

Ordinance No. 2017-07

An Ordinance of the Borough of Spring Lake Heights - Revising and Amending Chapter 22 (Municipal Land Use Regulations) of the Revised General Ordinances of the Borough of Spring Lake Heights in order to implement the recommendations of the Planning Board regarding the Municipal Land Use Regulations.

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Spring Lake Heights, in the County of Monmouth, State of New Jersey, as follows:

Section 1. Newly added section 22-413, "Waiver of Site Plan" of Chapter 22 (Municipal Land Use Regulations) of the Revised General Ordinances of the Borough of Spring Lake Heights, New Jersey shall read in its entirety as follows:

22-413 WAIVER OF SITE PLAN.

22-413.1 Site Plan Waivers.

When minor changes to a Site Plan Plat are proposed, the Planning Board may waive the process of a Site Plan review. This review can be waived when the Planning Board deems the proposed site work to be minor or insignificant in nature or effect.

a. Filing Procedure; Waiver Fee.

The following are required to request a Site Plan Waiver:

1. Request for Waiver of Site Plan Application (see subsection 22-413.2);
2. All documents required on the Request for Waiver of Site Plan Checklist (see subsection 22-413.3);
3. Proof that all taxes due the Borough of Spring Lake Heights are paid to date;
4. A check for seven hundred fifty dollars (\$750.00) payable to the Borough of Spring Lake Heights.

b. Action of the Approving Authority.

The Planning Board shall review the request. If the Planning Board determines the Site Plan changes(s) are minor and insignificant in nature or effect and do not require a Site Plan review, the Planning Board may approve the Site Plan changes. If the Planning Board determines that the changes are not minor, the Planning Board may deny the waiver and request that a complete Site Plan Application be submitted.

c. Denial of Waiver, Application of Waiver Fee to Site Plan Application.

The waiver fee shall be applied to the submission of the complete Site Plan Application if the waiver is denied by the Planning Board.

REQUEST FOR WAIVER OF SITE PLAN APPLICATION

Location of Property (street address):

Assessor Map Reference: Block _____ Lot _____

Applicant(s) Name: _____

Address: _____

Phone Number: _____

Property Owner(s) if different than applicant(s):

Name: _____

Address: _____

Phone Number: _____

Agent (if different than applicant(s) or property owner(s)):

Name: _____

Address: _____

Phone Number: _____

Property Information

Property Zone(s): _____

Existing Use(s): _____

Description of Proposed Changes: _____

Are Changes to signs proposed? Yes _____ No _____

If yes, attach drawing of sign with material, colors and dimensions.

Are changes to facade proposed? Yes _____ No _____

If yes, attach elevations.

Are changes to parking proposed? Yes _____ No _____

If yes, see Checklist Item 5. (subsection 22-413.3)

Request for Site Plan Waiver:

I request a Site Plan Waiver for the proposed Site Plan Change(s).

Signature: _____ Date: _____

22-413.3 Request for Waiver of Site Plan Checklist.

REQUEST FOR WAIVER OF SITE PLAN CHECKLIST

Checklist for Applicants – Required:

1. Ten (10) copies of the Request for Waiver of Site Plan.
2. Ten (10) copies of the Minor Site Plan.
3. Change(s) to facade: ten (10) copies of elevations.
4. Change(s) to sign(s): drawing of sign.
5. Change to parking area: the Planning Board may require a review of the system for stormwater management including drainage calculations prepared by a Registered Professional Engineer.
6. Proof of Ownership; if not the owner, documentation of owner's consent.
7. Proof that all taxes due the Borough of Spring Lake Heights are paid to date.
8. Any other documents as may be required by the Planning Board.
9. A check for seven hundred fifty dollars (\$750.00) payable to the Borough of Spring Lake Heights.

Section 2. Newly added. Section 22-401.3, entitled “Site Plan Waivers” of Chapter 22 (Municipal Land Use Regulations) of the Revised General Ordinances of the Borough of Spring Lake Heights, New Jersey shall read in its entirety as follows:

22-401.3 Site Plan Waivers.

See Section 22-413, Waiver of Site Plan, for application and submission of a site plan waiver.

Section 3. Section 22-502 entitled “Garages and Accessory Buildings” of Chapter 22 (Municipal Land Use Regulations) of the Revised General Ordinances of the Borough of Spring Lake Heights, New Jersey is hereby amended to read in its entirety as follows:

(22-502 — ACCESSORY BUILDINGS.

