

PLEASE TAKE NOTICE the following ordinance was introduced and passed on first reading at the August 19, 2024 meeting of the Mayor and Borough Council and will be considered for second reading and final passage during the meeting scheduled to begin at 7:00 p.m. on September 16, 2024 in the Municipal Building, located at 555 Brighton Avenue, Spring Lake Heights, at which time and place any person desiring to comment on this ordinance will be given the opportunity to be heard. A copy of the ordinance is available in the clerk's office.

Janine Gillis, Borough Clerk

**ORDINANCE 2024-12
BOROUGH OF SPRING LAKE HEIGHTS
COUNTY OF MONMOUTH**

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE VI ZONING REGULATIONS, SECTION 606 (ZONE DISTRICT REGULATIONS) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE HEIGHTS IN FURTHERANCE OF THE BOROUGH'S OBLIGATION TO PROVIDE FOR ITS FAIR SHARE OF AFFORDABLE HOUSING.

WHEREAS, the Borough of Spring Lake Heights has a constitutional obligation to provide for its fair share of affordable housing pursuant to the *Mt. Laurel* doctrine established by the New Jersey Supreme Court; and

WHEREAS, a property owner commenced *Mt. Laurel* builder's remedy litigation against the Borough docketed at MON-L-0031-21, which was subsequently consolidated with a declaratory judgment action commenced by the Borough captioned In the Matter of the Application of the Borough of Spring Lake Heights, Docket No. MON-L-1916-21, in an effort to establish the Borough's Prior Round and Third Round affordable housing obligation and the mechanisms by which the Borough may meet its constitutional obligation (the "Borough's Declaratory Judgment Action"); and

WHEREAS, the Borough entered into a Settlement Agreement with Fair Share Housing Center on March 4, 2024 (the "Fair Share Settlement Agreement") which established its affordable housing obligation from 1987-2025 which established a Realistic Development Potential of 17 affordable housing units and an unmet need of 221 affordable housing units and the Court entered an Order on July 11, 2024 approving the Fair Share Settlement Agreement and requiring the Borough to implement the zoning mechanism set forth in the Fair Share Settlement Agreement; and

WHEREAS, the Settlement Agreement requires the Borough to address its unmet need obligation, by creating a mixed-use inclusionary zoning over properties fronting on State Highway Route 71 and the Borough Council believes it is in the best interest of the Borough to comply with the Court Order approving the Settlement Agreement in order to further satisfy its constitutional

obligation to provide for its fair share of affordable housing and to avoid builder's remedy litigation.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Spring Lake Heights in the County of Monmouth, State of New Jersey that the Borough's Land Development Ordinance at Chapter 22, Article VI Zoning Regulations, Section 606 (Zone District Regulations) is hereby amended as follows:

NOTE: Sections of Chapter 22, Article VI Zoning Regulations that are to be added are set forth below. All additions are shown in ***bold with italics with underlines***. All deletions are shown in ***~~bold italics with strikeouts~~***. All sections that are unchanged remain in regular typeface.

Chapter 22, Article VI Zoning Regulations, 22-606 (Zone District Regulations) shall be amended to repeal Section 606.5 entitled "B-3 Commercial (Business and Office) Zone."

CHAPTER 22 MUNICIPAL LAND USE REGULATIONS

ARTICLE VI ZONING REGULATIONS

22-606 ZONE DISTRICT REGULATIONS

606.5 Reserve

BE IT FURTHER ORDAINED by the Borough Council of the Borough of Spring Lake Heights that Chapter 22, Article VI Zoning Regulations, 22-606.2 entitled "B-1 Business and Office Zone" shall be deleted and repealed in its entirety and shall be replaced with the following new Section by a new zoning district entitled "Mixed Use 1 (MU-1) and Mixed Use 2 (MU-2)" Zones. The purpose of the MU-1 and MU-2 Zones would be to allow for a combination of mixed uses along Route 71 including commercial, retail, and residential uses.

