

ORDINANCE 2026-04

BOROUGH OF SPRING LAKE HEIGHTS
COUNTY OF MONMOUTH

AN ORDINANCE OF THE BOROUGH OF SPRING LAKE HEIGHTS AMENDING CHAPTER 22, ARTICLE III SECTION 302(Definitions) , SECTION 502.1(Number Listed; Setback, etc.), SECTION 505(Buffers), SECTION 507(Curb cuts, driveway aprons, etc.), SECTION 512.5 (Height), SECTION 531(Swimming pools) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE HEIGHTS.

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

SECTION 1. Ordinance § 22-302 titled “DEFINITIONS” is hereby amended as follows:

§22-302 DEFINITIONS.

Accessory Use or Building [No changes.]

Acre, Gross [No changes.]

Administrative Officer shall mean that person so appointed by the Approving Authority which may include the Secretary to the Planning Land Use Board or, in their absence, the Clerk of the Borough shall serve as the Administrative Officer for the activities required under the Municipal Land Use Law.

Alteration of a Building or Structure [No changes.]

Approving Authority shall mean the Planning Land Use Board when acting pursuant to the authority of the Municipal Land Use Law, unless a different agency is designated in the text of this chapter.

~~**Automobile Service Station** shall mean any premises used for the retail sale of gasoline, oil or other products necessary for the maintenance and operation of motor vehicles and for servicing and minor repairs thereof, but where no vehicular painting or bodywork is done, and where not more than two vehicles unregistered or incapable of normal operation are kept or stored.~~

Automotive Repair Garage shall mean any premises used for service, repair and detailing of motor vehicles, but where no vehicular painting or bodywork or retail sale of gasoline is done. SEE Section 22-603 h.

Banquet Facility through Motel [No changes.]

Motor Vehicle Service Station shall mean any premises used for the retail sale of gasoline, oil and other products necessary for the operation and maintenance of motor vehicles and for the servicing and minor repairs thereof, but where no vehicular painting or bodywork is done. SEE Section 22-603 h.

Natural Drainage Flow through Yard, Side [No changes.]

SECTION 2. Ordinance § 22-502.1 titled “Number Listed; Setbacks; Maximum Height; Permitted Uses” is hereby amended as follows:

§ 22-502.1 Number Listed; Setbacks; Maximum Height; Permitted Uses.

An accessory building...

- a. Garages. The maximum size for a detached garage shall be ~~720~~ six hundred (600) square feet with a height not to exceed 15 feet. A garage must be accessible to motor vehicles and be able to accommodate the storage of a motor vehicle at least twenty (20) feet in length.
- b. Accessory Buildings. 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. The size of an accessory building shall be determined by the existence of a garage, either attached or detached, on the property. A property with a garage may have an accessory building with a maximum size of one hundred (100) square feet and a height not to exceed ten (10) feet. A property without a garage may have an accessory building with a maximum size of ~~four hundred (400)~~ two hundred (200) square feet and a height not to exceed twelve (12) feet.

SECTION 3. Ordinance § 22-505 titled “BUFFERS” is hereby amended as follows:

§ 22-505 BUFFERS.

Within any zone, other than a residential zone, in which the lot(s) submitted for plat approval abuts a residential zone, or use the following buffer area and landscaping requirements shall apply:

~~A strip of land 20% of the average width of the property when a nonresidential use abuts a residential zone on the side, or 20% of the average depth of the property when a nonresidential use abuts a residential zone at the rear, shall be designated as a buffer area and so indicated on the plat. Buffer areas will be contiguous with residential property lines and shall be of uniform width. In no case should the width of the buffer exceed 50 feet. In no case shall the buffer be less than 20 feet wide, the applicant shall be required to erect a six foot high board on board or solid vinyl fence that faces the residential properties with six feet to eight feet evergreen plantings within the buffer area parallel to the lot line of the abutting residential lot and set back a distance appropriate for the landscaping treatment in the buffer area.~~

a. Buffer Area Requirements.

1. A buffer area is required when a property in the MU-1, MU-2, B-2, MU-AH1, MU-AH2, AH-3, or AH-4 zone abuts a property in a residential zone or with a residential use.
2. The buffer area shall be contiguous with the residential property lines, run parallel to and along the entire length of the abutting property line.

