

**AN ORDINANCE AMENDING PART II, "GENERAL LEGISLATION,"
CHAPTER 225, LAND DEVELOPMENT, ARTICLE IV, "DISTRICT
REGULATIONS", SECTION 14, "CS-SC COMMON SERVICES RESIDENCE
SENIOR CITIZEN DISTRICT" OF THE REVISED GENERAL ORDINANCES
OF THE BOROUGH OF SPRING LAKE, NEW JERSEY.**

WHEREAS, the property known as Spring Lake Block 43, Lots 1-18 (700 Ocean Avenue), commonly known as "Essex and Sussex," was the subject of a Mount Laurel II builder's remedy litigation (MON-L-2136-95). The litigation was commenced by the original Developer of Essex and Sussex. At that time, the Borough was concerned about the proposed use of the Essex and Sussex by the developer and its effect on neighboring residents and on the Borough as a whole.

WHEREAS, Pursuant to the settlement of that litigation, the Borough of Spring Lake's Governing Body amended its zoning ordinances and established a "Common Services Residence Senior Citizen" (CSRSC) District applicable to the Essex and Sussex. The zoning standards for the CSRSC District are presently codified in Ordinance Sec. 225-14.

WHEREAS, subsequent to the settlement, the Developer of Essex and Sussex changed the form of ownership of the property to condominium form and by doing so divested itself of any interest in the property. None of the units is now owned by the Developer. The Essex and Sussex is governed by an Association elected by the unit owners.

WHEREAS, the Governing Body considered proposed modifications to those zoning requirements, as set forth below. The Governing Body found that several of the restrictions placed on the CSRSC District are no longer necessary or appropriate given the present operations at the Essex and Sussex site and therefore they unnecessarily restrict the ownership and use of individual Essex & Sussex units, as well as the common area facilities.

WHEREAS, these proposed modifications were also reviewed and revised by property owners, represented by Counsel, adjacent to the Essex and Sussex site and these amendments to the restrictions upon the operations of the site are acceptable to those property owners.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Spring Lake in the County of Monmouth and State of New Jersey that the applicable section and chapter now read as follows:

§225-14. CS-SC Common Services Residence Senior Citizen District.

A. The purpose of the Common Services Residence Senior Citizen District is to permit construction of luxury common service residences for senior citizens in the Borough.

B. Principal permitted uses on the land and in buildings.

(1) A luxury senior citizen common services residence at a maximum gross density of 55 units per acre, provided that the total number of dwelling units shall not exceed 168 units. For purposes of this chapter, a "senior citizen common services residence" means a building with living units whose occupancy is restricted to persons age 55 and older, with communal dining facilities from which daily food service shall be available 365 days per year with the means and manner of service to be at the sole discretion of the Essex and Sussex Condominium Association, Inc. ("E&S") and for which the residents will pay a monthly charge as determined by E&S. This term is used and defined for the special purpose of this chapter and shall not be interpreted on the basis of the usage or definition of this term in any other document, including any state or federal statute or regulation except with reference to the Fair Housing Act, 42 U.S.C. §§ 3601 et seq.

(2) Single-family detached houses in accordance with the standards of the R-3 District. (See § 225-12 of this chapter for the standards.)

C. Accessory uses permitted.

(1) For a senior citizen common services residence, permitted accessory uses include, but are limited to, a beauty parlor, a barbershop, bank branch, automatic teller machine, convenience store, newsstand, exercise room, recreational and social facilities and common kitchen for use by residents and jitney service to drop off and pick up, provided that any accessory use shall be restricted to use by residents and shall not be open to the general public. The total interior floor space occupied by such accessory uses shall not exceed 12,380 square feet. The interior floor space occupied by newsstands and convenience stores shall not exceed 1,250 square feet.

(2) Off-street parking in accordance with the standards of § 225-21 of this section, as modified by the parking standards of the CS-SC Zoning District. All off-street parking shall be on site within the CS-SC District.

(3) Signs in accordance with the standards of § 225-25 of this chapter, as modified by the design standards of the CS-SC Zoning District.

D. Prohibited uses.

(1) None of the facilities located or to be located on the premises in connection with the senior citizen common services use shall be used for the preparation or service of food or beverages to or for anyone except residents of the common services use, or the overnight guests of a resident whether or not the overnight guest is in the company of the resident. "Overnight guest" shall mean a friend or

relative of the resident who uses the unit with the permission of the resident and without charge. Parties, banquets, weddings or wedding receptions or any type of catered event, anywhere on the premises, are specifically prohibited, except where a resident of a living unit is the sponsor in connection with any such event (which such events are hereinafter referred to as "sponsor events"). No more than 18 sponsored events limited to attendance by between 75 and 150 persons will be held annually. During the months of September, October, November, December, January, February, March, April and May, no more than two (2) sponsor events per month may be held. During the months of June, July and August, no more than one (1) sponsor event per month may be held.

(2) No more than one principal use shall be permitted on the premises.

(3) Guests of residents of the senior citizen common services residence shall not be permitted to occupy the premises for more than thirty (30) days per year, with a maximum of fifteen (15) consecutive days and a minimum period of ten (10) days between stays of fifteen (15) consecutive days.

