ORDINANCE 2023-11

BOROUGH OF SPRING LAKE HEIGHTS
COUNTY OF MONMOUTH

AN ORDINANCE AMENDING CHAPTER 22, ARTICLE V REQUIRED IMPROVEMENTS AND DESIGN STANDARDS, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SPRING LAKE HEIGHTS.

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 V Required Improvements and Design Standards is hereby amended as follows:

NOTE: Sections of Chapter 22, Article V Required Improvements and Design Standards 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 V Required Improvements and Design Standards shall be revised to amend Section 501 entitled "Installation of Improvements," Section 502 entitled "Garages and Accessory Buildings," Section 506 entitled "Corner Lots," Section 507 entitled "Sidewalks, Curb Cuts, Driveways, Driveway Aprons and Aprons," Section 512 entitled "Fences and Walls," Section 516 entitled "Lighting," Section 520 entitled "Off-Street Parking and Loading," Section 521 entitled "Performance Standards," Section 522 entitled "Principal Use," Section 529 entitled "Streetlighting," Section 530 entitled "Streets," and Section 532 entitled "Trailers," and to create new Section 537 entitled "Sight Line Clearance."

CHAPTER 22 MUNICIPAL LAND USE REGULATIONS

ARTICLE V REQUIRED IMPROVEMENTS, ~~*AND DESIGN*~~ STANDARDS ***AND SPECIFICATIONS***

Section 500. REQUIRED IMPROVEMENTS, STANDARDS AND SPECIFICATIONS.

Section 501 INSTALLATION OF IMPROVEMENTS

Prior to the Chairman and Secretary (Vice Chairman, Assistant Secretary) signing the maps indicating that the approving authority has granted final approval of an application for development, the developer shall have satisfactorily installed or shall have furnished a performance guaranty to insure the installation of the following improvements:

a. Street pavement.
b. Street signs.
c. Concrete curbs.
d. Survey monuments.
e. Sanitary sewers.
f. Water mains.
g. Storm drainage facilities. ***See: 22-535.***
h. Concrete sidewalks.
i. Shade trees.
j. Paved off-street parking facilities.
k. Concrete driveway aprons between curb and sidewalk.

l. Street lighting.
m. Garbage and refuse collection facilities on site plans.
n. Facilities for recycling materials.

Section 502 Garages and Accessory Buildings

Section 22-502.1 Number Limited; Setbacks; Maximum Height; Permitted Uses.

An accessory building ***or garage*** attached to a principal building is part of the footprint of the principal building and shall adhere to the yard requirements for the principal building. ***Only one (1) garage and one (1) accessory building are permitted per lot.*** An accessory building ***or garage*** detached from the principal building shall**:** have a rear and side yard set back of five ***(5')*** feet ~~***A detached accessory building shall***~~ ***and*** not extend beyond the building line of the principal building into the front yard. ***The height of a garage or an accessory building shall be measured from the average grade measured two (2) feet around the perimeter of the structure to the highest point of the building.*** ~~***Only one garage structure and one accessory building are permitted per lot.***~~

a. Garages. The maximum size for a garage shall be 720 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 motor vehicle~~(s)~~. ***at least twenty (20) feet in length.***

b. Accessory Buildings. ~~***The maximum size for an accessory building, other than a garage, shall be 100 square feet with a height not to exceed 10 feet***~~. 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) square feet and a height not to exceed twelve (12) feet.***

Section 506 CORNER LOTS

Any principal or accessory building located on a corner lot shall have a minimum setback from both street lines equal to the required front yard. ~~***The remaining two yards shall be considered side yards for the purpose of this chapter.***~~ ***A corner lot shall have a primary front yard, a secondary front yard, opposite the primary front yard and a side yard opposite the secondary front yard.***

Section 507 ~~***Sidewalks, Curb Cuts, Driveways, Driveway Aprons and Aprons***~~ ***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 ~~***roadways***~~ ***streets. Curbing shall be installed where curbing does not exist and sidewalks shall be installed where sidewalks do not exist. These requirements are applied*** ~~***and shall be installed where curbing does not exist***~~ when construction of a completely new principal building occurs; or when an addition to, reconstruction of, or renovation of a principal building consists of ~~***40***~~ ***30***% or more of the square footage of the existing principal building.

a. Curb Cut and Driveway Apron Standards. ~~***Concrete curb cuts and concrete aprons shall be one cut per lot and have a minimum width of 10 feet and a maximum width of 20 feet. The full height***~~

