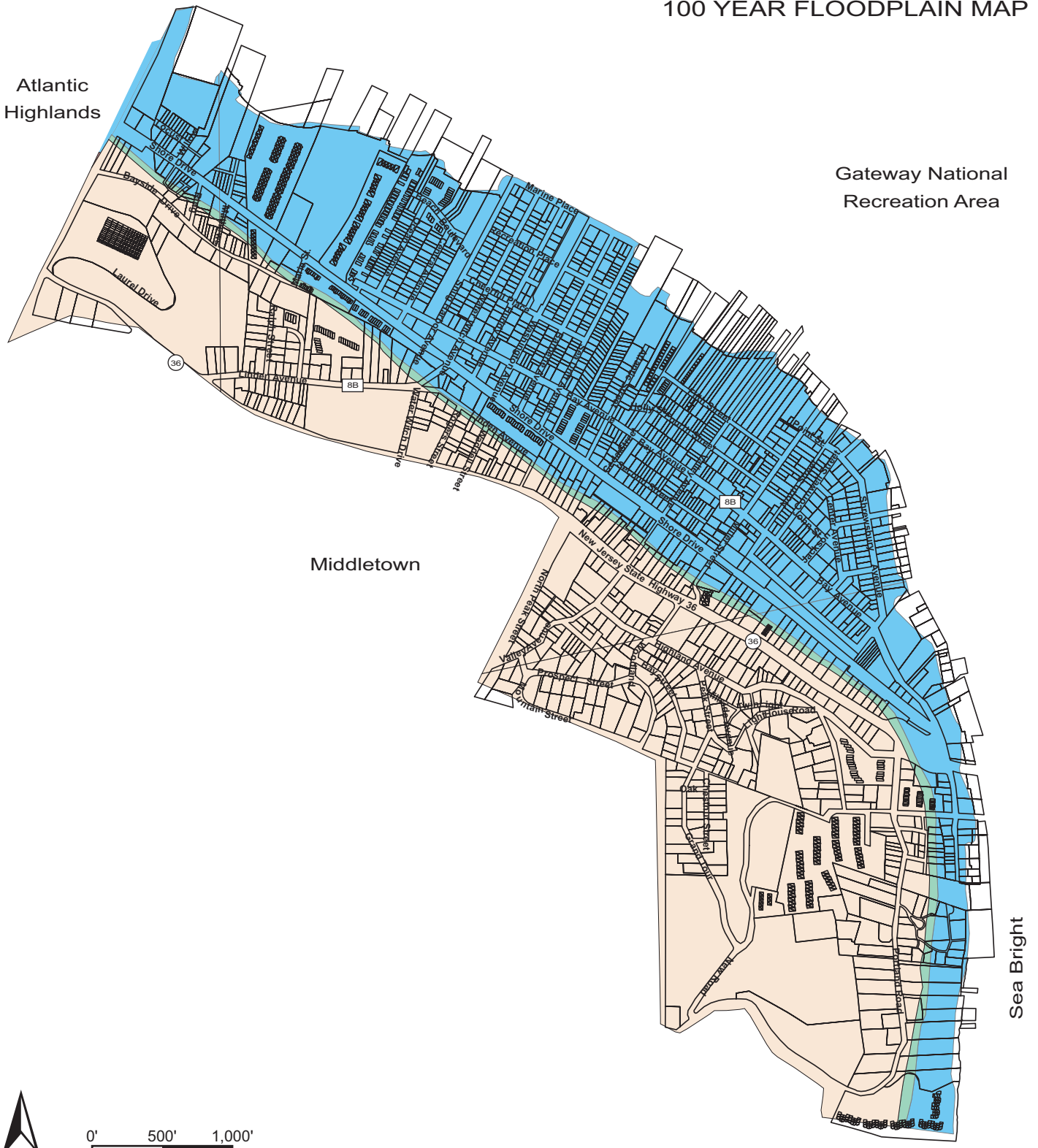





EXISTING ZONING MAP
Highlands Borough, Monmouth County, New Jersey
Figure LU-3

TM ASSOCIATES

1"=1000' October 2004

FIGURE LU-4
100 YEAR FLOODPLAIN MAP



KEY	
	100 Year Floodplain
	500 Year Floodplain
	Outside the Floodplain

100 YEAR FLOODPLAIN MAP
Highlands Borough, Monmouth County, New Jersey
Figure LU-4


1"-1000' October 2004

Multi-family

The multi-family residential district includes those areas that contain existing medium density garden style apartment buildings many of which are in a condominium form of ownership and mid-rise apartments such as P-tak towers. Regulations in the MF district include a permitted density of 14 units per acre, a minimum lot frontage of 150 feet and a minimum lot area of one (1) acre. The one (1) acre lot size is required so that there is sufficient lot size to reasonably accommodate development and still maintain adequate buffering from adjacent residences. In many instances, multi-family locations throughout the Borough are located too close to existing single-family residences and situated in a manner and height that is out of character with the area. The following photograph illustrates this point.



The Borough should investigate whether such development is the result of variance relief or whether more stringent regulations are required to restrict such development that is out of scale and that is architecturally incompatible with the surrounding area. In addition to the above referenced recommendation, this Plan recommends revising the MF district boundary to include two parcels that are currently occupied by the Highlands on the Bay development, which is located in the vicinity of Beach Boulevard. This revision to the ordinance will better reflect existing conditions.