3. The width/length of the buffer area is the entire length of the abutting property line.
 4. The depth of the buffer area is determined by the location of the abutment:
 - (a) Abutment at the rear of the property is calculated as fifteen percent (15%) of the average depth of the property measured from the front property line to the rear property line.
 - (b) Abutment at the side of the property is the required side setback.
 5. The depth of a buffer abutting on the rear or side of the property should not exceed thirty (30) feet and/or be less than ten (10) feet.
 6. The applicant shall be required to:
 - (a) Erect a six (6) foot high board-on-board or solid vinyl fence with the finished side facing the residential property.
 - (b) Place six (6) to eight (8) foot high evergreen plantings within the buffer area parallel to the lot line of the abutting residential property at a minimum of six (6) feet on center and staggered in at least two (2) rows.
 7. The remaining area of the buffer shall not contain any structures or mechanical equipment. The area may have additional plantings and/or impervious covering including pavement and lined parking stalls. Recycling and trash containers in an enclosed area may be permitted provided that there is no other feasible location on the property, as permitted by the Land Use Board. No traffic lanes shall be located along the buffer planting area.
 8. The area must be designated as a buffer area on the site plan. The site plan must show the dimensions and the design of the buffer area.
- b. Requirements for Planting in the Buffer Area
1. A solid and contiguous landscaped screen shall be planted and maintained ~~throughout the year to conceal~~ screen the parking and loading areas, ~~eliminate~~ the glare of vehicle lights ~~throughout the year~~ and ~~camouflage~~ the building from the abutting residential areas. The landscape screen shall consist of evergreen trees, selected from the approved Borough Planting List ~~set forth~~ in Schedule A attached hereto. ~~Such~~ The list may be amended and/or changed from time to time at the discretion of the Planning Land Use Board. The ~~current~~ approved Borough Planting List shall, ~~at all times~~, be kept on file in the Borough Clerk's office. Trees shall be planted in an area six (6) feet to twenty (20) feet from the residential property line in a zigzag pattern and not more than six (6) feet apart, except where otherwise authorized by the appropriate authority. Evergreen trees shall not be less than six feet high when planted and the lowest branches shall be not more than one foot above the ground. In the event the existing evergreen trees do not cover the required area from the ground, said landscaping screen shall be supplemented with evergreen shrubbery.
 2. In addition to the landscaped screen, shade trees, ~~such as sugar maples, scarlet oaks, pin oaks, willow oaks, Norway maples, sweet gum, ash, etc.,~~ shown on the Borough Planting List, shall ~~may~~ be planted by the applicant at a distance of not more than 40 twenty (20) feet from each other.
 3. The height of the landscaped screen shall be measured in relation to the elevation of the edge of the parking and loading area. Where the landscaping screen is lower

than the elevation of the parking or loading area, either the required height of the screen shall be increased equal to the difference in elevation or the parking or loading area shall be moved to allow the plantings to be located in an area with a similar elevation as the parking or loading area.

4. [No changes.]
- c. The approving authority shall have the power to waive any of the requirements or details specified above if it determines an adequate buffer can be provided in less than 20 feet while maintaining the purposes of this section. The approving authority, when considering waiving any of the buffer requirements, shall review the proposed plat and standards and purposes of N.J.S.A. 40:55D-1 et seq. and, to these ends, shall consider the locations of buildings, parking areas, outdoor illumination, and other existing features, of the topography of the area, and ~~existing features such as trees, streams;~~ the efficiency, adequacy and safety of the proposed layout of ~~driveways, streets, sidewalks and paths;~~ the ~~adequacy and location of existing green areas and buffer areas;~~ the ~~adequacy and location of screening and parking areas;~~ ~~structures and uses;~~ and such other matters as may be found to have a material bearing on the above standards and objectives.
- d. In ~~Business~~ Non-Residential zones, mechanical equipment and utility boxes shall be screened with plantings so they are not visible.