~~— Any accessory building attached to a principal building is part of the principal building and shall adhere to the yard requirements for the principal building. Any accessory building detached from the principal building shall have a rear and side setback of five (5') feet. Only one (1) shed and one (1) garage per lot. Any detached accessory structure cannot be located in front of the principal building. The maximum structure size for a shed shall be one hundred (100) square feet with height not to exceed ten (10') feet. The maximum structure size for a garage shall be six hundred (600) square feet with height not to exceed fifteen (15') feet. Above shall be considered lot coverage.) (Ord. #6-1989, § 502; Ord. #9-2005, § 2)~~

22-502.1 Number Limited; Setbacks; Maximum Height; Permitted Uses.

An accessory building attached to a principal building is part of the footprint of the principal building and shall adhere to the yard requirements for the principal building. An accessory building detached from the principal building shall have a rear and side yard set back of five (5') feet. A detached accessory building shall be considered lot coverage. A detached accessory building shall not extend beyond the building line of the principal building into the front yard. Only one (1) garage structure and one (1) accessory building are permitted per lot.

a. Garages.

The maximum size for a garage shall be seven hundred twenty (720) square feet with a height not to exceed fifteen (15') feet. A garage must be accessible to motor vehicles and be able to accommodate the storage of motor vehicle(s).

b. Accessory Buildings.

The maximum size for an accessory building, other than a garage, shall be one hundred (100) square feet with a height not to exceed ten (10') feet. An accessory building may be used as a storage shed, a pool equipment shed or a changing room. An accessory building may have electricity, but shall not be heated, have cooking facilities or be connected to a municipal or a septic water and/or sewer system.

(Ord. #6-1989, § 502; Ord. #9-2005, § 2)

Section 4. Section 22-507 entitled “Sidewalks, Curbs, Curb Cuts, Driveways, Driveway Aprons and Aprons” of Chapter 22 (Municipal Land Use Regulations) of the Revised General Ordinances of the Borough of Spring Lake Heights, New Jersey is hereby amended to read as follows:

22-507 SIDEWALKS, CURBS, CURB CUTS, DRIVEWAYS, DRIVEWAY APRONS AND APRONS.

~~Concrete curb shall be installed along every street within the development and along the full front and side of all lots abutting existing roadways where curbing does not exist.)~~

Concrete curbs are required on every street in the Borough along the full front and side of all lots abutting existing roadways and shall be installed where curbing does not exist when construction of a completely new principal building occurs; or when an addition to, reconstruction of, or renovation of a principal building consists of forty (40%) percent or more of the square footage of the existing principal building.

- a. *Curb Cut and Driveway Apron Standards.* Concrete curb cuts and concrete aprons shall be one (1) cut per lot and have a minimum width of ten (10') feet and a maximum width of ~~(sixteen (16'))~~ twenty (20) feet. The full height curb and the dropped curb (driveway apron) and apron shall meet the standard specifications of the Borough.
- b. *Curb Standards.* Curbs shall be set in accordance with approved lines and grades and radial curbs shall be formed in an arc segment, on a smooth curve. Chord segments are prohibited. Standard curb sections shall be ten (10') feet in length with preformed expansion joint material on not more than twenty (20') foot centers. The exposed curb face on local roads shall be six (6") inches and on County and State roads shall be the dimension set by the County or State Engineer. Concrete for curbing shall be made with air-entraining cement, Class B, having a compressive strength in twenty-eight (28) days of four thousand (4,000) pounds per square inch, or better. Where designated by the approving authority, ramps for bicycles or wheelchairs shall be provided in accordance with the Design Standards for Curb Ramps for the Physically Handicapped, prepared by the New Jersey Department of Transportation.
- c. *Driveway Standards.* There shall be a minimum two (2') foot side and rear yard setback for a driveway in a residential zone and a minimum three (3') foot side and rear yard setback for driveways in a business or commercial zone. Driveways in residential zones

shall have a maximum width of twenty (20') feet in the front of the house. A zoning permit is required for new or replacement driveways.