Mobile Homes

Highlands contains two (2) separate mobile home parks, Shadow Lawn and Paradise, representing 16 acres or 3.3% of Borough property. The mobile home parks are located to the north of Linden Avenue when entering the Borough from Route 36 and bordering Atlantic Highlands north of Shore Drive. Borough regulations require mobile homes to be located within a mobile home park. As part of the Borough's vision, the creation of a mixed use development is planned, which permits a mix of commercial and residential uses near the county park (in Atlantic Highlands), the Sandy Hook Bay Marina and the waterfront. Accordingly, this Plan recommends rezoning the Paradise mobile home park and surrounding properties to the newly created Mixed Use district (MX).

The Shadow Lawn Mobile Home Park is approximately 12 acres in size and contains approximately 120 mobile home trailers. The tract in its entirety is irregularly shaped. Located on the top of the Highland's cliffs, adjacent to the slump blocks, the stability of the tract and the mobile homes that lie upon it require an engineering evaluation. The tract contains several areas of undulation, however, overall the tract contains a slope range appropriate for development. The location of the tract on the Highland's cliffs offer exceptional views of Sandy Hook, the Shrewsbury River and the Sandy Hook Bay.

The existing Mobile Home (MH) district permits mobile homes as the only permitted use within the MH district. This Plan acknowledges the trend for mobile home parks to evolve into uses that are more consistent with surrounding land use patterns. To permit the evolution of mobile home parks in the Borough, this Plan recommends expanding the types of permitted uses in the MH district to include townhouses and single-family residential homes.

Given the unique attributes of the tract of land where the Shadow Lawn mobile home park is located, any future development of the tract should investigate a curvilinear development plan. Buildings should be designed and placed on the site so as to visually compliment each other and the natural landforms of the site. Consideration should be given to various types of multi-family development that gives the flexibility to be creative while maintaining a reasonable density. This Plan specifically discourages long rows of townhouses that give the appearance of blank walls without articulation.

The placement of buildings on or near hilltops or ridges should show a high degree of sensitivity to the terrain and its visual impact. The Borough should consider creating a ridgeline protection ordinance to ensure that development near ridgeline areas blends in with rather than interrupts or modifies the natural contour elevations of this tract. Ridgeline areas should be retained in a natural state, and development should be sighted in such a manner so as not to create a silhouette against the skyline as viewed from the designated vantage points.

Specific ordinances/submission requirements should be considered for:

1. The maximum permitted level of disturbance
2. Grading requirements

3. Visual analysis requirements
4. Maximum permitted density
5. Design guidelines

Neighborhood Business District (B-1)

Highlands contains three (3) separate Neighborhood Business (B-1) districts. One district is located on the Bay Avenue corridor in the area adjacent to Waterwitch Avenue and Bay Avenue, while the remaining two (2) districts are located on Route 36 within the western portion of the Borough. Within the Bay Avenue corridor, the B-1 district currently has a mixed-use character with significant residential development. Along Route 36, there are two separate B-1 districts, which have attracted highway-oriented uses.

The Neighborhood Business District is designed to encourage relatively small scale shopping districts intended to serve the daily needs of residents living in adjacent low, medium density and mobile home residential districts. Desirable uses in a B-1 district include small grocery stores, dry cleaners, beauty shops, delicatessens and restaurants. Guidelines are encouraged to discourage retail strip-mall development. This Plan recommends rezoning parcels in the existing B-1 districts on Route 36 to a newly created district named Highway Oriented Neighborhood Business (HO), which will require bulk and design regulations more appropriate for businesses fronting on Route 36. While a zero (0) foot front yard setback is appropriate along Bay Avenue, a greater front yard setback should be created along Route 36 for safety and individual comfort. Other considerations include creating minimum lot sizes, minimum areas to be landscaped and specific guidelines to regulate signage. Along Bay Avenue, there are significant opportunities for redevelopment within the B-1 district to upgrade fading commercial uses and to create an improved gateway into the Borough. It is recommended that residential uses on upper floors be encouraged within the portions of the B-1 district on Bay Avenue. Due to the variation of existing lot sizes and setbacks, flexible bulk standards should be considered to regulate the HO district.

Central Business District (B-2)

Bay Avenue is a linear corridor that spans the majority of Highlands from approximately Ocean Avenue to Shrewsbury Avenue. It is predominantly commercial in character with several residential uses on the upper floors of buildings and scattered public and quasi-public uses. Bay Avenue has historically functioned as the Borough's central business district and primary shopping, entertainment and service destination. At first glance, it appears that the entire Bay Avenue corridor contains some

form of non-residential uses. However, this is contrary to existing land uses and districts, which comprise the corridor.

During the past several decades, the B-2 district has experienced economic and physical decline as a result of decreased retail activity. The Borough has made the revitalization of Bay Avenue a priority. A substantial effort to revitalize Highlands' commercial areas is being coordinated by a public/private partnership between the Borough and the Business Improvement District (BID), which is formally the Highlands Business Partnership (HBP). HBP consists of seventeen (17) voting members and four non-voting members, which include a mayor's designee, a planning board member, a council member, seven commercial property owners and seven business operators in the Borough.

HBP has undertaken numerous activities, which include but are not limited to the marketing of Highlands as a destination, sponsoring events to attract visitors to the Borough, the creation of a parking lease facilitator, maintenance improvements, and beautification efforts. One significant accomplishment is HBP's recommended concept of acting as a broker to facilitate lease parking options between private sector business operators. For instance, restaurants' parking demand increases during the evening hours while the commuter ferry parking lots highest demand is from 7 a.m. to 6 p.m. Accordingly, an opportunity exists to share parking during off-peak hours. HBP would serve as a logical facilitator of such a program.

