

**AN ORDINANCE AMENDING CHAPTER 28 ENTITLED ZONING OF THE
“REVISED GENERAL ORDINANCES OF THE BOROUGH OF
HIGHTSTOWN, NEW JERSEY”**

WHEREAS, the Mayor and Council of the Borough of Hightstown wish to make certain revisions relating to Chapter 28 entitled “Zoning” of the “Revised General Ordinances of the Borough of Hightstown” to clarify permitted uses, within the R-MF Multifamily Residential District and to amend zoning permit procedures, review timelines, and administrative processes;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

Section 1. Chapter 28 entitled “Zoning”, of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in the following limited respects (deletions are shown with ~~strikeout~~, additions are shown with underline):

Section 1. §28-3-9, R-MF, Multi-Family District, shall be amended in its entirety as follows:

§ 28-3-9. R-MF Multifamily Residential District.

Formatted: Font: Bold

A. Purpose and Intent. The purpose and intent of the R-MF Multi-Family Residential District is to provide market rate and subsidized affordable housing in the Borough of Hightstown to aid in meeting its constitutional obligation to provide for very low, low and moderate income housing in accordance with the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.). The R-MF district is further divided into sub-districts that apply to specific sites with inclusionary affordable housing in accordance with the objectives of the Housing Plan Element of the Master Plan and implementing resolutions, ordinances, and agreements constituting the Fair Share Plan. The R-MF district provides a compensatory benefit over the preceding zoning district’s use and/or intensity standards sufficient to address the affordable housing components of inclusionary development.

B. Permitted Uses. In the R-MF Multifamily District, the following uses, and no others, shall be permitted:

- (1) Principal Uses:
 - (a) Townhouse dwellings.
 - (b) Multifamily dwellings.
 - (c) Municipal purpose.
- (2) Accessory Uses:
 - (a) Community center for the use of residents and their guests.

- (b) Common recreational facilities for the use and enjoyment of residents and their guests.
 - (c) Maintenance building.
 - (d) Management office if located within a community center or building with multifamily dwellings.
 - (e) Home occupation in accordance with the requirements of §28-10-6 and in addition to the prohibited uses listed in subparagraph -c therein, no funeral home, private school or professional office shall be permitted as a home occupation on the premises.
 - (f) Off-street surface parking; car sheds and detached garages for private residential use, only.
 - (g) Fences, walls and street furniture.
 - (h) Signs in accordance with §29.
 - (i) Large satellite dish antenna when approved as part of an application for development for providing common service to the residents of a development in accordance with the standards of §28-10-18.
 - (j) Small satellite dish antennae in accordance with the standards of §28-10-18.
 - (k) Accessory uses on the same lot and customarily incidental to the principal use.
- (3) Conditional Uses. The following uses shall be permitted when the criteria have been met for the site listed.
- (a) Multifamily use with a sub-district designation of 18 (R-MF18) shall be permitted when the following criteria have been met:
 - [1] New multifamily dwellings shall be added to the site by additions to the existing building or by the demolition and construction of new buildings in lieu of the construction of additions.
 - [2] The design of the additions shall have at a minimum a base made of comparable materials to the exterior of the existing buildings but may differ in the field materials above the base, and shall have a similar roof pitch, and roof design as the existing buildings. Fenestration shall mimic the spacing and opening size, to the degree permissible by the Uniform Construction Code, of the existing window and doors architecture.
 - [3] At least twenty percent (20%) of all housing units shall be affordable to low, including very low, and moderate income households as those terms are defined in the Borough's affordable housing regulations, the Uniform Housing Affordability Controls rules (N.J.A.C. 5:80-26.1 et seq.) and the New Jersey Fair Housing Act (N.J.S.A. 52:27D301 et

seq.). Such units may be established in existing multifamily units as such dwellings become vacant in a schedule as approved by the Borough's Administrative Agent for affordable housing.

(b) Uses permitted in §28-3-15, the DTG Downtown Gateway district, listed as - A(1)(c), A(1)d, A(1)f, A(1)f and A(1)k -A(1)(b), -A(1)(c), -A(1)(d), -A(1)(e), -A(1)(f), - A(1)(g), -A(1)(h), -A(1)(i), -A(1)(k) meeting the following criteria:

[1] Any such use shall front on State Highway 33 Franklin Street or County Road 633.

[2] Any such use shall be located on the first floor only of a building.

(c) Uses permitted in §28-3-14, the Highway Commercial district, listed as A(1), A(2) and A(3)

[1] Any such use shall front on Mercer Street.

(d) Cannabis retail uses permitted subject to the following criteria:

[1] Any such use shall front on State Highway 33 Franklin Street or County Road 633.

[2] Any such use shall be located on the first floor only of a building.

[3] Such use shall operate fully within an enclosed building.

[4] Excepting emergency egress doors, each entrance and exit, including loading docks doors, shall be designed to prevent interior air from escaping out of doors unless properly treated as required under § 4-13-6G through air locks, negative pressurization or other means of preventing untreated air from exiting the building.

[5] All criteria set forth in the licensing regulations at § 4-13-6 shall apply.

Formatted: Font color: Red

§ 28-18-1. ~~Construction Official~~Zoning Officer. [1991 Code § 233-41; Ord. No. 19-1994; Ord. No. 2000-29]

- A. The Zoning Officer shall administer and enforce the provisions of this chapter. If the Zoning Officer shall find that any of the provisions of this chapter are being violated, he shall notify, in writing, the person responsible for such violations, indicating the nature of the violation, and order the action necessary to correct it; or he shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.
- B. The Zoning Officer shall administer the zoning permits and make zoning decisions related with the Planning Board, as set forth in this Article.