CHAPTER 22 MUNICIPAL LAND USE REGULATIONS

ARTICLE VI ZONING REGULATIONS

606.2 Mixed Use 1 (MU-1) and Mixed Use 2 (MU-2)

- A. Purpose. The purpose of the MU-1 and MU-2 Zones is to allow for a combination of mixed uses along Route 71 including commercial, retail, and residential uses. The MU-1 Zone includes parcels north of Warren Ave, and the MU-2 Zone includes parcels south of Warren Ave.
- B. Permitted Principal Uses (Land and Building)
 1. Mixed Use
 - (a) Retail/commercial on ground level with residential units above; no residence on ground level; townhouse units are permitted in the rear of the mixed-use building.

Any mixed-use development requires a mandatory 20% set aside for affordable housing in accordance with the Borough's Affordable Housing Ordinance and all applicable regulatory requirements.

- (b) Essential services
 - (c) Municipal facilities, public parking lots, public parks, and walkways deemed necessary and appropriate by the governing body.
2. Commercial (Business, Office, Retail)
- (a) Retail
 - (b) Convenience store
 - (c) Personal services
 - (d) Banks and financial services
 - (e) Professional offices
 - (f) Food service
 - (g) Restaurants
 - (h) Banquet facilities
 - (i) Essential services
 - (j) Municipal facilities, public parking lots, public parks, and walkways deemed necessary and appropriate by the governing body.

C. Permitted Accessory Uses

- 1. Off-street parking and loading facilities
- 2. Supply and equipment storage
- 3. Signs, conforming to the provisions of section 22-610
- 4. Fences and walls

D. Conditional Uses. Other uses permitted upon site approval of the Planning Board

- 1. Townhouse attached with individual connecting walls
- 2. Bed and Breakfast
- 3. Motor vehicle Fueling and/or Service Stations

E. Area and bulk requirements

Minimum Lot Area:	10,000 square feet
Minimum Lot Frontage:	100 feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	125 feet
Minimum Front Yard:	20 feet
Minimum Side Yard:	10 feet
Minimum Rear Yard:	30 feet
Maximum Building Height:	40 feet (3.5 stories)
Maximum Building Height Accessory Structure:	15 feet
Maximum Building Coverage:	40%
Maximum Dwelling Unit/Acre:	20
Maximum Lot Coverage:	75%

F. Off -street parking and Loading requirements

1. All residential development shall comply with the Residential Site Improvement Standards for all residential development.
2. Non-residential parking in accordance with Attachment 3 of the Borough's Ordinance, entitled Minimum Off-Street Parking and Loading Requirements.

G. Buffers

1. Buffers shall be provided in accordance with Section 22-505.

H. Design Criteria. In addition to all other design standards as may be applicable under this chapter, the following design standards shall be applied in the C1 and C2 Combination Zones:

1. Parking lots are prohibited to front on State Highway 71.
2. A planting strip, a minimum of five (5') feet wide, is required along State Highway 71 between the curb and the sidewalk.
3. All sidewalks shall be five (5') feet wide.
4. All approved plantings along State Highway 71 exceeding six (6') feet in height shall be a minimum of ten (10') feet from the curb.
5. Shade trees (as per Borough Tree List) shall be required with a minimum of two (2) per lot approximately thirty-five (35') apart as per site plan approval.
6. Decorative lamp posts (Grosse Pointe 3173 PB w/305 Base) are required every seventy (70') feet of frontage along State Highway 71 and shall be implemented as per site plan approval.
7. Sidewalk benches shall be required (2 per frontage) as per site plan approval.
8. All recycling and dumpster areas shall be enclosed on four (4) sides and surrounded by four (4') to six (6') foot evergreen trees (as per Borough Tree List) on three (3) sides.
9. Above ground storm water management is prohibited.
10. All wiring and utilities shall be underground.

BE IT FURTHER ORDAINED THAT the Zoning District Map of the Borough of Spring Lake Heights is hereby amended to include the MU-1 and MU-2 Zoning District.

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Spring Lake Heights or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon passage and publication in accordance with applicable law.