The Borough has also created a parking improvement fund to generate fees from individuals who impact or create the need for additional parking.

The intention of the Central Business District is to provide for a mix of commercial uses that act as a focal point for the community. The B-2 district should accommodate a higher density concentration of retail, service, office and entertainment uses than other commercial districts in the Borough. The District is currently characterized by a variety of low-rise structures containing ground level retail and services with some multi-family residential apartments on the upper floors. A limited number of public and quasi-public uses including the U.S. Post Office are located within the District and Highlands Borough Hall is located at the intersection of Bay Avenue and Miller Street. Issues that have been identified along Bay Avenue include the mix of retail stores, hours of operation, signage, and aesthetic appearance.

A further expansion of the Borough's revitalization efforts is planned and should be supported. The BID has previously retained a marketing/retail expert to assist in preparing a strategic plan for the Bay Avenue corridor. The intention is to facilitate the District's development as a shopping and entertainment destination. The marketing efforts are designed for Highlands to compete more effectively with shopping malls and create an attractive and inviting downtown environment.

It is recommended that the marketing efforts be coordinated with all other revitalization and planning efforts of the Borough. Furthermore, the needs of businesses should be evaluated in light of comprehensive Borough goals and objectives. Unimproved land in Highlands is scarce, yet there are vacant storefronts and existing buildings in need of renovation or redevelopment. An opportunity exists to transform the CBD by creating a new identity and reorienting it from general retail to niche retail, specialty services and entertainment. This process is already underway through the public-private partnership between the Borough, the BID and local merchants. Coordinated planning is necessary to identify suitable locations for redevelopment, provide attractive streetscape amenities and address parking constraints. In redevelopment efforts, the Borough should consider targeting the CBD to attract an anchor use(s). Assembling land necessary to achieve this objective may only be achieved through formal redevelopment. It is anticipated that a Bay Avenue Redevelopment Plan will identify the type and scale of proposed uses, the interrelationship between retail users and their associated parking needs.

It is recommended that the redevelopment process as outlined under State statute be considered for portions of the CBD district identified in Figure LU-5, Potential Redevelopment Areas.

Parking is an issue in the Central Business District, as it is in most waterfront locations throughout Highlands. New development in the District should provide off-street parking or a fee in lieu to the Borough's parking fund.

The Community Facilities Element updates the 1992 Master Plan and its recommendations to construct a new municipal complex. Rather than moving forward with the original proposal, the Borough has elected to construct a new firehouse at the intersection of Miller Street and Shore Drive. It is anticipated that the area in the municipal building vacated by the Fire Department is sufficient for the expansion of municipal services and therefore eliminates the need to construct a new municipal building.

Resort Business District (B-3)

The intent of the B-3 Resort Business District is to take advantage of through traffic along Route 36 both entering and exiting the Sandy Hook area. The B-3 district is located in a gateway location, which warrants aesthetically pleasing design and architecture. Permitted uses include hotels, motels, inns, bed and breakfasts, restaurants and commercial recreation uses. Containing only four (4) parcels on Route 36 adjacent to the Highlands Bridge, the B-3 district is limited in size. This Plan specifically recommends rezoning Block 199, Lots 4-7, which include the vacant Careless Navigator and surrounding properties from Waterfront Commercial to the Resort Business District. The continued use of this property for commercial purposes is appropriate as the reconstruction and relocation of the Highlands Bridge sixty (60) feet to the south will increase ambient noise surrounding the property. However, the uses of Lots 4-7 are inappropriate for hotels and motels. This Plan recommends removing hotels and motels as principal permitted uses in the B-3 district. Bars and taverns and retail sales and service establishments should be included as principal permitted uses in the district.

Furthermore, since hotels and motels should no longer be permitted in this district, this plan recommends renaming the Resort Business District (B-3) to Business (B) to more accurately reflect the new intent of the district.

Waterfront Transition - Residential (WT-R)

The primary purpose of the WT-R District is to recognize and to preserve existing single-family residential uses along the waterfront. Accordingly, a separation between commercial uses between the WC-1 district is created along the Waterfront. This helps retain and balance commercial and residential uses in the Borough. Veteran's Memorial Park, located directly south of the district, provides local recreation opportunities to residents in the WT-R district. This Plan recommends rezoning three (3) residential parcels of land on Beach Boulevard from Waterfront Commercial – 2 to Waterfront Transition – Residential. This change is more in character with the existing residential character of this area.

Waterfront Transitional - Commercial (WT-C)

The primary purpose of the WT-C District is to promote the marine commercial oriented development and redevelopment with a mix of employment generating, harbor-oriented and open

space uses. The WT-C district permits single and two family homes on 5,000 square foot and 7,500 square foot lots, respectively. In previous Borough Plans, portions of the district were identified as areas appropriate to be studied for redevelopment opportunities. Anticipated benefits would include;

1. An improvement in the quality of life for Highlands' residents.
2. The generation of tax ratables through the redevelopment of portions of the district.
3. To create employment and new jobs.

