

**PLEASE TAKE NOTICE** the following ordinance was introduced and passed on first reading at the September 8, 2026, meeting of the Mayor and Borough Council and is scheduled for a public hearing to begin at 7:00 p.m. on October 5, 2026, 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.

**BOROUGH OF SPRING LAKE HEIGHTS  
COUNTY OF MONMOUTH**

**Ordinance No. 2026-14**

**ORDINANCE AMENDING ARTICLE VI TITLED "ZONING REGULATIONS"**

**WHEREAS**, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., The Borough of Spring Lake Heights (the "Borough") maintains a comprehensive set of zoning regulations; and

**WHEREAS**, the Borough seeks to amend its zoning regulations.

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

**SECTION I.**           **Section 22-600 titled "ZONE DISTRICTS" is hereby amended as follows (underlined text is added, ~~stricken~~ text is removed):**

§ 22-600. ZONE DISTRICTS.

For the purpose of this chapter, the Borough is divided into the following zones or districts:

|             |                                |
|-------------|--------------------------------|
| R-1         | Residential                    |
| R-2         | Residential                    |
| R-3         | Residential                    |
| R-4         | Residential                    |
| R-5         | Residential                    |
| MU-AH-1     | Mixed Use Affordable Housing 1 |
| MU-AH-2     | Mixed Use Affordable Housing 2 |
| AH-3        | Affordable Housing 3           |
| AH-4        | Affordable Housing 4           |
| <u>AH-5</u> | <u>Affordable Housing 5</u>    |
| MU-1        | Mixed Use 1                    |
| MU-2        | Mixed Use 2                    |
| B-2         | Commercial                     |

**SECTION II.           Section 22-601 titled “ZONING MAP” is hereby amended as follows  
(underlined text is added, ~~stricken~~ text is removed):**

**§ 22-601. ZONING MAP.**

- a. Adoption of Map. The boundaries of all zone districts are established on the map entitled "Zoning Map of the Borough of Spring Lake Heights," dated October 7, 2024, entitled "2024 Zoning Map Borough of Spring Lake Heights, Monmouth County, New Jersey" and prepared by Leon S. Avakian, Inc., which accompanies and is made part of this chapter as Attachment 6.

~~Editor's Note: The Zoning Map is included as an attachment to this chapter.~~

- b. ~~All Zoning Amendments adopted by the Borough of Spring Heights as of December 16, 2024 are incorporated in the newly adopted Zoning Map.~~

Zone District Requirements. The Charts and Schedules of Uses and Requirements for each Zone District are contained in the following attachments to the chapter:

Attachment 3 Minimum Off-Street Parking and Loading Requirements – 22-611

Attachment 4 Schedule of Permitted and Conditional Uses by Zone

Attachment 5 Schedule of Permitted Uses, Bulk, Area and Setback Requirements – 22-612

**SECTION III.           Section 22-603 titled “PROHIBITED USES” is hereby amended as follows (underlined text is added, ~~stricken~~ text is removed):**

**§ 22-603. PROHIBITED USES.**

Any use not specifically permitted or conditionally permitted in a zone shall be considered to be prohibited. Prohibited uses in all zones include, but are not limited to, the following:

- a. through e. [No changes.]
- f. Outdoor storage or display of goods for sale, goods stored for distribution or goods in transit including the sale of motor vehicles by other than motor vehicle service stations, or automotive repair garages ~~or automobile dealers~~, subject to the provisions of paragraph h below. ~~; goods stored for distribution; or goods in transit.~~
- g. [No changes.]
- h. Outdoor storage of motor vehicles is prohibited as follows:
1. Outdoor storage of more than five motor vehicles by a motor vehicle service station, or an automotive repair garage; or ~~or automotive dealer.~~
  2. Outdoor storage of more than two (2) motor vehicles for sale by a motor vehicle service station or an automotive repair garage.
- i. through m. [No changes.]

**SECTION IV. Section 22-606.1 titled “Residential Zones” is hereby amended as follows (underlined text is added, ~~stricken~~ text is removed):**

- a. [No changes.]
- b. Permitted Accessory Uses and Buildings
  - 1. through 5. [No changes.]
  - 6. Swimming Pools which conform with § 22-531 and § 22-609.7 are a permitted accessory use in all residential zones.