~~*curb and the dropped curb (driveway apron) and apron shall meet the standard specifications of the Borough.*~~ ***Curb cuts and aprons shall be constructed of concrete and shall be a maximum of one (1) cut per lot in Residential zones. Curb cuts and driveway aprons in Residential zones will have a minimum width of ten (10) feet and a maximum width of twenty (20) feet and in Non Residential zones will have a minimum width of twelve (12) feet and a maximum width of twenty-four (24) feet. The portion of the full height curb, the dropped curb (driveway apron) and apron located in the Borough right of way must be concrete and in accordance with standard Borough specifications.***

b. Curb Standards. Curbs shall be set in accordance with approved lines and grades and radial curbs shall be formed in an arc segment, on a smooth curve. Chord segments are prohibited. Standard curb sections shall be 10 feet in length with preformed expansion joint material on not more than twenty-foot centers. The exposed curb face on local roads shall be six inches and on County and State roads shall be the dimension set by the County or State Engineer. Concrete for curbing shall be made with air-entraining cement, Class B, having a compressive strength in 28 days of 4,000 pounds per square inch, or better. Where designated by the approving authority, ramps for bicycles or wheelchairs shall be provided in accordance with the Design Standards for Curb Ramps for the Physically Handicapped, prepared by the New Jersey Department of Transportation.

c. Driveway Standards. ~~*There shall be a minimum two foot side and rear yard setback for a driveway in a residential zone and a minimum three foot side and rear yard setback for driveways in a business or commercial zone. Driveways in residential zones shall have a maximum width of 20 feet in the front of the house. A zoning permit is required for new or replacement driveways.*~~ ***A zoning permit is required for any new or replacement of a driveway or driveway material and must comply with the Borough requirements. 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.***

(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 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.

~~*d. Streets Requiring Sidewalks; Sidewalk Standards. Any new construction, or replacement of an existing principal structure shall require the installation of sidewalks along the full front and side of all lots abutting existing roadways where sidewalks do not exist on the designated side(s) of the streets listed on the Streets Requiring Sidewalks schedule below. The configuration of required curb and sidewalk shall be as follows: curb abutting existing roadway, two feet of grass and a four foot sidewalk. Asphalt and/or stone are not permitted sidewalk materials. Any deviation from the preceding will require a variance.*~~

~~*Streets Requiring Sidewalks*~~
~~*Allaire Road — both sides*~~
~~*Brighton Avenue — both sides*~~
~~*Church Street — both sides*~~
~~*Ludlow Avenue — north side*~~
~~*Monmouth Avenue — both sides*~~
~~*Ocean Road — both sides*~~
~~*Old Mill Road — west side*~~
~~*Park Avenue — south side*~~
~~*Route 71 — both sides*~~
~~*Shore Road — south side*~~
~~*Sixth Avenue — west side*~~
~~*St. Clair Avenue — both sides*~~
~~*Wall Road — both sides*~~
~~*Warren Avenue — both sides east of Route 71*~~

~~*Editor's Note: See also Section 22-525, Sidewalks for additional construction requirements.*~~

d. Sidewalk Construction Requirement.

(1). A sidewalk shall be required where a sidewalk does not exist when construction of a completely new principal building occurs, or when an addition to, or reconstruction of, or renovation of a principal building consists of 30% or more of the square footage of the existing principal building .or in any other location(s) determined by the Land Use Board to be in the interest of public safety and/or proper pedestrian circulation. The sidewalk construction requirement may be waived at the initiative of the Land Use Board or at the request of the developer. The Land Use Board may grant a waiver from the sidewalk construction requirement if the waiver is reasonable and proper as related to the particular development and the absence of sidewalks does not violate the safety, health and welfare of present or future residents.

(2). The sidewalk construction requirement waiver will require the developer to make a payment into the Borough of Spring Lake Heights Sidewalk Capital Construction Fund. The payment will be an amount equal to the reasonable cost of installing said sidewalks. The said amount will be determined by the Borough Engineer upon the submission and consideration of various estimates and other documentation from the developer, other interested parties and/or the office of the Borough Engineer. The Borough Engineer shall also take into account other factors such as the application of prevailing wage requirements added to the Borough construction costs.

e. Sidewalk Capital Construction Fund Account.

(1). a Sidewalk Capital Construction Fund Account is hereby created and authorized by the Borough of Spring Lake Heights. All funds collected by the Borough from developers as set forth above shall be maintained in this Account. The proceeds of the Account which shall be made available to install sidewalks in the Borough of Spring Lake Heights wherever sidewalks are properly authorized by the Mayor and Council.

