

Borough of Hightstown  
County of Mercer

Ordinance 2026-04

**ORDINANCE AMENDING CHAPTER 28 – ZONING OF THE CODE OF THE BOROUGH OF HIGHTSTOWN, COUNTY OF MERCER TO MODIFY THE DTC AND HC DISTRICTS AND LOCATIONS OF THE R-MF DISTRICTS TO IMPLEMENT INCLUSIONARY AFFORDABLE HOUSING ZONING FOR THE FOURTH ROUND**

**WHEREAS**, the Hightstown Borough Council desires to implement the Housing Element and Fair Share Plan of the municipality for the Fourth Round of affordable housing obligations by modifying certain district regulations in the Zoning Ordinance and Zoning Map to provide the opportunity for affordable housing; and

**WHEREAS**, it has been determined by Hightstown Borough Council that the implementation of these modifications to the DTC and HC zoning districts and the application of the R-MF in its various sub-zones would effectuate the intent and purpose of the goals and objectives of the Housing Element and Fair Share Plan of the Master Plan of the Borough of Hightstown; and

**WHEREAS**, the Municipal Land Use Law requires that any amendments or revisions to Hightstown Borough's Zoning Ordinance shall be reviewed by the Planning Board to determine if the amendments or revisions thereto are substantially consistent with the Master Plan of the Borough of Hightstown; and

**WHEREAS**, the Planning Board of Hightstown adopted a Housing Element and Fair Share Plan, Element of the Master Plan on May 12, 2025 that addresses the municipality's affordable housing obligations in a manner which will promote the public health, safety, morals, and general welfare; and

**WHEREAS**, the Planning Board of Hightstown adopted the 2025 Amendment to the 2024 Mater Plan Reexamination Report on November 10, 2025 that incorporates the municipality's affordable housing obligations in a manner which will promote the public health, safety, morals, and general welfare; and

**WHEREAS**, the Municipal Land Use Law at N.J.S.A. 40:55D-62a requires substantial consistency of the provisions regulating zoning and land use with the adopted Land Use Plan Element; and

**WHEREAS**, the Hightstown Borough Council formally refers this Ordinance to the Planning Board for examination, discussion, and recommendations in accordance with N.J.S.A. 40:55D-26; and

**WHEREAS**, the adoption of this Ordinance was appropriately noticed pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-15 and in accordance with N.J.S.A.40:55D-62.1.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of

Borough of Hightstown  
County of Mercer

Ordinance 2026-04

Hightstown that the Zoning Ordinance is hereby amended as follows (deletions are shown with ~~strikeout~~, additions are shown with underline):

**Section 1.** Section 28-3-13, entitled “DTC Downtown Core,” of Article 28-3, “Districts Established; Zoning Map,” of Chapter 28, “Zoning,” of the Borough Code is hereby amended and supplemented as follows:

## Chapter 28

### Article 28-3. Districts Established; Zoning Map

§ 28-3-13. DTC Downtown Core. [1991 Code §§ 223-20, 223-21; Ord. No. 93-852; Ord. No. 860; Ord. No. 2013-13; Ord. No. 2019-13; Ord. No. 2025-07, 6-16-2025]

~~A. Purpose and Intent. The purpose and intent is to eliminate the CC-1 Central Commercial District and the CC-2 Central Commercial District and to establish a new district known as the DTC Downtown Core. The purpose and intent of the DTC, Downtown Core Zoning District, is to create a cohesive mixed use district that allows for incremental change to the historic fabric and character of Hightstown by providing for a wide range of uses for the enjoyment of its citizens and visitors thereto while being supportive of the needs of the business community.~~

~~A-B.~~ Permitted uses. In the DTC Downtown Core, the following uses, and no others, shall be permitted:

- (1) Principal uses:
  - (a) Retail sales and services within a completely enclosed building.
  - (b) Personal and business services within a completely enclosed building.
  - (c) Offices.
  - (d) Public facilities, including public parking facilities.
  - (e) Child-care centers.
  - (f) Bars and taverns.
  - (g) Restaurants and other places to eat and drink, but not including establishments with drive-through facilities.
  - (h) Banks and financial institutions.
  - (i) Newspaper and other publishing facilities.
  - (j) Apartment dwellings ~~as upper floor use of buildings containing above permitted principal uses~~ above ground-floor non-residential uses.
  - (k) Art galleries and artist studios.