Figure LU-5 indicates areas within the Borough, including the WT-C district to be studied as formal redevelopment areas. Any redevelopment efforts should respond to market conditions and incorporate flexible land use options. The Borough envisions the development of a municipal marina with associated commercial and nearby residential uses. Future redevelopment of the area should be sensitive to creating linkages, where appropriate, between the District and the core areas of the Borough. In particular, a physical and visual connection to the Bay Avenue CBD should be established. In the short-term, relatively simple methods such as a way-finding signage plan may prove effective. In the long-term, more extensive improvements in the streetscape, road network and land use pattern may accomplish this goal. It is also recommended that redevelopment of the District incorporate a waterfront walkway.

This Plan recommends including townhouses as a principal permitted use at the same density as single-family residential homes within portions of the WT-C district. The area starting from the westernmost edge of the WT-C district (west of the Highlands Bridge only) to approximately two (2) parcels past the Valley Road/Fifth Street intersection is a stable single-family residential area in the Borough. From a land use planning perspective, this Plan does not recommend allowing townhouses in this area. However, from this point along the waterfront until to Inlet Cafe restaurant exists of mixture of duplexes, nonconforming triplexes and other multi-family structures mixed with commercial uses on the waterfront. The construction of townhouses at the current 4,000 square foot minimum lot size may encourage a reduction in density and possibly increase owner occupied housing, two objectives of the Borough. This Plan recommends the construction of no more than three attached units in one structure situated so they do not block views of the river.

This Plan continues to recommend the exclusion of townhouses in the WC-1 and the WT-R districts along Shrewsbury Avenue, which are stable single-family residences and waterfront businesses. The

waterfront area along Shrewsbury Avenue and Point Street has traditionally maintained a mixture of marine commercial, restaurants and residential uses. It is this mixture of uses that help create a vibrant waterfront in Highlands. This Plan recommends extending the WT-C district to North Street to expand the range of principal permitted uses in the district on parcels with limited depth.

Waterfront Commercial (WC-1 & WC-2)

The purpose of the WC-2 District is to address waterfront development opportunities and to capitalize on outstanding access to the Bay and opportunities for redevelopment in appropriate locations. The District contains numerous underutilized uses, particularly adjacent to the former Conner's Hotel, Fifth and Point Streets and the Locust and Willow street areas. It is anticipated that any redevelopment will require both off-site and on-site transportation improvements, although the extent of the improvements has not yet been determined. On-site improvements include increased parking for the Sea Streak Ferry. Traffic signalization upgrades may also be necessary.

The majority of the District is appropriate for restaurants and retail sales and service, and a hotel/banquet use may also be appropriate. Off-tract circulation is a key element of the District's redevelopment due to its size and configuration. In summary, selective areas of the Waterfront Commercial Districts have a tremendous redevelopment potential that can provide significant benefits to the Borough. These benefits include a stable tax base, employment opportunities and amenities such as recreation facilities and access to the waterfront. It is recommended that the implementation of a coordinated land use/redevelopment plan address the following:

- The mix of uses and their complementary interrelationships.
- Open space and recreational amenities that address the needs of Borough residents.
- An on-site and off-site circulation system, including mass transit, which provides sufficient access, and accommodates projected traffic volumes.

FIGURE LU-5
POTENTIAL REDEVELOPMENT AREAS MAP



Atlantic
Highlands

Gateway National
Recreation Area

Middletown

Sea Bright

KEY

- Gateway Redevelopment Area
- CBD Redevelopment Area
- Waterfront Redevelopment Areas

POTENTIAL REDEVELOPMENT AREAS MAP
Highlands Borough, Monmouth County, New Jersey
Figure LU-5
TM
ASSOCIATES
N.T.S. October 2004

Residential Professional Business District (R-B)

The primary purpose of this zone is to allow for the conversion of existing residential structures for professional office uses while preserving the historic character, scale and features of the buildings and the streetscape. Any conversion of an existing residential building should be consistent with the existing architecture. The Borough should consider revising the language of the R-B ordinance to better reflect the following provisions:

Parking - Parking areas should be screened from view of adjacent residential zones, existing residential uses and public roads by landscaping, fencing or a combination of these to create a buffer at least five (5) feet in height.

Building design and requirements - Rooftop mechanical equipment should be screened from public view by architecturally compatible materials. Ground level mechanical equipment, such as air conditioning equipment, utility boxes and meters, should be screened by landscaping, walls or fencing.

Building entrances facing a street should be retained. The visual character of buildings along street frontages and entryways should be "pedestrian friendly" and porches should not be enclosed. At no time should fire escapes be permitted on the front façade of a building.

Mixed Use District (MX)

This Plan recommends creating a new mixed use district at the westernmost section of the Borough adjacent to the waterfront. The proposed mixed use district (MX) (see Future Land Use Map) is located adjacent to a proposed county park in Atlantic Highlands. It is the intention of the MX district to encourage the creation of a mixed use community that contains a combination of townhouses, waterfront commercial and professional office space.

The MX district is designed to encourage uses that are compatible with and will benefit from the New York City ferry service, the Sandy Hook Bay Marina and open space from the County Park. Permitted residential densities in the MX district should not exceed 14 units to the acre.

GATEWAYS

There are numerous areas in Highlands that function as gateways into the Borough. These gateways are identified on the Concept Plan and are discussed in more detail in the Circulation Plan Element.