(2). Nothing contained herein shall affect the right of the Borough of Spring Lake Heights to enact ordinances requiring assessments for sidewalks from property owners as authorized under N.J.S.A. 40:65-2 or other statutory rights granted to municipalities.

f. Sidewalk Standards. Asphalt and/or stone are not permitted sidewalk materials. The configuration of curb and sidewalk shall be as follows: a curb abutting the existing street, a two (2) foot grass strip and a four (4) foot sidewalk. Gravel, loose stone shells, shrubs or plants are not permitted in the area between the curb and the sidewalk. Gravel or loose stones are not permitted within ten (10) feet of the front property line.

Editor's note: See Section 525 Sidewalks. for additional requirements.

g. Patios. A patio is not permitted in the primary front yard area. A patio requires a minimum setback of five (5) feet from any property line. With the exception of a driveway per 507.c, the area between the patio and the property line shall be grass or a pervious surface, stone, gravel and shells are not permitted.

Section 512 Fences and Walls

Section 512.5 Height

a. Fences may be erected, altered or reconstructed in a residential zone to a height not to exceed three feet above ground level ***measured to include the entire structure*** when located within 25 feet of the street line. ~~*toward which the front entrance of the dwelling on the lot faces.*~~

b. Fences may be erected, altered or reconstructed to a height not to exceed six feet above ground level when located more than 25 feet from the street line in a residential zone or when located in the yard area of any use in a business zone. Fences located more than 25 feet from the street line may be erected to a height not to exceed eight feet on properties with residential uses along the side or rear yards adjacent to properties with a non-residential use.

c. Fences may be erected, altered or reconstructed to a height not to exceed six feet when located in the side or rear yards of any dwelling in a residential zone.

d. The foregoing restrictions shall not be applied so as to prevent the erection of an open wire fence not exceeding eight feet above ground level anywhere within a public park, public playground or school premises.

e. A decorative wall shall be to a height not to exceed two feet measured from the base of the wall.

f. A structural retaining wall, when necessary, shall be a height not to exceed four feet measured from the bottom of the wall and require the submission of a signed and sealed plan from a licensed professional engineer.

~~*Section 512.7 Applicability.*~~

~~*The foregoing restrictions shall not be applied to as to restrict the erection of a wall for the purpose of retaining earth.*~~

Section 516 Lighting

All area lighting shall provide translucent fixtures with shields around the light source. The light intensity provided at ground level shall average from 0.5 to 1.0 footcandle over the entire area. For each fixture and

externally lighted sign, the total quantity of light radiated above a horizontal plan passing through the light source shall not exceed 7.5% of the total quantity of light emitted from the light source.

All outdoor lighting to be shown on the site plan in sufficient detail to allow determination of the effects at the property line and on nearby streets, driveways, residences, and overhead sky glow.

Section 520 Off-Street Parking and Loading

Section 520.3 Buffers.

Parking and loading areas for apartment, townhouse, ***and*** commercial ~~***and industrial***~~ uses shall be buffered from adjoining streets and single-family residential zoning districts in a manner meeting the objectives of Section 22-505, Buffers.

Section 521 Performance Standards

Section 521.4 Storage and Waste Disposal.

No materials or wastes shall be deposited upon a lot in such form or manner that they can be transferred off the lot, directly or indirectly, by natural forces such as precipitation, surface water, evaporation or wind. All materials or wastes which might create a pollutant, be a safety hazard or be a health hazard shall be stored indoors or be enclosed in appropriate containers to eliminate such pollutant or hazard. No flammable or explosive substance shall be stored on a property except under conditions approved by the ~~***Fire Department***~~ ***Construction Department***.

Section 522 ~~***Principal Use***~~ ***PUBLIC UTILITY SPECIFICATIONS.***

Section 529 ~~***Streetlighting***~~ ***STREET LIGHTING***

~~Streetlighting~~ ***Street lighting*** standards of a type and number approved by the approving authority and Borough Engineer shall be installed at street intersections and elsewhere as deemed necessary by the approving authority for public safety. Locations shall include consideration of driver visibility and sight distances when exiting driveways and when entering street intersections. The developer shall provide for the installation of underground service for streetlighting.

