

**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:

**AREAWAY – A structure that provides an open, sunken space next to and attached to a building to provide light and air to a cellar or basement , the outside foundation perimeter of which projects more than 24" from the face of the building or which open space extends more than 24" below grade.**

**BUILDING COVERAGE AREA** – The square footage or other measurements by which all buildings occupy a lot as measured on a horizontal plane around the periphery of the foundations, including additionally ~~both~~ the area under the roof of any structure supported by columns, but not having walls, as measured around the outside of the outermost extremities of the roof above columns, and the area **of any floor or deck extended or** ~~under~~ cantilevered **beyond the periphery of the foundation** structures and the area of any accessory structure attached to a building.

~~SWIMMING POOL, PORTABLE – Portable pools shall not be subject to the requirements of Article V and are those~~ **A** pools which are **that is** not otherwise installed; ~~do not require water filtration, circulation and purification;~~ **does** not exceed 24 **36** inches in depth; ~~does~~ not exceed a water surface area of 250 **175** square feet; and ~~does~~ not require braces or supports.

~~SWIMMING POOL, PRIVATE RESIDENTIAL – Private residential swimming pools shall mean and include~~ **A pool that is** artificially constructed pools whether located above or below ground; ~~having~~ **has** a depth of more than 24 **36** inches; and/or a water surface **area** of 250 **175** square feet or more; **is** designed and maintained for swimming and bathing purposes by an individual for use by members of his household and guests; and ~~which is located on a lot as an accessory use to a detached dwelling. and shall include all buildings, structures, equipment and appurtenances thereto.~~

2. Article V, General Development Regulations, Section 225-12, R-1, R-2 and R-3 Residential, Subsection D, Area and yard requirements, is amended to provide as follows:

**Detached Dwellings in the**

<b>Principal Building (minimum)</b>	<b>R-1 District</b>	<b>R-2 District</b>	<b>R-3 District</b>	<b>Churches</b>
Lot Area	15,000 sq. ft.	7,500 sq. ft.	11,250 sq. ft.	15,000 sq. ft.
Lot Frontage	100 feet	50 feet	75 feet	100 feet
Lot Width	100 feet	50 feet	75 feet	100 feet
Lot Depth	125 feet	125 feet	125 feet	150 feet
Side Yard				
One	45 feet	6 feet	40 feet	25 feet
Aggregate of both	<u>15% of width</u> 35 feet	<u>12% of width</u> 46 feet	<u>13.5% of width</u> 25 feet	50 feet
Front Yard	<u>35% of width</u> 25 feet	<u>32% of width</u> 25 feet	<u>33.5% of width</u> 25 feet	35 feet
Rear Yard	35 feet	35 feet	35 feet	25 feet

3. Article V, General Development Regulations, Section 225-16, Private Garages, Subsection A (3) is hereby deleted in its entirety.

~~(2) — No private garage shall provide for loading facing a street unless the front building line of such private garage is located behind the rear building line (or farthest side building line in the case of a corner lot) of the principal building.~~

4. Article V, General Development Regulations, Section 225-28, Subsection F (2,3, and 4), Basements, are hereby deleted in their entirety.

~~(2) — The Borough Engineer shall review and approve the plot plans submitted in accordance with the provisions and requirements set forth in Section 225-58B (1). A fee of \$250 shall be paid by the owner or contractor 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 Borough Engineer.~~

~~(3) — The Borough Engineer shall during the period of construction conduct a minimum of two field investigations, which shall include a final grading inspection and written verification of approval of same. The Borough Engineer shall receive as compensation for the cost of the inspections and written approval of the final grade.~~

~~(4) — In addition there will be a fee of \$100 that will be remitted to the Borough Zoning Officer by the owner or contractor to cover costs incurred by the Zoning Officer in connection with the application.~~

5. Article V, General Development Regulations, Section 225-20, Nonconforming lots, structures and uses, is hereby amended to add the following:

- (4) **Permits may be issued for new buildings or structures on existing nonconforming lots provided that the use of the proposed buildings or structures is permitted and that the buildings or structures meet all bulk requirements of the zone in which the lot is located.**

6. Article V, General Development Regulations, Section 225-30, Yard Area, is hereby amended to add the following subsections:

**D. Buildings and structures shall not be located or encroach in any portion of a front yard, except that incidental items such as light posts, mail boxes and flagpoles shall be permitted in front yards.**

**E. Accessory buildings and structures may be located in side and rear yard areas only subject to the requirements and limitations of this ordinance.**

**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: October 28, 2008

ADOPTED: November 25, 2008

APPROVED:   
JENNIFER NAUGHTON, Mayor

Attest:

  
JANE L. GILLESPIE, BOROUGH CLERK