- (2) Accessory uses and structures:
- (a) Signs in accordance with Chapter 29.
  - (b) Parking facilities not located in front of the building line.
  - (c) Fences, walls and landscaping.
  - (d) Amusement machines, subject to the licensing and regulation provisions of Chapter 4, General Licensing, Article 4-7, Amusement Machines, of the Code of the Borough of Hightstown.
  - (e) Satellite dishes, subject to the restrictions and requirements set forth in § 28-10-19.
  - (f) Accessory uses and structures customarily incidental and on the same lot as a principal or conditional use.
- (3) Conditional uses. The following uses shall be permitted when authorized as a conditional use by the Planning Board when meeting their associated criteria:
- (a) Cannabis retail, subject to the following criteria:
    - [1] Such use shall operate fully within an enclosed building.
    - [2] 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.
    - [3] All criteria set forth in the licensing regulations at § 4-13-6 shall apply.

C. Required Use.

- (1) In order to effectuate the purposes of the Borough of Hightstown's constitutional obligation to provide for affordable housing, any site development of Block 39, Lot 28 (140 Mercer Street) that increases the existing square footage in existence as of June 30, 2025, or is a redevelopment of the site, shall include a mixed use building consisting of a non-residential use fronting on Mercer Street and multi-family residential units.
- (a) 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. 52:27D-301 et seq.).
  - (b) Notwithstanding any other provision herein, the maximum height shall be four (4) stories and fifty-five (55) feet.
  - (c) The required number of parking spaces on-site shall be one for each studio or one-bedroom unit, one and one-half space for each two-bedroom unit and two spaces for each three-bedroom unit. Non-residential spaces shall be as otherwise required herein.

**B-D.** Other restrictions.

- (1) Lot area. A lot area of not less than two thousand (2,000) square feet shall be required.
- (2) Lot width. A lot width of not less than twenty (20) feet shall be required.
- (3) Lot depth. A lot depth of not less than fifty (50) feet shall be required.
- (4) Front yard. None shall be required, except that building locations shall comply with Borough requirements for providing adequate sight ~~triangles~~ distance at street and driveway intersections.
- (5) Side yards. None shall be required, except that building locations shall comply with Borough requirements for providing adequate sight ~~triangles~~ distance at street and driveway intersections.
- (6) Rear yard; principal buildings. There shall be a rear yard not less than ten (10) feet deep.
- (7) Rear yard; accessory buildings. There shall be a rear yard not less than three (3) feet deep behind accessory buildings.
- (8) Height. The maximum height shall be three (3) stories or fifty-five (55) feet.
- (9) Coverage. No building shall cover more than ninety percent (90%) of the lot area.
- (10) Parking. Parking shall be provided in accordance with § 28-10-11. Parking is not required for individual uses situated within three hundred (300) feet of a public facility or designated private parking facility subject, however, to demonstration that the facility has adequate parking to accommodate the individual use while maintaining sufficient parking for existing uses already utilizing the parking facility.
- (11) Signs. Signs for individual business establishments shall be permitted in accordance with  
§ 29-1-18.

**E.** Additional Requirements.

~~(12)~~1) Sight triangles. The regulations for adequate sight triangles ~~distances at street and driveway intersections~~ shall be in accordance with § 28-10-9.

~~12)~~2) Residential district buffer. For lots which adjoin a residential district, a buffer area of at least ten (10) feet shall be provided, and the buffer area shall be landscaped to provide for continuous, year-round visual screening of the property. The buffer area may contain a fence provided said fence is in accordance with § 28-10-4. The fence shall be provided only to supplement necessary landscaping.

**Section 2.** Section 28-3-9, entitled “R-MF, Multi-Family District,” of Article 28-3, “Districts Established; Zoning Map,” of Chapter 28, “Zoning,” of the Borough Code is hereby amended and supplemented as follows:

**Chapter 28. Zoning****Article 28-3. Districts Established; Zoning Map****§ 28-3-9. R-MF Multifamily District. [1991 Code §§ 233-14, 233-15; Ord. No. 93-852; Ord. No. 2025-05, 5-19-2025; Ord. No. 2025-10, 7-21-2025]**

- A. Purpose and intent. The purpose and intent of the R-MF Multifamily 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 subdistricts 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 § 28-10-7 and in addition to the prohibited uses listed in Subsection 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 Chapter 9.
  - (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 § 28-10-19.
  - (j) Small satellite dish antennas in accordance with the standards of § 28-10-19.
  - (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 subdistrict 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. 52:27D-301 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.
    - [3][4] These conditional use criteria shall not apply to any R-MF18 zoned property that does not contain garden apartments, but shall be considered a principal permitted use.
  - (b) Uses permitted in § 28-3-15, the DTG Downtown Gateway district, listed as Subsection A(1)(b) through (i) and (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 Subsection A(1), (2) and (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.