Section 530 Streets

~~***Section 530.4 Driveways; Buffers.***~~

~~***In all residential zones, development bounded by any arterial or collector street shall control access to the streets by having all driveways intersect minor streets. Where the size, shape, location or some other unique circumstances may dictate no other alternative than to have a driveway enter an arterial or collector street, the lot shall provide on-site turnaround facilities so it is not necessary to back any vehicle onto an arterial or collector street, and abutting lots may be required to use abutting driveways with one curb cut. All lots requiring reverse frontage shall have an additional 25 feet of depth to allow for the establishment of the buffers outlined below unless such buffers are established in a reserve strip controlled by the Borough or County. That portion of the development abutting an arterial or collector street right-of-way shall either be planted with nursery-grown trees to a depth of not more than the twenty-five-foot buffer strip along the right-of-way line and for the full length of the development so that in a reasonable period of time a buffer area will exist between the development and the highway or where***~~

~~*topography permits, have earthen berms created at a sufficient height to establish a buffer between the development and the highway. Berms shall not be less than five feet in height; they shall be stabilized by ground cover to prevent soil erosion and shall be planted with evergreens and deciduous trees according to a landscaping plan so as to be designed to have no adverse effect on nearby properties. All trees shall be balled and burlapped nursery stock having a caliper of not less than three feet above ground level and be of an approved species grown under the same climatic conditions as at the location of the development. They shall be of symmetrical growth, free of insect pests and disease, suitable for street use and durable under the maintenance contemplated.*~~

530.5 Street right-of-way ~~*shall be measured from lot line to lot line.*~~ ***is the public area between the street and the lot and the dividing line between the street and the lot. The right-of-way shall be measured from lot/property line to lot/property line.*** The continuation of an existing street shall be at the same width as the existing street unless a greater width ~~*may be*~~ ***is*** required. ~~*in accordance with the following schedule. The following alternate street widths are offered in the interest of reducing the cost of housing and promoting the conservation of energy by reducing street mileage, through the cluster designs, the amount of material needed, long term maintenance and travel distances. Where arterial or collector streets intersect another arterial or collector streets, the right-of-way and pavement width shall be increased by 10 feet on the right side of the street approaching the intersection for a distance of 300 feet from the intersection of the centerlines.*~~

~~*Type of Street*~~	~~*Right-of-Way (feet)*~~	~~*Paving Width (feet)*~~
~~*Arterial:*~~		
~~*2 lane*~~	~~*66*~~	~~*40*~~
~~*4 lane*~~	~~*86*~~	~~*56*~~
~~*Collector*~~	~~*60*~~	~~*36*~~
~~*Minor*~~	~~*50*~~	~~*30*~~

Section 532 TRAILERS~~.~~, ***PORTABLE HOME STORAGE UNITS AND DUMPSTERS.***

Section 532.1 Prohibited Uses.

No storage or shipping containers are permitted in any zone. No trailer, auto trailer, trailer coach, travel trailer or camper shall be used for dwelling purposes or as sleeping quarters for one or more persons, nor shall any such trailer or camper be used for storage or space for the permanent conduct of any business, profession, occupation or trade~~,~~. ~~*except that such facilities may be used for temporary residency as the temporary replacement of a damaged dwelling unit and for temporary use as a construction office located on site during construction or for a sales office subject to Planning Board approval, provided that a temporary permit has been issued for its use by the Building Inspector.*~~ This subsection shall not be construed so as to prohibit the parking or storage of such trailers and campers on private premises~~,~~. ~~*but storage shall be located to conform to the yard requirements for an accessory building.*~~ ***Such facilities may be approved by the Land Use Board provided that a temporary permit had been issued by the Building Inspector for the following temporary uses:***

a. ***Residence as a temporary replacement for a dwelling unit damaged by an Act of God; however, not due to building construction or renovations.***

b. A construction office located on site during construction.

c. A sales office during the construction period.

Section 532.2 Temporary Use~~s.~~ ***Time Periods.***

a. Temporary for purposes of residential occupancy shall mean 90 days with an option to extend for one additional ninety-day period.

b. Temporary for use as a ~~***model home and/or***~~ construction office shall mean occupancy during the time of construction.

c. Any temporary office shall be removed within 15 days of issuance of the Certificate of Occupancy for the last unit or within 15 days of cessation of construction activity.