- d. Streets Requiring Sidewalks: Sidewalk Standards. Any new construction or replacement of an existing principal structure shall require the installation of sidewalks along the full front and side of all lots abutting existing roadways where sidewalks do not exist on the designated side(s) of the streets listed on the Streets Requiring Sidewalks schedule below. The configuration of required curb and sidewalk shall be as follows: curb abutting existing roadway, two (2') feet of grass and a four (4') foot sidewalk. Asphalt and/or stone are not permitted sidewalk materials. Any deviation from the preceding will require a variance.

Streets Requiring Sidewalks

Allaire Road – both sides

Brighton Avenue – both sides

Church Street – both sides

Ludlow Avenue – north side

Monmouth Avenue – both sides

Ocean Road – both sides

Old Mill Road – west side

Park Avenue – south side

(Ord. #6-1989, § 507; Ord. #21-2005, § 1)

Route 71 – both sides

Shore Road – south side

Sixth Avenue – west side

St. Clair Avenue – both sides

Wall Road – both sides

Warren Avenue – both sides east of Rte. 71

Editor's Note: See also Section 22-525, Sidewalks for additional construction requirements.

Section 5. Section 22-512.4 and 22-512.5 entitled “Decorative Side to Face Out; Naturally Grown Barrier” and “Height” of Chapter 22 (Municipal Land Use Regulations) of the Revised General Ordinances of the Borough of Spring Lake Heights, New Jersey are hereby amended to read as follows:

22-512.4 Decorative Side to Face Out; Naturally Grown Barrier.

~~(When located in the front yard area in a residential zone)~~ The finished or most decorative side of any fence shall face out from the property. Any naturally grown barrier shall be properly maintained and trimmed and, as to corner lots, the provisions of subsection 22-512.5 shall apply. (Ord. #6-1989, §512.4)

22-512.5 Height.

- a. Fences may be erected, altered or reconstructed in a residential zone to a height not to exceed three (3') feet above ground level when located within twenty-five (25') feet of the street line toward which the front entrance of the dwelling on the lot faces.
- b. Fences may be erected, altered or reconstructed to a height not to exceed six (6') feet above ground level when located more than twenty-five (25') feet from the street line in a residential zone or when located in the yard area of any use in a business zone. Fences located more than twenty-five (25') feet from the street line may be erected to a height not to exceed eight (8) feet on properties with residential uses along the side or rear yards adjacent to properties with a non-residential use.
- c. Fences may be erected, altered or reconstructed to a height not to exceed six (6') feet when located in the side or rear yards of any dwelling in a residential zone.

- d. The foregoing restrictions shall not be applied so as to prevent the erection of an open wire fence not exceeding eight (8') feet above ground level any where within a public park, public playground or school premises.
- e. A decorative wall shall be to a height not to exceed two (2') feet measured from the base of the wall.
- f. A structural retaining wall, when necessary, shall be a height not to exceed four (4') feet measured from the bottom of the wall and require the submission of a signed and sealed plan from a licensed Professional Engineer.

(Ord. #6-1989, §512.5—§512.8; Ord. No. 2013-08)

Section 6. Section 22-531, entitled “Swimming Pools” of Chapter 22 (Municipal Land Use Regulations) of the Revised General Ordinances of the Borough of Spring Lake Heights, New Jersey is hereby amended to read as follows:

22-531 SWIMMING POOLS.

~~(No swimming pool shall be located any nearer than ten (10') feet to any rear or side property line, or in any case nearer a street than the principal building to which it is an accessory. The ten (10') feet are to be measured from the nearest pool line to the property line. A permanent barrier or obstruction not less than four (4') feet nor more than ten (10') feet in height, so constructed as to entirely enclose the area on which the swimming pool is located and to bar all reasonable and normal access to the swimming pool except through a substantial self-closing gate or gates of the same height as the fence, equipped with facilities for locking the gate when the pool is unattended or unguarded, shall be provided for all swimming pools.) (Ord. #6-1989, §531)~~

No swimming pool shall be located within ten (10') feet of any rear or side property line; the ten (10') feet shall be measured from the pool line nearest to any rear and/or side property line. No swimming pool shall be within five (5') feet of the principal building or any accessory building. In no case shall the swimming pool be nearer any street than the principal building to which the pool is an accessory. A fence, permanent barrier or obstruction not less than four (4') feet nor more than six (6') feet in height, shall entirely enclose the area on which the swimming pool is located and bar all reasonable and normal access to the pool. Access to the area shall be through self-closing and latched gate or gates. The barrier may enclose a portion of the yard surrounding the pool. The barrier shall meet State of New Jersey requirements and be approved by the Borough Construction Official.