**Section 3.** Section 28-3-14, entitled “H-C Highway Commercial District,” of Article 28-3, “Districts Established; Zoning Map,” of Chapter 28, “Zoning,” of the Borough Code is hereby amended and supplemented as follows:

## **Chapter 28. Zoning**

### **Article 28-3. Districts Established; Zoning Map**

**§ 28-3-14. HC Highway Commercial District. [1991 Code §§ 233-24, 233-25; Ord. No. 93-852; Ord. No. 860; Ord. No. 2013-13; Ord. No. 2014-16; Ord. No. 2019-15; Ord. No. 2023-20, 12-18-2023; Ord. No. 2025-07, 6-16-2025; Ord. No. 2025-19, 12-15-2025]**

A. Permitted uses. In the HC Highway Commercial District, the following uses, and no others, shall be permitted:

(1) Principal uses.

(a) Any principal use permitted in the DTC Downtown Core.

(b) Retailing and service establishments with incidental outdoor operations.

(c) Movie theater, bowling alley, gymnasiums, tennis centers, roller skating rinks and similar recreational and cultural facilities conducted within an enclosed building.

(d) Lumber yards.

(e) Heating oil distribution facilities.

(f) Motor vehicle body and repair shops, subject to the conditions of § 28-10-13.

- (2) Accessory uses and structures.
    - (a) Off-street parking and loading facilities.
    - (b) Private garages and storage buildings.
    - (c) Fences, walls and landscaping.
    - (d) Amusement machines: as permitted in the DTC Downtown Core District.
    - (e) Satellite dishes, subject to the restrictions and requirements set forth in § 28-10-19.
    - (f) Signs in accordance with Chapter 29.
    - (g) Accessory uses and structures customarily incidental to and on the same lot as a principal or conditional use.
  - (3) Conditional uses. The following uses shall be permitted when authorized as a conditional use by the Planning Board when meeting their associated criteria:
    - (a) Cannabis cultivation, manufacturing, wholesaling, distribution or retail, subject to the following criteria:
      - [1] With the exception of cannabis retail, such use or uses shall be located on a tract of land comprising at least 10 contiguous acres. The vertically integrated operation of cannabis cultivation and cannabis manufacturing shall be permitted on the same tract of land.
      - [2] Such use shall operate fully within an enclosed building.
      - [3] 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.
      - [4] All criteria set forth in the licensing regulations at § 4-13-6 shall apply.
    - (b) Subject to approval of the State Cannabis Regulatory Commission, nothing herein shall prohibit multiple licensees within each permitted class from operating simultaneously on the same tract of land, provided that each licensee otherwise satisfies the conditional use criterion herein and any requirements of the state with respect to the co-location of cannabis businesses on the same tract of land or within the same building.
- B. Other restrictions.
- (1) Lot area. A lot area of not less than 20,000 square feet shall be required.
  - (2) Lot width. A lot width of not less than 100 feet shall be required.
  - (3) Lot depth. A lot depth of not less than 200 feet is required.
  - (4) Front yard. No portion of any building shall be located nearer to any street line than 25

feet, except that projections such as window sills, cornices, cantilevered roofs, open one-story porches, balconies, other roof overhangs, canopies, bay windows and others of the same nature may project not more than five feet into a required front yard. In addition, no building erected on any lot need be set back farther from the street line than the average alignment of existing buildings within 200 feet on each side of the lot and within the same block front and district; however, regardless of the alignment of neighboring buildings, no building erected between two existing buildings on immediately adjacent lots need be set back farther than that of the two buildings which is farther from the street line.