**SECTION V. Section 22-606.2 titled “Mixed Use 1 (MU-1) and Mixed Use 2 (MU-2).” Is hereby amended as follows: (underlined text is added, ~~stricken~~ text is removed):**

- a. [No changes.]
- 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~~ shall only be permitted as a separate building in the rear of the property behind the mixed-use building which shall be located along the site frontage. 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) through (c) [No changes.]
  - 2. [No changes.]
- c. Permitted Accessory Uses
  - 1. through 3. [No changes.]
  - 4. Fences and ~~w~~Walls, conforming to the provisions of § 22-512.
- d. Conditional Uses. Other uses permitted upon site approval of the ~~Planning~~ Land Use Board.
  - 1. and 2. [No changes.]
  - 3. Motor ~~v~~Vehicle Fueling ~~and/or~~ Service Stations and Automotive Repair Garages.
- e. through g. [No changes.]
- 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 MU-1 and MU-2 Zones:
  - 1. through 6. [No changes.]

7. ~~Sidewalk benches shall be required (2 per frontage) as per site plan approval.~~  
Reserved

8. through 10. [No changes.]

**SECTION VI. Section 22-607.1 titled “Standards Established” is hereby amended as follows (underlined text is added, ~~stricken~~ text is removed):**

**§ 22-607.1. Standards Established.**

In recognition that certain necessary specific uses may be, or become, inimical to the public health, safety and general welfare of the Borough if located without due consideration to the existing conditions and surroundings, the following standards and procedures are hereby established for uses designated, as conditional uses. These standards are intended to provide the Land Use Board with a guide for the purpose of reviewing and deciding upon certain uses not otherwise permitted except under restrictions of this section. In approving a site plan for a conditional use, the Land Use Board may suggest modifications and changes. Such changes and modifications, as well as original provisions of the site plans which have not been modified, shall be maintained as a condition of the establishment and maintenance of any use to which they are appurtenant.

**SECTION VII. Section 22-607.6 titled “Motor Vehicle Refueling and Service Stations is hereby amended as follows (underlined text is added, ~~stricken~~ text is removed):**

**§ 22-607.6. Motor Vehicle ~~Refueling~~ and Service Stations.**

Motor vehicle ~~refueling~~ and service stations may be permitted in the MU-1 and MU-2 zone districts provided that the following standards and conditions are complied with:

- a. and b. [No changes.]
- c. All storage areas, trash facilities, pits, lifts and working areas shall be within a building. All lubrication, repair or similar activities shall be performed in an enclosed building, ~~and~~ No dismantled parts of vehicles shall be placed outside.
- d. [No changes.]
- e. No junked motor vehicle or part thereof and no unregistered motor vehicle shall be stored outside ~~an enclosed service station building~~ overnight. Not more than ~~three vehicles awaiting service~~ five (5) motor vehicles with no more than two (2) for sale may be stored outside the building overnight.

Storage of vehicles outdoors for more than 72 hours ~~is to~~ shall be in an area with lined spaces and enclosed with fencing and screened with shrubbery as approved by the Land Use Board shown on a site plan submitted in accordance with this chapter.

- f. and g. [No changes.]

**SECTION VIII. Section 22-607.7 titled “Automotive Repair Garages” is hereby established as follows:**

§ 22-607.7. Automotive Repair Garages.

Automotive repair garages may be permitted in the MU-1 and MU-2 zone districts provided that the following standards and conditions are complied with:

- a. The area devoted to building coverage shall not exceed 40% of the total lot area.
- b. The minimum distance between property lines of service stations shall be 1500 feet when measured along the same street or 500 feet when measured from any portion of the property line in any direction including measurements into adjoining municipalities, whichever is greater.
- c. All storage areas, trash facilities, pits, lifts and working areas shall be within a building. All lubrication, repair or similar activities shall be performed in an enclosed building. No dismantled parts of vehicles shall be placed outside.
- d. No junked motor vehicle or part thereof and no unregistered motor vehicle shall be stored outside an enclosed service station building overnight. No more than five (5) motor vehicles with no more than two (2) for sale may be ~~stored~~ stored outside the building overnight. Storage of vehicles outdoors for more than seventy-two (72) hours shall be in an area with lined spaces as shown on the Zoning Permit and the Final Site Plan approved by the Land Use Board.
- e. It is intended that automotive repair garages be designed compatibly with the architectural appearance of existing permitted commercial uses in the zone in which they are located, and that they not be stripped along the available highway frontage or at each quadrant of a convenient intersection they shall not be designed with parking spaces along the highway frontage or the corner of the lot if the property is a corner lot. Ingress and egress shall be designed to recognize the turning movements generated. The access points shall be coordinated with access points required for nearby uses, frequency of intersecting side streets and maintaining building setbacks compatible with the required setbacks and landscaping.

**SECTION IX.       Section 22-609.7 titled “Swimming Pools” is hereby amended as follows  
(underlined text is added, ~~stricken~~ text is removed):**

§ 22-609.7. Swimming Pools.