Section 7. Section 22-609.7, entitled “Swimming Pools” of Chapter 22 (Municipal Land Use Regulations) of the revised General Ordinances of the Borough of Spring Lake Heights, New Jersey is hereby amended to read as follows:

Swimming Pools.

~~(No swimming pool shall be located within ten (10') feet of any rear or side property line, nor any closer to a street than the principal building to which the pool is accessory. The pool must be surrounded by a four (4') foot high chain link fence, with lockable gate(s). The fence may enclose a portion of the yard as well as the pool.) (Ord. #6-1989, §609.7)~~

No swimming pool shall be located within ten (10') feet of any rear or side property line; the ten (10') feet shall be measured from the pool line nearest to any rear and/or side property line. No swimming pool shall be within five (5') feet of the principal building or any accessory building. In no case shall the swimming pool be nearer any street than the principal building to which the

pool is an accessory. A fence, permanent barrier or obstruction not less than four (4') feet nor more than six (6') feet in height, shall entirely enclose the area on which the swimming pool is located and bar all reasonable and normal access to the pool. Access to the area shall be through self-closing and latched gate or gates. The barrier may enclose a portion of the yard surrounding the pool. The barrier shall meet State of New Jersey requirements and be approved by the Borough Construction Official.

Section 8. Newly added Section 22-606.1a7 entitled “Permitted Principal Uses (Land and Buildings)” of Chapter 22 (Municipal Land Use Regulations) of the Revised General Ordinances of the Borough of Spring Lake Heights, New Jersey shall read in its entirety as follows:

7. An existing single-family residential dwelling built prior to the adoption of this paragraph 7 (adopted by Ord No. _____ : adopted on _____) in the R2, R3, R4 and R5 zones may add a front porch or landing for entrance steps conforming to the following requirements:
- (a) _____ The distance from the front porch or landing nearest the front property line must be twenty-two (22') feet or more.
 - (b) _____ The front yard setback of a porch or landing shall not be considered the front yard setback of the principal building.
 - (c) _____ The front entrance landing may have a roof over the landing but no form of enclosure.
 - (d) _____ No porch deck shall be higher than the primary structure entrance threshold and shall be in conformance with the Federal Flood elevation standards at the time of construction.
 - (e) _____ In cases where the existing primary structure encroaches into the side yard setbacks(s), the porch may extend into the side yard setback to same extent as the primary building.

Section 9. Section 22-612, entitled “Schedule of Permitted Uses, Yard, Area and Bulk Requirements” of Chapter 22 (Municipal Land Use Regulations) of the Revised General Ordinances of the Borough of Spring Lake Heights, New Jersey is hereby amended to add the following footnote;

**See Subsection 22-606.1,a,7 for certain front porch setbacks in residential zones.

Section 10. Newly added section 22-606.2e, entitled “Design Criteria“ of Chapter 22 (Municipal Land Use Regulations) of the Revised General Ordinances of the Borough of Spring Lake Heights, New Jersey shall read as follows:

e. Design Criteria, In addition to all other design standards as may be applicable under this chapter, the following design standards shall be applied to all properties adjacent to State Highway 71:

1. _____ All sidewalks shall be five (5') feet wide with a concrete paver edge.

2. Crosswalks shall be concrete pavers with concrete retainer curb.
3. Sidewalk benches shall be required (2 per frontage).
4. Shade trees shall be required (as approved by the Planning Board). Minimum of thirty-five (35) feet on center.
5. Minimum of a five (5') foot wide planting strip required along State Highway 71 between building and sidewalk.
6. Parking lots are prohibited to front on State Highway 71.
7. Decorative lamp posts shall be implemented in every site plan and are required every seventy (70') feet of frontage along State Highway 71 (Grosse Pointe 3173 BP w/305 Base).
8. Above ground storm water management is prohibited.
9. All wiring and utilities shall be underground.
10. All approved plantings along State Highway 71 exceeding six (6') feet in height shall be a minimum of ten (10') feet from the curb line.
11. All recycling and dumpster areas shall be enclosed on four (4) sides and surrounded by four (4') to six (6') foot evergreens on three (3) sides.