Section 532.3 Portable Home Storage Units.

a. Portable Home Storage Unit is defined as a portable shed or storage container, storage unit, shed-like container or other portable structure that can or may be used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory structure.

b. A portable home storage unit may be placed upon any property only upon the issuance of a permit by the Zoning Officer. The application fee is ~~***$25***~~ ***one hundred ($100) dollars***.

c. Permits will be granted for a period of 30 days. At the expiration of the thirty-day period, the permittee may seek only one extension of the permit for up to an additional 15 days for an additional fee of ~~***$25***~~ ***fifty ($50) dollars***. Each residential property is limited to a maximum of two registrations per calendar year, and a minimum of 15 days shall elapse between the end of one registration period and the beginning of another. However, should a Portable Home Storage Unit Permit be applied for in conjunction with a building permit, the permits will run concurrent and a Certificate of Occupancy shall not be issued until the storage unit is removed.

d. Portable Home Storage Units are prohibited from being placed in streets or in front yards of a property. Portable Home Storage Units must be kept in the driveway of the property at the furthest accessible point from the street. All other locations must be pre-approved by the Zoning Officer and unobtrusive in nature. Portable Home Storage Units are prohibited at a commercial use property.

e. This section shall be enforced by the Zoning Officer.

f. No Portable Home Storage Unit shall be used for storage of the following:

   1. Solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods;

   2. Goods from a property other than where the Portable Home Storage Unit is located.

g. No more than one Portable Home Storage Unit may be located on a specific piece of property within the Borough at one time; such structures shall be individually limited to the duration time period established herein. Such temporary structure shall be located no closer than 10 feet to the property

line unless placed on an existing impervious driveway. Such structure may not exceed eight feet six inches in height, 10 feet in width or 20 feet in length.

h. In a severe weather event the applicant or supplier shall immediately remove, or cause to be removed the Portable Home Storage Unit as requested by the Office of Emergency Management. In order to protect the health, safety and welfare of its citizens and the property located within the Borough in such event, the Office of Emergency Management may, by providing at least twenty-four-hour notice, issue a warning to the applicant to remove the Portable Home Storage Unit. If applicant fails to remove the Portable Home Storage Unit within the twenty-four hour period after such notice has been issued, the Borough, at its option, may enter into the residential property and remove the Portable Home Storage Units. The supplier and the applicant shall be jointly and severally be liable for all costs incurred by the Borough for the removal of the Portable Home Storage Units under these circumstances. This right shall not create a duty by the Borough to enter the property and remove the Portable Home Storage Unit.

i. Fines, penalties and violations shall be as provided in ***Borough Code*** Chapter 1, ***General*** Section 1-.5.

Section 532.4 Dumpsters and Waste Containers.

a. ***A Dumpster/waste container is a movable large metal or plastic bin that can hold more than two (2) fifty (50) gallon cans of debris designed to be hoisted onto a specially equipped truck for emptying and hauling away construction debris, refuse or trash.***

b. ***No Dumpster/waste container may be placed upon any property without securing a permit issued by the Zoning Officer and the payment of an application fee of one hundred ($100) dollars. The application must contain the following information: Name and address of applicant and owner of the property, street address and the block and lot number of the property, size of the dumpster with the name and address of the phone number of the owner of the dumpster and estimated length of time dumpster will be located at the site.***

c. ***Permits which are obtained in conjunction with a Building Permit run concurrent with the Building Permit. A Certificate of Occupancy shall not be issued until the dumpster/waste container is removed.***

d. ***Permits issued by the Zoning Officer not in conjunction with a Building permit are granted for a period of thirty (30) days. At the expiration of the thirty (30) day period, the permittee may seek one extension of the permit up to an additional fifteen (15) days for an additional fee of fifty ($50) dollars. Each residential property is limited to a maximum of two (2) registrations per calendar year. A minimum of fifteen (15) days shall elapse between the end of a registration period and the beginning of another.***

e. ***Dumpster/waste containers are prohibited from being placed in any street. No person shall park or leave unattended any dumpster/waste container on public property or along any highway without prior written consent of the Zoning Officer and/or the Governing Body.***

f. ***No more than one Dumpster/waste container may be located on a specific property within the Borough at one time. Dumpster/waste containers can be no closer than ten (10) feet to the***

property line unless placed on an existing impervious driveway. Any other location must be unobtrusive in nature and pre-approved by the Zoning Officer.

g. ***No Dumpster/waste container shall be used for debris from a property other than the property with the block and lot where the dumpster is located.***

Section 537 SIGHT LINE CLEARANCE.

No hedges, shrubs or vegetation, within the primary and secondary front yard areas can exceed thirty (30) inches in height or have tree branches lower than eight (8) feet above the ground within twenty (20) feet of the property line.

SECTION 2

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 3

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION 4

If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged to be invalid, such adjudication shall apply only to section paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION 5

This ordinance shall take effect upon its passage and publication and review according to law.

Christopher M. Campion, Jr., Mayor

12-18-2023
Date

Janine Gillis, Borough Clerk

December 18, 2023
Date