**Swimming pools are a permitted use in Residential Zones R1, R2, R3, R4, R5.**

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. 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. 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.

**SECTION X.           Section 22-609.11 titled “Front Yard Area” is hereby established as follows:**

§ 22-609.11. Front Yard Area.

The primary covering in the front yard must be natural grass and may include trees, foundation plantings and beds with shrubs and plantings. No stones, gravel, shells, or mulch may be located within six (6) feet of the street or the curb. Artificial turf is not permitted in the front yard.

**SECTION XI.           Section 22-610.1 titled “Definitions” is hereby amended as follows (underlined text is added, ~~stricken~~ text is removed):**

§ 22-610.1. Definitions.

“ATTACHED SIGN” through “FREESTANDING SIGN” – [No changes.]

GROUND SIGN – Shall mean any sign supported by uprights or braces inserted in or anchored to the ground and not attached to any building, ~~where the bottom of the sign is not more than six inches above the ground surface.~~

“ILLUMINATED SIGN” through “WINDOW SIGN” – [No changes.]

**SECTION XII.           Section 22-610.2 titled “Sign Permit” is hereby amended as follows (underlined text is added, ~~stricken~~ text is removed):**

- a. Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, alter, relocate or to permit to exist on his premises any sign as defined in this chapter without first making application for and obtaining a sign permit from the ~~Code Enforcement~~ Zoning Officer.
- b. Where site plan approval is required prior to the issuance of a building permit, all applications for sign permits shall be made to the approving authority as part of the site plan application. Upon approval of the site plan, the approving authority shall certify in writing to the Code Enforcement Zoning Officer that the sign conforms to this chapter or that a variance from same has been granted. Thereupon, the Code Enforcement Zoning Officer shall issue the sign permit.
- c. Where site plan approval is not required, the ~~Code Enforcement~~ Zoning Officer shall examine the application and determine whether the application and the proposed sign comply with the applicable provisions of this chapter and other ordinances. In addition, the Code Enforcement Officer shall be satisfied that the proposed sign shall be erected so as not constitute any hazard to the public or cause any damage to property.
- d. The ~~Code Enforcement~~ Zoning Officer shall issue or deny a sign permit within 15 days of receipt of a properly completed application, including the paid fee, or certification of approval from the approving authority.
- e. In the event the sign permit is denied, the denial shall be in writing, setting forth the reasons. The applicant shall have the right to appeal the determination to the Zoning Land Use Board of Adjustment.

f. and g. [No changes.]

**SECTION XIII. Section 22-610.5 titled “Unsafe or Insecure Signs” is hereby amended as follows (underlined text is added, ~~stricken~~ text is removed):**

**§ 22-610.5. Unsafe, ~~or~~ Insecure Signs or Signs in Violation.**

- a. In the event the ~~Code Enforcement~~ Zoning Officer ~~shall~~ determines that any sign, including any nonconforming sign, is unsafe, insecure, in need of repair, not maintained in proper condition or has been constructed, erected or installed in violation of any of the provisions of this chapter, the ~~Code Enforcement~~ Zoning Officer shall give written notice of such violation to the permit holder and owner of the premises. If the violation(s) is not remedied within 10 days after receipt of the notice, a complaint shall be filed against the person(s) responsible for the violation in the Municipal Court. In the event such sign violation constitutes an immediate danger to the safety of persons or property, the ~~Code Enforcement~~ Zoning Officer shall have the sign removed immediately at the expense of the person(s) responsible for the violation. In such event, notice to the person(s) responsible for the violation shall not be required prior to the ordering of the work.
- b. [No changes.]

**SECTION XIV. Section 22-610.6 titled “Signs Permitted in Residential Zones” is hereby deleted in its entirety, and replaced with the following:**

**§ 22-610.6. Signs Permitted in Residential Zones**

- a. One sign affixed to a building is permitted in a residential zone, provided that such sign shall not exceed two square feet. No sign permit shall be required for such a sign.
- b. One sign affixed to a postal box is permitted in a residential zone, provided that such sign shall not exceed two square feet. No sign permit shall be required for such a sign.
- c. One sign affixed to a fence or gate is permitted in a residential zone, provided that such sign shall not exceed two square feet. No sign permit shall be required for such a sign.
- d. One freestanding sign, not to exceed fifteen square feet, is permitted in a residential zone. Such sign must be located on private property and outside of the public right of way, and such sign may not be located in any sight triangle easement. No sign permit shall be required for such a sign.
- e. Traffic Control Devices and Signs. All signs and signals owned or operated by the Borough, County, State or United States of America are permitted. No sign permit shall be required for such signs and signals.
- f. Flags. Flags in residential zones shall comply with the following requirements:
  1. Two (2) flags, for either the United States of America, State of New Jersey, or the Borough of Spring Lake Heights or any recognized organization or entity, may be displayed on a property at one time

2. The flagpole shall not exceed thirty-five (35) feet in height.
3. The flag shall not exceed the dimensions of five (5) feet by eight (8) feet.
4. Decorative flags not exceeding 27" by 40" may be displayed.