Section 11. Newly added Section 22-606.3e entitled “Design Criteria” Chapter 22 (Municipal Land Use Regulations) of the Revised General Ordinances of the Borough of Spring Lake Heights, New Jersey shall read as follows:

e. Design Criteria. In addition to all other design standards as may be applicable under this chapter, the following design standards shall be applied to all properties adjacent to State Highway 71:

1. All sidewalks shall be five (5') feet wide with a concrete paver edge.
2. Crosswalks shall be concrete pavers with concrete retainer curb.
3. Sidewalk benches shall be required (2 per frontage).
4. Shade trees shall be required (as approved by the Planning Board). Minimum of thirty-five (35) feet on center.
5. Minimum of a five (5') foot wide planting strip required along State Highway 71 between building and sidewalk.
6. Parking lots are prohibited to front on State Highway 71.
7. Decorative lamp posts shall be implemented in every site plan and are required every seventy (70') feet of frontage along State Highway 71 (Grosse Pointe 3173 BP w/305 Base).
8. Above ground storm water management is prohibited.
9. All wiring and utilities shall be underground.

10. All approved plantings along State Highway 71 exceeding six (6') feet in height shall be a minimum of ten (10') feet from the curb line.

11. All recycling and dumpster areas shall be enclosed on four (4) sides and surrounded by four (4') to six (6') foot evergreens on three (3) sides.

Section 12. Newly added. Sections 22-609.8, 22-609.9 and 22-609.10 entitled “Enclosures on Elevated Buildings” “Water Infiltration System” and “Mechanical Equipment” of Chapter 22 (Municipal Land Use Regulations) of the Revised General Ordinances of the Borough of Spring Lake Heights, New Jersey shall read as follows:

22-609.8 Enclosures on Elevated Buildings.

Any open area between the lowest finished floor area and the existing grade shall be enclosed with a breakaway wall or screening. All exposed pilings shall be enclosed. These requirements apply to elevation of an existing building, a new building constructed on an existing foundation or construction of a new building.

22-609.9 Water Infiltration System.

A Water Infiltration System for total roof runoff shall be required for all new construction and for roof runoff created by any major additional construction. The water infiltration system shall be installed in accordance with New Jersey Stormwater Best Management Practices Manual. The system is to be designed for a total volume of 1.5 inches per square foot of roof area.

22-609.10 Mechanical Equipment.

Mechanical equipment shall include but not be limited to the following: permanent generator, air conditioning, heat pump, pool equipment, ventilation equipment. The placement of the mechanical equipment shall comply with all setback requirements for the zone in which the building is located. The equipment shall not have the base of the equipment more than 14 inches above the ground (the base may be elevated to the minimum level as allowed by FEMA requirements if that level is higher than 14 inches above the ground).

a. Location of Mechanical Equipment on Property.

1. Mechanical equipment adjacent to the principal building or any accessory building:

- (a) Any property with less than a ten (10') foot side yard setback shall have all mechanical equipment in the rear yard.
- (b) Equipment located in the side yard shall have a five (5') foot clearance from the unit to the nearest property line.
- (c) Equipment located in the rear yard shall not project beyond the side building lines of the principal building.
- (d) Equipment located in the side yard shall be screened on the three non-adjacent sides.
- (e) All permanent generators shall be located in the rear yard.
- (f) A permanent generator shall not be located closer than five (5') feet from the nearest property line. If a permanent generator is located in the rear yard setback then the generator shall be fully enclosed in a sound attenuating cabinet.

2. Mechanical equipment located on top of the principal building:

- (a) Shall not exceed the building height requirement for the zone.
- (b) Shall not be visible from the street or neighboring properties.

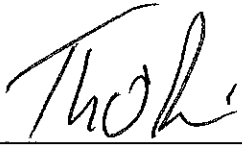
(c) Shall be covered by screening material appropriate to the building.

SECTION 13. The provisions of this ordinance shall be severable. If any section or provision shall be held invalid by any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this ordinance, which shall remain in full force and effect.

SECTION 14. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 15. This ordinance shall take effect after final passage and publication in accordance with the law.

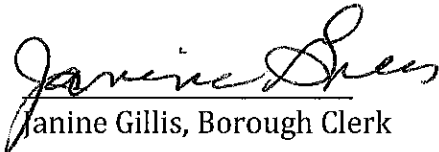
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Thomas O'Brien, Mayor

11-15-17

Date



Janine Gillis, Borough Clerk

11-15-17

Date