§ 28-18-2. Zoning Permit Required; Fee. [1991 Code § 233-42; amended by Ord. No. 2000-29; Ord. No. 2004-31]

- A. No building or structure in any district shall be erected, enlarged or altered, nor may land be used or improved, unless and until a zoning permit has been duly issued by the Zoning Officer. No zoning permit shall be issued by the Zoning Officer except in conformity with the provisions of this chapter, unless he receives a written order from the Board of Adjustment or Planning Board.
- B. The fee for ~~issuance of~~ a zoning permit application shall be \$50. [Amended 2-22-2022 by Ord. No. 2022-02]

§ 28-18-3. Zoning Permit Application. [1991 Code § 233-43]

All applications for zoning permits and supporting documentation thereto shall be made in duplicate and accompanied by plans in duplicate, drawn to scale, showing the following:

- A. An accurate survey, at the scale of the Borough's Tax Maps, showing shape, dimensions, radii, angles and area of the lot on which the building is proposed to be erected or of the lot on which it is situated if an existing building. Such survey shall be prepared and sealed by a land surveyor licensed by the State of New Jersey.
- B. The block and lot numbers as they appear on the Official Borough Tax Map.
- C. The exact size and location on the lot of the proposed building or buildings or alteration of an existing building, and of other existing buildings on the same lot.
- D. The dimensions of all yards in relation to the subject building and the distances between such building and any other existing buildings on the same lot.
- E. The existing and intended use of all buildings, existing or proposed, or of land and the number of dwelling units a residential building is designed to accommodate.
- F. Such topographic or other information with regard to the building, the lot or neighboring lots as may be necessary to determine that the proposed improvements or construction will conform to the provisions of this chapter.
- G. The location, widths and grades of driveways serving any parking areas or loading areas or docks, together with a description of the proposed means of surfacing and draining such areas.

§ 28-18-4. Determination of Zoning Officer; Issuance of Permit. [1991 Code § 233-44; Ordinance 2000-29]

- A. Upon receipt of an application for a zoning permit, the Zoning Officer shall, within ~~five~~ten ~~business~~ days, determine:
- (1) Whether such application is in conformity with this chapter and all others enforced by him.
 - (2) Whether the proposal is subject to site plan review or any other review.
- B. If it is in compliance with all provisions of this chapter and all other ordinances enforced by the Zoning Officer and no further reviews are required, the Zoning Officer shall issue a zoning permit within the ~~five-ten~~ business day period.

§ 28-18-5. Notification of Decision; Appeals. [1991 Code § 233-45; Ord. No. 2000-29]

- A. If a zoning permit is denied or the application is found to require site plan review, the Zoning Officer shall promptly cause to be sent to the applicant, to the address set forth in the application for the permit, a notice of this action, which shall specify, in writing, the ground or grounds upon which the same is based.
- B. In the case of a denial, the applicant may, within ~~five~~twenty days thereafter, notify the Zoning Officer, in writing, that he appeals from such determination of the Zoning Officer to the Planning Board, and it shall thereupon be the duty of the Zoning Officer to deliver the plans, specifications, application for permit, certificate of use or intended use of such buildings or proposed building and a copy of his notification to his agent that such building or use is a nonconforming building or use, or both, together with any other papers or information in his possession, to the Planning Board, and the Planning Board shall, within 30 days thereafter and upon five days' notice, in writing, to the owner or his agent, review the determination of the Zoning Officer. The Board shall either affirm the determination of the Zoning Officer, reverse the same or issue a variance from the provisions of this chapter not complied with.
- C. In the case where site plan review by the Planning Board is required, the Zoning Officer shall so notify the applicant, who shall then, if he wishes to proceed with the application, comply with the application requirements for site plan review hereinafter provided for.

§ 28-18-7. Revocation of Permit; Bond; Files and Records to Be Kept. [1991 Code § 233-47; Ord. No. 2000-29]

- A. If at any time it shall appear to the Zoning Officer that the application or any accompanying plan is in any respect false or misleading or that work is being done upon the premises differing materially from that called for in the application filed with him under existing laws or ordinances, he may forthwith revoke the zoning permit in accordance with due process of law, whereupon it shall be the duty of the person holding the same to surrender it and all copies thereof to the Zoning Officer. After the permit has been revoked, the Zoning Officer may, in his discretion, before issuing a new permit,

require the applicant to file an indemnity bond in favor of the Borough with sufficient surety conditioned for compliance with this chapter and all laws and ordinances then in force and in a sum sufficient to cover the cost of removing the structure if it does not comply.

- B. The Zoning Officer shall maintain files of all applications for zoning permits and plans submitted therewith and for certificates of occupancy issued by him, which files and records shall be open to public inspection during regular business hours at the Municipal Building, ~~148 North Main Street~~156 Bank Street, Hightstown, New Jersey 08520.

Section 2. Continuation. In all other respects, the Zoning Ordinance of the Borough of Hightstown shall remain unchanged.

Section 3. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole, or any other part thereof. Any invalidation shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, or provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance of the Code of the Borough of Hightstown, then the restriction which imposes the greater limitation shall be enforced.

Section 5. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

Section 6. Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Borough Clerk of the Borough of Hightstown in the manner prescribed by law.

Introduction: July 7, 2025

Adoption: July 21, 2025

ATTEST:

MARGARET RIGGIO
MUNICIPAL CLERK

SUSAN BLUTH
MAYOR

Formatted: Line spacing: Exactly 9 pt