Gateways play an important role in defining the image of the Borough. Since gateways are highly visible, they should present a positive and inviting impression. This can be accomplished through landscaping, quality of design, signage and site development. The Borough should identify specific initiatives for each gateway which improve their function as an image defining entry into the Borough. The entire waterfront of Highlands acts as a gateway to the community. In an effort to retain the attractiveness of the waterfront of the Borough, parking structures should not be permitted within 400 feet of the waterfront. The placement of a parking structure is most appropriate adjacent to the cliffs in Highlands where the surrounding ridge line would assist in hiding the visual impact of the parking structure. Furthermore, all parking structures should be treated to be architecturally compatible with the buildings they serve or compatible in appearance, size, and bulk with their surroundings. One mitigation technique is to construct a mixed-use liner building along the street right-of-way to enhance pedestrian scale and act as a buffer between the parking structure and the public realm while still maintaining a setback from the waterfront. To ensure these requirements are satisfied, parking structures should be regulated as a conditional use on parcels greater than five (5) acres in size.

DEVELOPMENT ALONG THE WATERFRONT

This Plan recognizes the waterfront area as one of Highlands' greatest assets. A key guiding principle or philosophy of this Plan is to encourage the development of land use regulations that maximize the view corridor to the waterfront.

TRANSIT VILLAGE INITIATIVE

The New Jersey Department of Transportation (NJDOT) and NJ Transit oversee a multi-agency Smart Growth partnership known as the Transit Village Initiative. The Transit Village Initiative is designed to assist in the process of redeveloping and revitalizing communities around transit facilities. One goal of the transit village initiative is to make communities a more appealing choice for people to live, work and play, thereby reducing reliance on the automobile.²

According to NJ DOT the benefits of becoming a designated Transit Village are as follows:

- State of New Jersey commitment to the municipality's vision for redevelopment
- Coordination among the state agencies that make up the Transit Village task force.
- Priority funding from some state agencies
- Technical assistance from some state agencies
- Eligibility for grants from annual \$1 million in NJDOT's Transit Village funding

According to NJDOT special criteria are used to determine if a municipality is ready to be designated a Transit Village. The criteria are:

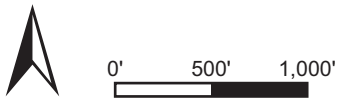
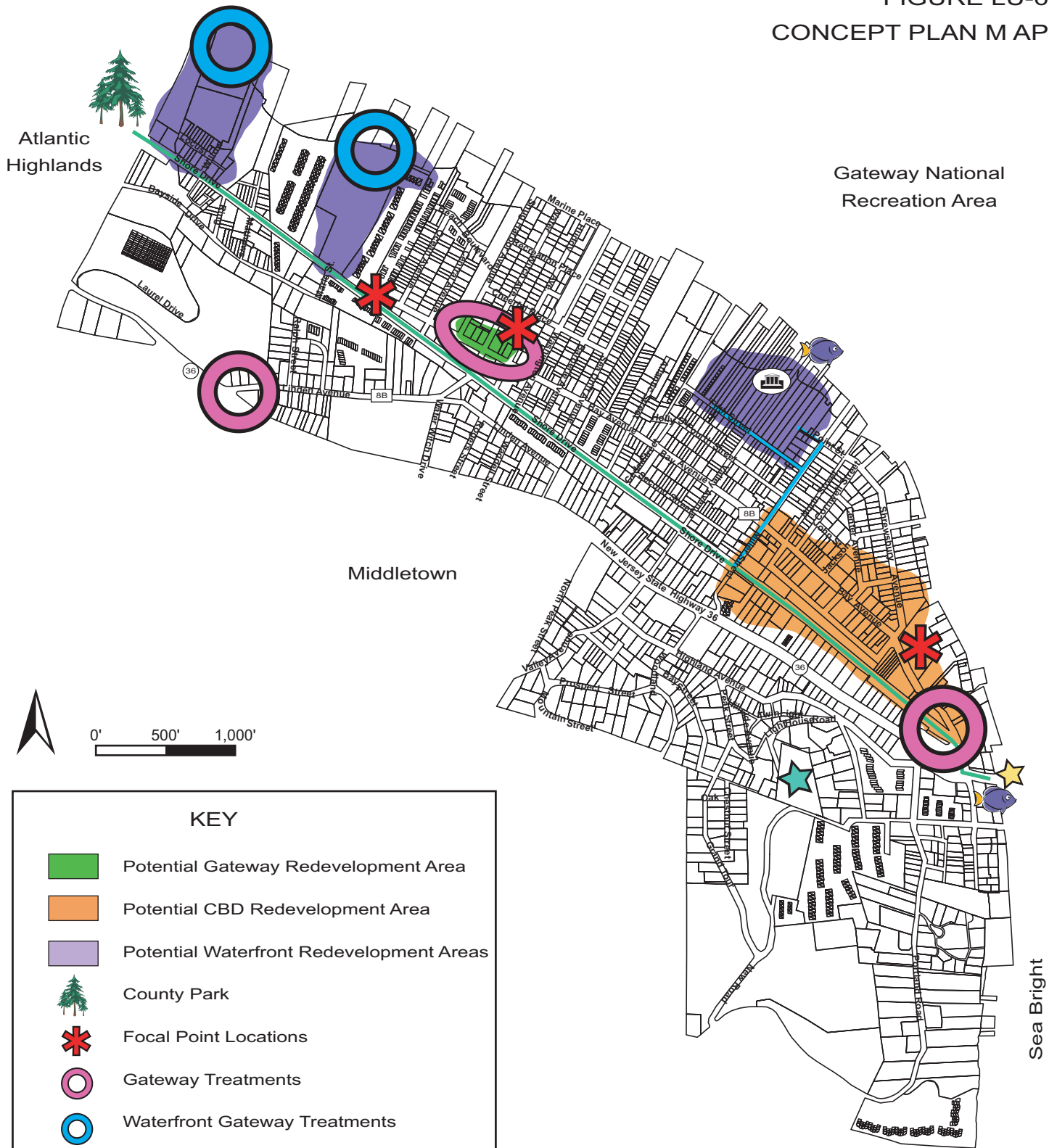
- “A good Transit Village candidate must make a commitment to grow in jobs, housing and population.
- A designated Transit Village must have a transit facility. This can be a rail or light rail station, ferry terminal, a bus hub or bus transfer station.
- The candidate for Transit Village designation must have vacant land and/or underutilized or deteriorated buildings within walking distance of transit where redevelopment can take place.
- A Transit Village candidate must have an adopted land-use strategy for achieving compact, transit-supportive, mixed-use development within walking distance of transit. This can be in the form of a redevelopment plan, zoning ordinance, master plan or overlay zone.
- The candidate must have a strong residential component. This can include mid-rise buildings, townhouses or apartments over first-floor businesses. A wide variety of housing choices within walking distance of transit helps to support transit ridership.