- (5) Perimeter setback. A setback of 25 feet from all lot lines other than street lines is required.
- (6) Height. The maximum height shall be 2.5 stories, not to exceed 35 feet.
- (7) Lot coverage. The total lot coverage of all buildings shall not exceed 30% of the gross lot area, and total lot coverage of all buildings, structures and other lot improvements shall not exceed 70% of the gross lot area.
- (8) Parking. See § 28-10-11, Off-Street parking and off-street loading facilities.
- (9) Signs.
  - (a) Freestanding signs shall be permitted for all permitted uses, provided that:
    - [1] There shall be no more than one sign for each street, other than a residential service street, on which the use fronts.
    - [2] The total area of such signs shall not exceed 75 square feet, nor shall they exceed a height of 55 feet.
    - [3] All bare incandescent light sources (neon lights shall not be considered as such) and immediately adjacent reflecting surfaces shall be shielded from view. Flashing, moving, intermittently illuminated advertising devices shall be prohibited.
  - (b) Signs for individual business establishments in designed shopping centers shall be permitted in addition to the center's sign, provided that:
    - [1] The total area of all signs shall not exceed two square feet for each foot of building frontage; the maximum shall not exceed 40 square feet.
    - [2] No sign shall exceed two feet in height.
    - [3] Such sign shall be applied flat against a wall and shall not project beyond the side or top of the wall to which it is affixed nor more than eight inches in front of such wall.
    - [4] All bare incandescent light sources (neon lights shall not be considered as such) and immediately adjacent reflecting surfaces shall be shielded from view; flashing, moving, intermittently illuminated signs, reflection signs or signs painted in luminous materials that glow in the dark and advertising devices shall be prohibited.

[5] Not more than one sign shall be permitted for each tenant on the premises on each wall fronting on a street.

(10) Sight triangles. The regulations for sight triangles shall be the same as for the R-1 District.

(11) Landscaping and buffers. All portions of lots not used for buildings, parking or other improvements shall be suitably landscaped with lawns, shrubs and/or trees. Lot lines which abut residential uses or residential district lines shall provide a landscape buffer strip at least 10 feet in width, and the buffer strip shall be suitably landscaped to provide a continuous, year-round, visual screening of the property. The buffer area may contain a fence provided in accordance with § 28-10-5, but the fence shall be provided to only supplement necessary landscaping. A landscaped strip at least five feet in width shall be provided along all street right-of-way lines as a setback for parking of motor vehicles. The landscape strip and any adjoining landscape area of the right-of-way shall be landscaped with suitable shrubbery not exceeding 30 inches in height, street trees and other suitable landscaping improvements.

### C. Required Use.

(1) In order to effectuate the purposes of the Borough of Hightstown's constitutional obligation to provide for affordable housing, any site development of Block 61.01, Lots 39, 41-43 (397-415 Mercer Street) that increases the existing square footage in existence as of June 30, 2025, or is a redevelopment of the site, shall include a mixed use building consisting of a non-residential use fronting on Mercer Street and multi-family residential units.

(a) 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. 52:27D-301 et seq.).

(b) The maximum residential density shall be eighteen (18) units per acre.

(c) Notwithstanding any other provision herein, the maximum height shall be four (4) stories and fifty-five (55) feet.

(a)(d) The required number of parking spaces shall be one for each studio or one-bedroom unit, one and one-half space for each two-bedroom unit and two for each three-bedroom unit. Non-residential spaces shall be as otherwise required herein.

**Section 4. §28-3-1, Zoning Map,** shall be amended to rescind the existing zoning districts and apply the following zoning districts and subdistricts to the tax assessment blocks and lots, and associated half width of streets as appropriate:

R-MF            Block 60; Lots 1-5

R-MF18        Block 24, Lot 9 (278 Monmouth St.)

Borough of Hightstown  
County of Mercer

Ordinance 2026-04

**§ 28-3-2. Zoning Map. [1991 Code § 233-5; Ord. No. 2000-29; Ord. No. 2002-05; Ord. No. 2003-29; Ord. No. 2005-07; Ord. No. 2019-15; Ord. No. 2020-02]**

The boundaries of the districts are hereby established as shown on the Zoning Map, Borough of Hightstown, Mercer County, New Jersey, dated ~~June 2020~~November 2025, which, with all explanatory matter thereon, is hereby adopted and made a part of this chapter by reference. Such map shall be kept on file in the offices of the Borough Clerk for the use and benefit of the public.

**Section 5. Continuation.** In all other respects, the Zoning Ordinance of the Borough of Hightstown shall remain unchanged.

**Section 6. 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 there of directly involved in the controversy in which such judgment shall have been rendered.