**SECTION XV. Section 22-610.7 titled "Signs Permitted in Commercial and Business Zones" is hereby amended as follows (underlined text is added, ~~stricken~~ text is removed):**

§ 22-610.7. "Signs Permitted in Commercial and Business Zones"

- a. Signs, ~~except construction signs~~, permitted in residential zones. Except 22-610.6 (j)

~~b. Tenant Signs~~

- ~~1. Not more than two tenant signs per business identifying the occupants of the building and their profession may be erected and maintained. One of the two signs must be attached to the wall of the building in accordance with paragraph f of this subsection.~~
- ~~2. The tenant sign not attached to the building shall not exceed two square feet in area.~~
- ~~3. On premises having more than one business, tenant signs may be accumulated into a directory ground sign; provided that all tenant signs not attached to the building are included in the ground sign and provided further that the overall sign area does not exceed two square feet per business or 40 square feet in total, whichever is less.~~

b. General Sign Requirements

1. Number of signs permitted per property are:
  - (a) One (1) Freestanding, Ground or Attached sign for a single business in a single building on a property.
  - (b) One (1) Freestanding or Ground sign for multiple businesses and/or offices in a single building on a property.
  - (c) Two (2) signs for more than one business and/or office on a property in individual buildings; one (1) Freestanding or Ground sign per property and one (1) Attached sign per building.
2. The minimum front yard setback requirement for freestanding, ground and construction signs is ten (10) feet and five (5) feet for all other signs.
3. The minimum side yard setback requirement for all signs is five (5) feet.
4. The maximum height for the sign structure shall be:
  - (a) twenty (20) feet for free standing
  - (b) five (5) feet for ground and construction signs

- (c) five (5) feet for attached signs
  - (d) four (4) feet for all other signs
- 5. The maximum total area for the sign structure shall be:
  - (a) Forty (40) square feet for Freestanding and Gound signs
  - (b) The area calculated in section 22-610.7 d.3. for attached signs
- 6. The sign(s) may display the name, address and/or symbol (logo) of the business(es).
- 7. The sign(s) shall only advertise the business conducted on the property and/or the services and products made or sold on the property.
- 8. The sign(s) shall only be externally illuminated, and shall not utilize any flashing, intermittent, scrolling or moving light or lights.
- 9. The sign(s) shall be permanently maintained by the owner of the property.
- c. ~~Sales and Credit Card Signs. A sign permit shall not be required.~~ Window Signs and Temporary Signs.
  - 1. ~~Sale, "credit card accepted", and signs for business, advertising, or announcement of special events shall be permitted without limitation to number.~~ Signs affixed to the inside surface of the window glass shall be permitted provided that the aggregate area of the signs in windows does not exceed 25% of the gross glass area of the wall in which the window is located or in doors does not exceed 10% of the door glass area.
  - 2. ~~Sale signs shall be affixed to the inside surface of the window glass. A temporary sign may be used by a newly opened business for one consecutive period of 30 days in any calendar year.~~
  - 3. ~~A temporary sign announcing the bona fide opening of a new business may be used for one consecutive period of 30 days in any calendar year. A sign permit shall not be required for signs which comply with this subsection.~~
- d. ~~Ground Signs.~~
  - 1. ~~One ground sign shall be permitted on a property where any single building containing one or more separate established businesses. The sign shall not exceed 40 square feet in area and may display the name, address, or symbol (logo) for the business(es).~~
  - 2. ~~Ground signs shall only be illuminated externally.~~
  - 3. ~~Ground signs shall only advertise the business conducted on the property or the services and products produced, made, or sold on the premises.~~
- d. Sign Construction Type

1. Freestanding

- (a) Is constructed so that the sign is separated from the ground by a pole, stanchion, beam or other similar item.
- (b) The sign shall not exceed twenty (20) feet in height and forty (40) square feet in area.
- (c) The sign shall be securely built, constructed and erected upon posts and standards sunk at least three (3) feet below the natural surface of the ground, and shall be properly supported. All posts, anchors and bracing of wood shall be treated to protect them from moisture using generally accepted methods when they rest upon or enter into the ground.
- (d) The base of the sign shall be screened with plantings.
- (e) The sign and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition and clear of weeds, rubbish and obnoxious substances.