² New Jersey Department of Transportation. Transit Friendly Village Initiative, <http://www.state.nj.us/transportation/community/village/index.shtml>














- A good candidate will have "ready-to-go" projects. This means at least one transit-oriented project that can be completed within three years.
- In order for a municipality to succeed as a Transit Village, it should demonstrate pedestrian and bicycle friendliness. This means clear, direct pathways from the transit station to shops, offices, surrounding neighborhoods and other destinations.
- The candidate should provide commuter parking for residents and non-residents. A Transit Village should also strive to reduce parking requirements near transit stations and implement shared parking solutions wherever possible.
- The candidate should support local arts and culture. This brings vibrancy and activity to a community. Designating an arts, antique or restaurant district helps make a Transit Village a destination.
- The candidate should support the historic and architectural integrity of the community by ensuring that new buildings blend in with the existing buildings. This can be done with architectural design guidelines that govern new building facades, window replacements, awnings, lighting and signs.”

This Plan specifically recommends applying to NJDOT seeking a transit village designation.


FIGURE LU-6
CONCEPT PLAN M AP



KEY

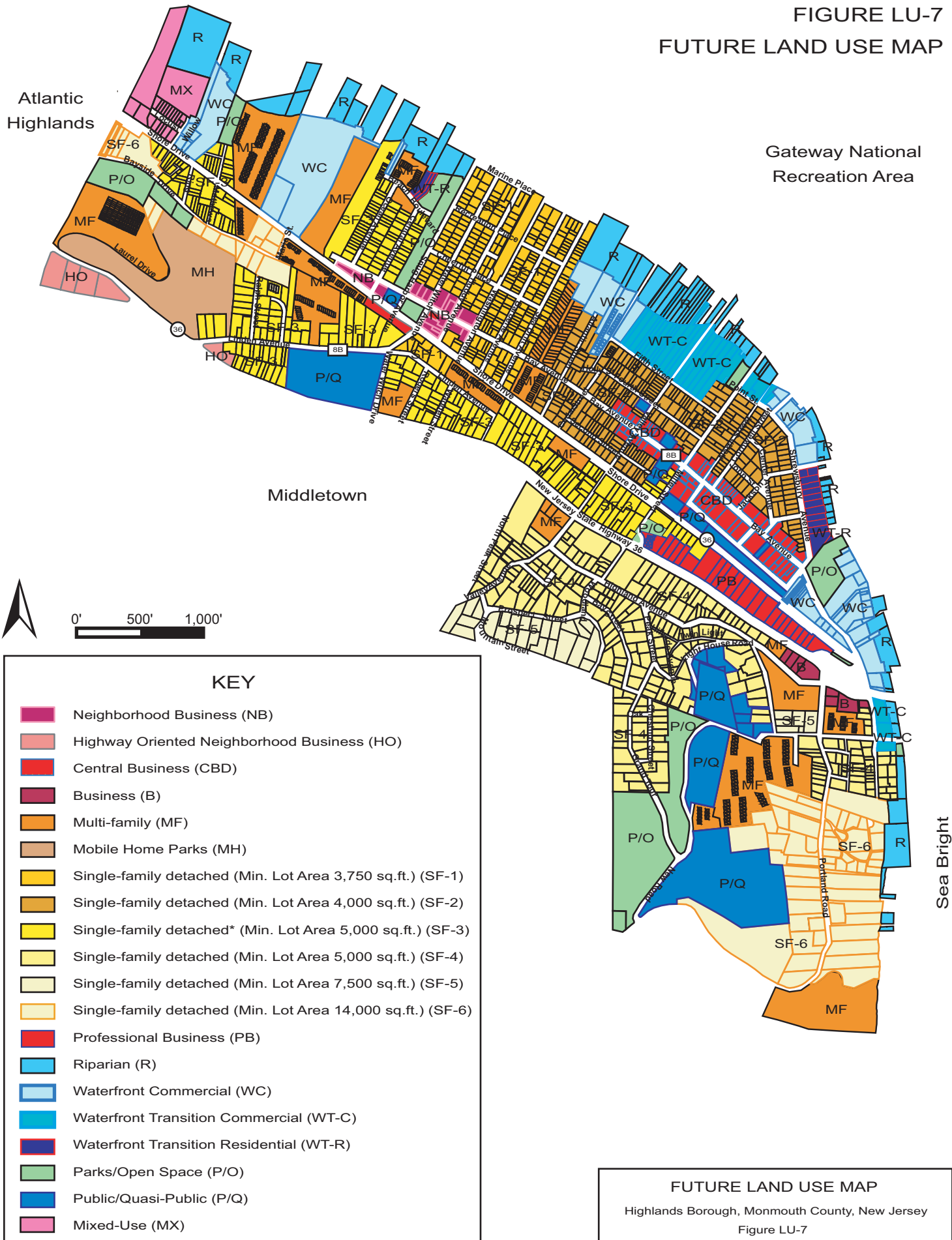
-  Potential Gateway Redevelopment Area
-  Potential CBD Redevelopment Area
-  Potential Waterfront Redevelopment Areas
-  County Park
-  Focal Point Locations
-  Gateway Treatments
-  Waterfront Gateway Treatments
-  Potential Municipal/Public Use
-  Public Fishing Piers
-  Twin Lights National Landmark
-  Rt. 36 Bridge
-  Heritage Trail
-  Waterfront Connection