**Section 7. 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.

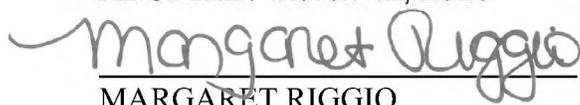
**Section 8. Repealer.** All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

**Section 9. 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.

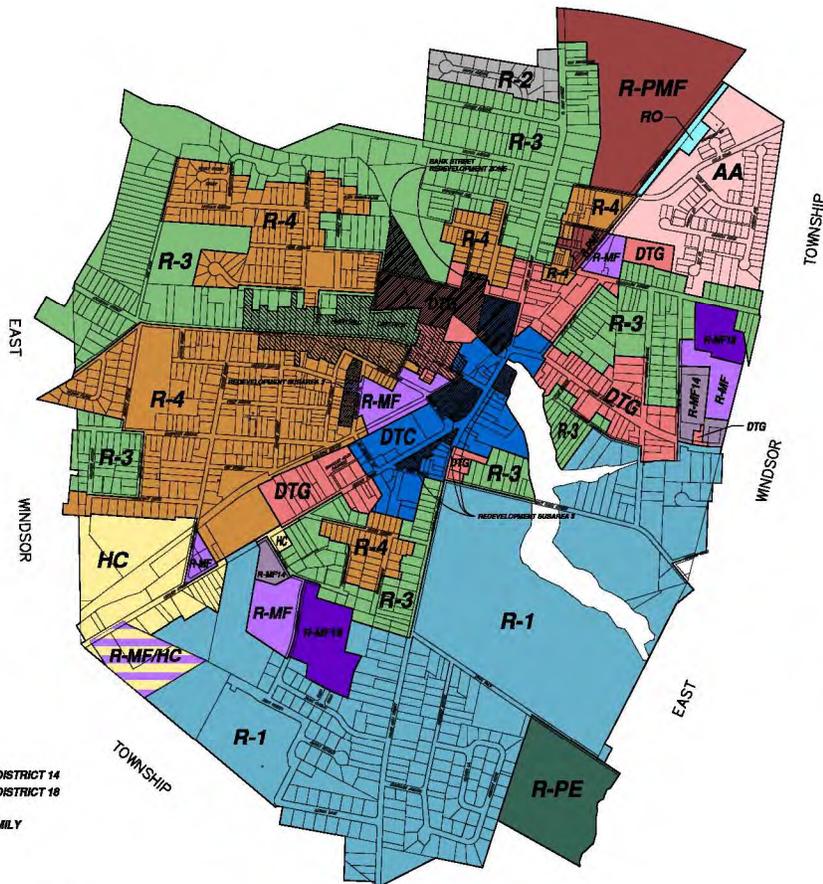
**Section 10. Continuation and codification.** This ordinance shall be a part of the “Revised General Ordinances of the Borough of Hightstown,” as through codified and fully set forth herein. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Borough Code. The Borough Clerk and Borough Attorney are authorized and directed to change any chapter, article and/or section number of the “Revised General Ordinances of the Borough of Hightstown,” in the event that the codification of this ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and accidental repeal of existing provisions not intended to be repealed.

INTRODUCED: March 2, 2026

ADOPTED: March 12, 2026

  
MARGARET RIGGIO  
BOROUGH CLERK

  
SUSAN BLUTH  
MAYOR



**ZONES**

- R-1 RESIDENTIAL- SINGLE FAMILY
- R-2 RESIDENTIAL- SINGLE FAMILY
- R-3 RESIDENTIAL- SINGLE FAMILY
- R-4 RESIDENTIAL- SINGLE FAMILY
- R-MF RESIDENTIAL- MULTI- FAMILY
- R-MF14 RESIDENTIAL- MULTI- FAMILY SUB-DISTRICT 14
- R-MF18 RESIDENTIAL- MULTI- FAMILY SUB-DISTRICT 18
- R-PE RESIDENTIAL- PLANNED ELDERLY
- R-PMF RESIDENTIAL- PLANNED MULTI- FAMILY
- DTG DOWNTOWN GATEWAY
- DTC DOWNTOWN CORE
- HC HIGHWAY COMMERCIAL
- RO RESEARCH OFFICE
- AA ACTIVE ADULT AGE RESTRICTED SINGLE FAMILY
- R-MF/HC HIGHWAY COMMERCIAL
- BANK STREET REDEVELOPMENT ZONE
- REDEVELOPMENT SUBAREA 2
- REDEVELOPMENT SUBAREA 3
- HISTORIC DISTRICT

**ZONING MAP**

**HIGHTSTOWN BOROUGH**  
MERCER COUNTY, NEW JERSEY

NOVEMBER 2025



**Roberts**  
ENGINEERING GROUP LLC  
Professional Engineering Office  
CERTIFICATE OF AUTHORIZATION: 24GAZ8159/000  
570 Whitehorse Lane, Suite 101  
Hightstown, New Jersey 08520  
609-386-1141 Fax 609-386-8143  
www.RobertsEngineeringGroup.com