2. Ground

- (a) Is constructed so that the sign is separated from the ground by a solid base.
- (b) The sign shall not exceed five (5) feet in height and the bottom shall not be more than three (3) feet above the ground.
- (c) The sign shall be securely built, constructed and erected upon a solid base sunk at least three (3) feet below the natural surface of the ground, and shall be properly supported.
- (d) The sign and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition and clear of weeds, rubbish and obnoxious substances.

3. Attached

- (a) Signs attached to a building or other similar structure can not be painted directly on the surface of a building or other similar structure.
- (b) The area of an attached wall sign shall not exceed 10% of the total wall area, excluding doors and windows, on which it is attached and shall not be more than five (5) feet in height.
- (c) Shall not project higher than the highest point of the parapet, facade or roof eave of the building to which it is attached.
- (d) Shall not project more than fifteen (15) inches from the wall surface to which it is attached nor beyond the property line nor shall it overhang a public street or sidewalk.

- (e) The sign and the premises surrounding the same shall be maintained by the owner thereof in a clean, sanitary and inoffensive condition and clear of weeds, rubbish and obnoxious substances.

e. Construction Signs

1. One sign per premises on which construction pursuant to site plan approval is underway shall be permitted, ~~provided that the sign shall not exceed 24 square feet in area, and shall be removed within (7) seven days of its completion.~~ The sign shall be removed prior to the issuance of the Certificate of Occupancy.
2. Construction signs may only advertise the project to be erected, the name of the developer, contractor, architect associated with the project, financial institution funding the construction, and the broker or agent responsible for sale/rental/lease of the project. The sign shall not exceed (24) twenty four square feet in area.

f. [Repealed and Reserved.]

g. [Repealed and Reserved.]

h. [Repealed and Reserved.]

**SECTION XVI. Section 22-610.8 titled “Additional Regulations” is hereby amended as follows (underlined text is added, ~~stricken~~ text is removed):**

§ 22-610.8. “Additional Regulations.”

- a. through c. [No changes.]
- d. ~~If any permitted sign shall be illuminated, the illumination~~ Externally lit signs shall not cause no glare or blinding light to adjacent properties or roadways. Lighting shall not spill beyond the property line. Furthermore, no ground Signs shall not be illuminated by more than two floodlights on the ground or on individual poles or in combination.
- e. Signs which project more than 15 inches from buildings, flashing signs, portable signs, billboard signs, rotating signs, roof signs, projected image sign (GoBo) and a sign on a motor vehicle or trailer parked or designated to be parked for advertising purposes are all prohibited.
- f. and g. [No changes.]

**SECTION XVII. Section 22-610.12 titled “Sign Type Chart” is hereby established as follows:**

§ 22-610.12. Sign Type Chart

The Sign Type Chart is included as an attachment to this chapter.

**SECTION XVIII. Section 22-611 titled “MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS” is hereby amended as follows (underlined text is added, ~~stricken~~ text is removed):**

§ 22-611. MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS.

Minimum off-street parking and loading spaces shall be provided as follows:

- a. and b. [No changes.]
- c. The stipulated minimum parking requirements set forth in the ordinance may be reduced, based upon the written findings of a qualified parking consultant that the particular use(s) involved are adequately served by regularly scheduled public transportation such as bus or rail, van pooling and/or bicycle usage to be provided at levels such that use of private passenger vehicles will be significantly reduced.

Attachment 3. Minimum Off-Street Parking and Loading Requirements.

Editor's Note: The Schedule "Minimum Off-Street Parking and Loading Requirements" is included as an attachment to this Chapter.

**SECTION XIX. Section 22-612 titled "SCHEDULE OF PERMITTED USES, BULK, AREA AND SETBACK REQUIREMENTS" is hereby amended as follows (underlined text is added, ~~stricken~~ text is removed):**

- a. See Attachment 5 – ~~The Schedule of Permitted Uses is included as an attachment to this Chapter.~~
- b. [No changes.]

**SECTION XX. Repealer.**

All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

**SECTION XXI. Severability.**

Should any section, paragraph, sentence, clause, or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**SECTION XXII. Effective Date and Duration of Effect.**

This Ordinance shall become effective immediately upon its adoption. Notwithstanding any other provision herein, this Ordinance shall automatically terminate and cease to have any effect on October 1, 2026, unless otherwise extended or renewed by appropriate governing body action prior to that date.

**LEGAL NOTICE**

Publication by Summary Pursuant to N.J.S.A. 40:49-2

This ordinance amends the Borough's Zoning Regulations.