SECTION 4. Ordinance § 22-507 titled “CURB CUTS, DRIVEWAY APRONS, CURBS, DRIVEWAYS, SIDEWALKS AND PATIOS” is hereby amended as follows:

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

Concrete curbs and sidewalks are required on every street in the Borough along the full front and side of all lots abutting existing streets. Curbing shall be installed where curbing does not exist and sidewalks shall be installed where sidewalks do not exist. These requirements are applied when construction of a completely new principal building occurs; or when an addition to, reconstruction of, or renovation of a principal building consists of 30% or more of the square footage of the existing principal building.

- a. [No changes.]
- b. [No changes.]
- c. Driveway Standards. A zoning permit is required for any new or replacement of a driveway or driveway material and must comply with the Borough requirements. The driveway shall commence at the driveway apron also known as the dropped curb or sidewalk. There must be at least a two (2) foot grass strip between a driveway and the side and/or rear property line. ~~The entire area between the edge of the driveway and the side and rear property lines shall be a pervious surface; stone, gravel, and shells are not permitted~~ The following materials or surfaces are not permitted in driveways or areas used for parking vehicles: a) gravel, loose stone, or shells, or b) bare or uncovered dirt. Gravel, loose stone and shells are impervious and count toward impervious coverage.

1. Driveways in Residential Zones in the front yard area of the house shall have a width between a minimum of ten (10) feet and a maximum of twenty (20) feet and a minimum length of twenty (20) feet measured from the front property line. The width may be expanded an additional ten (10) feet starting ten (10) feet measured from the front street/property line or curb. The minimum setback from the edge of the driveway to the side and rear property lines shall be two (2) feet. ~~Gravel or loose stone in a driveway count toward total impervious coverage.~~
2. Driveways in Non Residential Zones shall have a minimum of twelve (12) feet and a maximum of twenty-four (24) feet. The minimum setback from the edge of the driveway to side and rear property lines shall be five (5) feet. Driveway and parking areas must have a hard-surface pavement that is durable and is maintained in good condition; ~~gravel and loose stone are not permitted.~~

SECTION 5. Ordinance § 22-512.5 titled “Height” is hereby repealed and replaced as follows:

§ 22-512.5 Height.

- a. Fence height is measured as the number of feet above ground level. The height requirement is determined by the location of the fence on the property and that location in relation to the front yard area measured twenty-five (25) feet from the street/property line. The front yard area is the area within the property line of the side yards and the area between the front street/property line and a line running parallel to the front of the principle building or the front yard setback line. On a corner lot, this applies to both the primary and secondary front yard areas.
- b. When the fence is located within the front yard area, as defined above, the height, based on location, is the following:
 1. In any residential zone shall be three (3) feet.
 2. In any non-residential zone shall be three (3) feet.
 3. On a property with a residential use along the side or rear yard adjacent to a property with a non-residential use shall be three (3) feet.
- c. When a fence is located in a secondary front yard area, a height of six (6) feet or less is permitted beyond twenty-five (25) feet from the primary and secondary front street/property line
- d. When a fence is located anywhere other than the front yard area, as defined above, the height, based on the zone or use, is the following:
 1. In any residential zone shall be six (6) feet or less.
 2. In any non-residential zone or use shall be six (6) feet.
 3. On a property with a residential use along the side or rear yard adjacent to a property with a non-residential use shall be six (6) feet to eight (8) feet.

SECTION 6. Ordinance § 22-531 titled “SWIMMING POOLS” is hereby amended as follows:

§ 22-531 SWIMMING POOLS.

No swimming pool shall be located within 10 feet of any rear or side property line; the 10 feet shall be measured from the pool line nearest to any rear and/or side property line.

- a. No swimming pool shall be within five 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.
- b. A fence, permanent barrier or obstruction not less than four feet nor more than six 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.
- c. Swimming pools are a permitted accessory use in Residential Zones R1, R2, R3, R4, and R5.

SECTION 7. Severability.

The provisions of this Ordinance shall be severable. If any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 8. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.


SECTION 9. Effective Date.

This ordinance shall take effect upon final adoption and publication in accordance with law.



Christopher M. Campion, Jr., Mayor

4-22-2024
Date



Janine Gillis, Borough Clerk

April 22, 2024
Date