CONCEPT PLAN MAP
Highlands Borough, Monmouth County, New Jersey
Figure LU-6



1"=1000' October 2004

FIGURE LU-7
FUTURE LAND USE MAP



KEY

- Neighborhood Business (NB)
- Highway Oriented Neighborhood Business (HO)
- Central Business (CBD)
- Business (B)
- Multi-family (MF)
- Mobile Home Parks (MH)
- Single-family detached (Min. Lot Area 3,750 sq.ft.) (SF-1)
- Single-family detached (Min. Lot Area 4,000 sq.ft.) (SF-2)
- Single-family detached* (Min. Lot Area 5,000 sq.ft.) (SF-3)
- Single-family detached (Min. Lot Area 5,000 sq.ft.) (SF-4)
- Single-family detached (Min. Lot Area 7,500 sq.ft.) (SF-5)
- Single-family detached (Min. Lot Area 14,000 sq.ft.) (SF-6)
- Professional Business (PB)
- Riparian (R)
- Waterfront Commercial (WC)
- Waterfront Transition Commercial (WT-C)
- Waterfront Transition Residential (WT-R)
- Parks/Open Space (P/O)
- Public/Quasi-Public (P/Q)
- Mixed-Use (MX)

* The Single-family detached (Min. Lot Area 5,000 sq. ft.) future land use classification, due to existing conditions, is appropriate for more reduced front and side yard provisions than are permitted in the "other" 5,000 sq. ft. land use classification.

FUTURE LAND USE MAP

Highlands Borough, Monmouth County, New Jersey

Figure LU-7



1"-1000'

October 2004

ADDITIONAL LAND USE RECOMMENDATIONS

To implement this Master Plan, the following are recommended revisions to the Borough's Land Development Ordinance to be considered by Mayor and Council.

Specific Changes Recommended for the Land Development Ordinance:

1. Rezone Block 101, Lots 18-29, Block 102, Lots 1-9, 30 & 30.02 which are locally known as the Sandy Hook Bay Marina, the mobile home park located on the Atlantic Highlands Border and single-family residential properties on Locust Street and Shore Drive to Mixed Use (see narrative in Land Use Plan Element).
2. Rezone portions of the waterfront from Atlantic Street to South Street to WT-C to permit both commercial uses and residential uses on the waterfront.³
3. Rezone Block 98, Lots 2, 3 & 5.01 to Waterfront Transition Residential (WT-R) (three lots adjacent to the former Long Johns restaurant) to be consistent with existing conditions.
4. Discuss the inclusion of additional permitted uses for the Mobile Home Park (Shadow Lawn) to allow the mobile home park to evolve into a land use more consistent with surrounding land uses over time.
5. Rezone areas of the B-1 district located on Route 36 to Highway Oriented Neighborhood Business (HO), with flexible bulk provisions designed to better regulate commercial uses on a state highway.
6. This Plan specifically recommends rezoning Block 199, Lots 4-7, which includes the vacant Careless Navigator and surrounding properties from Waterfront Commercial to the Resort Business District. The continued use of this property for commercial purposes is appropriate as the reconstruction and relocation of the Highlands Bridge sixty (60) feet to the south will increase ambient noise surrounding the property. However, the uses of Lots 4-7 are inappropriate for hotels and motels. This Plan recommends removing hotels and motels as principal permitted uses in the B-3 district. Bars and taverns and retail sales and service establishments should be included as principal permitted uses in the district.
7. Expand the R-2.03 district to include areas on the south side of Shore Drive currently in the B-2 (Now called CBD) district.

³ The Borough may wish to consider grandfathering in existing residential uses rather than permitting residential uses by right on the waterfront. This may lead to a conversion of the waterfront from commercial to residential.

