

**BOROUGH OF SPRING LAKE  
COUNTY OF MONMOUTH**

**ORDINANCE NO. 2009-005**

**AN ORDINANCE AMENDING AND SUPPLEMENTING  
VARIOUS SECTIONS OF CHAPTER 225, LAND DEVELOPMENT, OF  
THE BOROUGH CODE**

WHEREAS, Chapter 225, Land Development, of the Borough Code governs zoning and land use issues in the Borough of Spring Lake; and

WHEREAS, the Borough Zoning Review Officer and the Administration have recommended certain clarifications, amendments, and supplements to Chapter 225 as being in the best interests of the Borough and zoning control; and

WHEREAS, the Mayor and Council, have determined that it is in the best interests of the health, safety and welfare of the residents of the Borough to amend and revise those regulations; and

WHEREAS, the following sections of Chapter 225 are amended and supplemented with deletions reflected in strikethrough and additions reflected in **bold underline**.

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

**Section 1.**

1. Article II, Definitions and Descriptions, Section 225-7 of the Land Development Code, is hereby amended to provide as follows:

BUILDING HEIGHT- The vertical distance to the highest point of the roof. The vertical distance shall be measured from the mean elevation of the top of curb (or proposed top of curb where none exists) along the street line for principal buildings and from the average existing grade at the perimeter of a building for accessory buildings. In the case of a corner lot, building height shall be measured from the mean elevation of the top of curb along the street line upon which the building fronts. **In the case of items such as chimneys, antenna, lightning rods, or vent pipes or ornamental features such as cupolas, spires, belfries, or the like, these items may project above the maximum permitted building height on a principal by not more than 6 feet, provided that the total combined area of all such projections shall not exceed ten percent (10%) and no single projection shall exceed 5% of the total building area of the building to which they are attached.**

2. Article XI, Administration and Enforcement, Section 225-58 Enforcement, Subsection A, is hereby amended to add the following subsections:

- (4) **No construction permits shall be issued for construction of a new building or structure, for any addition to an existing building or structure or for conversion of any unfinished portion of a building or structure into habitable floor area, unless the applicant has first obtained Zoning approval from the Zoning Official.**

- (5) No certificate of occupancy shall be issued for a change in use or occupancy in any commercial zone unless the applicant has first obtained Zoning approval from the Zoning Official.
- (6) No property owner shall install any impervious surface, structure or fence nor shall they replace any impervious surface, structure or fence on any property unless the property owner has first obtained Zoning approval from the Zoning Official.

3. Article XI, Administration and Enforcement, Section 225-58. Enforcement is hereby amended to add the following:

#### **E. Plot and Grading Plan Review**

- (1) The Borough Zoning Official shall review and approve plot and grading plans submitted in accordance with the provisions and requirement set forth in Section 225-58B(1). A fee of \$250 shall be paid by the owner or contractor to the Zoning Official at the time of submittal of the plot and grading plan to cover the cost of review. No building permit shall be issued prior to the written notice that the plans have been reviewed and approved by the Zoning Official.
- (2) The Borough Zoning Official shall, during the period of construction, conduct a two field inspections and a final grading inspection and written verification of the approval of the same. A fee of \$250 shall be paid by the owner or contractor at the time of submittal of the plot and grading plan to cover the cost of the inspections and written approval of the final grade. No certificate of occupancy shall be issued prior to the written notice that all site improvements have been inspected the as-built plans have been reviewed and approved by the Zoning Official.
- (3) Where the owner or contractor, for reasons beyond his control, is unable to complete the required site improvements the owner or contractor may request and obtain a temporary certificate of occupancy for a period not to exceed 60 days upon posting of a cash performance guarantee in an amount established by the Zoning Official and a re-inspection fee in the amount of \$250. If the required improvements are not completed within the 60 day period the temporary certificate of occupancy shall expire and the performance guarantee shall be forfeited.
- (4) Should any of the aforementioned Borough officials be required to conduct additional plot plan reviews due to deficient applications, or additional site inspections in order to grant a Certificate of Occupancy on site, an additional charge of \$250 per each additional review or re-inspection shall be remitted to the Borough Zoning Official by the owner or contractor to cover the additional costs incurred by Borough for additional reviews or inspections required in connection with the application.

#### **Section 2.**

All other provisions of Chapter 225 not amended or replaced herein remain in full force and effect.

**Section 3.**

If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**Section 4.**

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**Section 5.**

This Ordinance shall take effect on upon passage and publication in accordance with applicable law.

INTRODUCED: **March 23, 2009**

ADOPTED:

APPROVED: \_\_\_\_\_  
JENNIFER NAUGHTON, Mayor

Attest:

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JANE L. GILLESPIE, BOROUGH CLERK