8. Extend the B-2 (now called CBD) district one (1) lot the northeast (north side of Bay Avenue) to better reflect existing conditions.
9. Rename the portion of the B-1 district near Water Witch Avenue and Bay Avenue to Neighborhood Business (NB) to be more indicative of the districts intent.
10. Rezone the former Long John's Restaurant site and parking lot from Waterfront Commercial to MF Residential. The Zoning Board of Adjustment approved an application for a residential use, which has been constructed. Such a change would create zone plan in compliance with existing conditions.
11. Update the permitted use schedule to list all zoning districts (several residential districts have been omitted).
12. Consider adding a floor area ratio (FAR) requirement to control the intensity of both residential commercial properties.
13. Although the Borough Council recently revised the Building Height definition in March 2004, this Plan specifically recommends revising the definition of Building Height, so that the vertical measurement is taken from existing conditions to discourage the filling of property adjacent to residential structures. For preexisting bungalow colonies, the Borough should consider requiring that the height not exceed 24 feet above the base flood elevation, if the structure is elevated in compliance with the flood elevation code. Ordinance revisions are intended to allow for reasonable expansion while preserving the surrounding character of the area.
14. A complete overhaul to the Borough's sign ordinance should be undertaken. Areas of emphasis include appropriate commercial signage along Bay Avenue, the waterfront commercial districts and Highway 36.
15. The zoning ordinance should be amended to indicate densities in all residential zoning districts.
16. The provision in Section 21-88 4a for a single-family and two-family use should be removed from the ordinance or amended to a pre-existing single and two-family home.
17. Require a "Framing Survey" as a requirement that is signed and sealed by a licensed surveyor. Such a survey should indicate whether the foundation walls and framing height for each development are in compliance with the ordinance for each particular zoning district.
18. Consider rezoning the portion of the R-1.03 district on the north side of Shore Drive at the western end of the Borough to R-2.03.

19. Create standards to guide development within bungalow colonies to address complex issues that include: ownership (no lot lines), setbacks, flood mitigation, fire separation.
20. Codify the Borough's ordinance and consider establishing a continuing services contract to ensure that Borough ordinances are continually kept up to date.
21. Include a legible zone district map within each Land Development Ordinance.
22. Update the fee schedule for application and review fees consistent with neighboring communities.
23. Update the Zoning District schedule to be consistent with the Bulk and Area Schedule. Currently, several districts are not included in the Zoning District Schedule. These include: R-1.01, R-1.02, R-1.03, R-2.01, R-2.02 and R-2.03.
24. Create a new ordinance and user friendly manual that clearly articulates guidelines for raising housing out of the floodplain. Such an ordinance should provide a purpose statement and indicate when a variance is required.
25. Ordinance 21-121A(2) requires the Planning Board to review the portion of all applications when flood plain relief is sought. The Borough should consider changing the provisions of the ordinance to allow the Board of initial jurisdiction to review the floodplain issue to promote "one stop shopping". Otherwise, applicants are required to seek approvals from both Boards of jurisdiction.
26. Revise/clarify the flood plain ordinance requirements to provide better guidance to the Planning Board, Zoning Board and Construction Department to determine when a variance is required.
27. Update the Borough's Ordinance regarding the length of time that a 200 foot property list is valid in accordance with the Municipal Land Use Law.
28. Eliminate duplexes as a permitted use in the R-2.03 district.
29. Eliminate lumberyards and landscaping sales and large lot service businesses as permitted uses in the B-2 district.
30. Revise the ordinance to limit the number of consecutive attached townhouses. Create specific regulations for townhouses which:
 - Maximize views to the waterfront from the public realm;
 - Are constructed at a height that is compatible with surrounding properties;
 - Are architecturally compatible with surrounding properties; and

- Encourage the creation of townhouse that resemble a manor home or could pass for a single-family structure.
31. Requirements for crushed stone parking lots should be created that include standards for:
- Methods of establishing spacing;
 - The type of stone used;
 - Meets CAFRA standards;
 - Grade preparation and material installation; and
 - Methods of retaining stone within the property.

The following are general land use recommendations:

Residential Site Improvement Standards (RSIS)

The Residential Site Improvement Standards were adopted by New Jersey in January 1997 and revised December 16, 2002. RSIS governs any site improvements carried out in connection with a residential development application. According to the Statute, the standards are intended to create uniform development guidelines and ensure predictability. The rules supersede municipal standards for residential development and took effect on June 3, 1997.

It is recommended that the amended Land Development Ordinance be updated to be consistent with RSIS.

Group Homes

In January 1998, the Municipal Land Use Law was amended to address group homes in residential districts. N.J.S.A. 40:55D-66.1 states that:

“Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be a permitted use in all residential districts of a municipality, and the requirements therefore shall be the same as for single-family dwelling units located within such districts.”

This change should be incorporated into the Zoning and Land Development Ordinance.

Assisted Living Residences (ALR)

The Statewide trend towards an increasingly aging population is evident in Highlands and Monmouth County. The proportion of the population that is more than 65 years old is 11.3 percent and 12.5 respectively. To allow seniors to age in place, there is a need to address the needs of senior citizens and improve their quality of life. Assisted living residences are high-density residential facilities which provide an alternative living arrangement for the elderly in poor health who are unable to live independently. It is recommended that Assisted Living Residences be permitted as a conditional use in the Multi-Family District (MF) where they would be compatible with the surrounding areas.

Religious Institutions

In September 2000, the Religious Land Use and Institutionalized Persons Act was approved in the U.S. House and Senate and subsequently signed by the President. The law substantially changes the extent of local review a community has on development applications of religious institutions. The Township should continually monitor the outcome(s) of this new regulation.

Child Care

Amendments to the Municipal Land Use Law govern the regulation of childcare and day-care facilities. Pursuant to the MLUL, these uses are permitted in any non-residential district. The Township's Zoning and Land Development Ordinance should be reviewed for consistency with the Statute.