E. Maximum building height.

(1) No principal building used as a senior citizen common services residence shall exceed seven levels above grade, or an occupied building height of a maximum of 100 feet above grade, whichever is greater, provided that existing cupolas with flagpoles may extend an additional 32 feet in height above the roof of the seventh level above grade.

(2) No principal building used as a single-family detached house may exceed 35 feet in height.

(3) No accessory building may exceed 16 feet in height.

F. Area and yard requirements for a senior citizen common services residence.

(1) Minimum lot area: 135,000 square feet (3.009 ± acres).

(2) Minimum lot frontage: 300 feet.

(3) Minimum lot width: 300 feet.

(4) Minimum lot depth: 450 feet.

(5) Minimum front yard (principal building): 15 feet.

(6) Minimum rear yard (principal building): 80 feet.

(7) Minimum side yard (principal building): 10 feet.

(8) Accessory structure minimum distance to side line: 120 feet.

(9) Accessory structure minimum distance to rear line: 50 feet.

(10) Accessory structure minimum distance to principal building: 45 feet.

(11) Maximum building coverage of principal building: 40%.

(12) Maximum impervious surface coverage: 80%.

G. Area and yard requirements for detached dwelling use.

(1) The requirements of the R-3 District shall govern for detached dwellings; as per § 225-12D of this chapter.

H. Other zoning standards for senior citizen common services.

(1) Off-street parking: The development shall provide a minimum of 0.89 off-street, on-site parking spaces per living unit for residents, employees, and visitors. The development may provide up to 70% of the required parking spaces in spaces 8.5 by 17 feet on grass pavers, or other acceptable surface which shall be valet parking spaces. The development may provide for valet parking for up to 84% of the required parking spaces.

(2) Signs. A sign shall be permitted and designed in accordance with § 225-25 of this chapter, provided that:

(a) No more than one sign, which shall be a freestanding sign, shall be permitted on the premises; such sign shall indicate the name of the building and shall have a maximum area of 20 square feet; and

(b) Directional signs with a maximum area of six square feet shall be permitted at the principal vehicular entrance to the site on First Avenue, at the Sussex Avenue parking entrance and exit, and at the delivery entrance loading area on Essex Avenue.

(3) Open space for senior citizen common services residence. The development shall provide a minimum of 20% of the entire tract for landscaped open space. For the purposes of this section, landscaped open space does not include paved driveways and parking areas.

(4) Vehicular access to public streets for senior citizen common services residence. The principal vehicular entrance to the property for the senior citizens common services residence shall be from First Avenue. A parking area entry and a parking area exit shall be allowed as curb cuts on Sussex Avenue. A delivery/loading area shall be provided and a curb cut for such loading area shall be allowed on Essex Avenue.

(5) Unit size for senior citizen common services residence. Each unit shall contain no more than one bedroom, a bathroom, and a living room with limited kitchen facilities, with the exception of six units which may have one additional bedroom.

(6) Appliances for senior citizen common services residence. No kitchen facilities shall be installed or permitted in any of the living units located on the premises except for a sink, a nonconvection microwave oven, and a refrigerator which has a volume that does not exceed eight cubic feet. All such kitchen facilities shall be installed by the developer. The installation of stove tops and/or stove burners is specifically prohibited in any of the living units. No clothes washers or dryers shall be installed or permitted to be installed in any living unit except two-bedroom and penthouse units.

(7) Health care services for the senior citizen common services residence. The owner or operator shall not provide health care services on the premises. Nothing in this chapter, however, shall be deemed to prohibit residents from contracting for health care services for themselves to be provided on the premises or elsewhere from any third party, which such third party shall not be affiliated with the owner or operator.

I. Design standards for senior citizen common services residence.

(1) Lighting. Lighting for the site's driveways, parking areas (nonvalet), loading area, and open space shall conform with the standards of § **225-19** of this chapter, provided that the uniformity ratio (of average to minimum illumination) shall be 4 to 1.

(2) Visual screening for the senior citizen common services residence.

(a) Any cooling tower shall be screened on all sides by minimum eight-foot high walls of durable and attractive materials (such as brick or a combination of brick and wood or wood lattice) combined with complementary plant material and on the top with a roof structure designed to maximize visual screening while allowing necessary air ventilation for the equipment.

(b) Any loading area and any trash recycling area shall be screened by minimum eight-foot high walls of durable and attractive materials (such as brick or a combination of brick and wood or wood lattice) combined with complementary plant material. Further, the entranceway to any loading area and any trash recycling area shall be screened from public sidewalks and public streets by a minimum six-foot high board-on-board wood or solid metal (not chain link) gate

where not enclosed by the wall referenced above. The gates to the trash and/or recycling area shall be kept closed at all times, except when access is required for loading or unloading.

(c) Any parking areas shall be fully screened from public sidewalks and public streets by plantings (including planted berms) or walls of up to five feet in height of a design and construction which is compatible with the other screening within the district, combined with complementary foundation plant material, including street trees. The height of such screening shall be reduced in the vicinity of ingress and egress drives to preserve safe sight lines.

J. Design standards for detached house.

(1) The requirements applicable in the R-3 District shall govern for detached houses.

K. Fair share housing obligation.

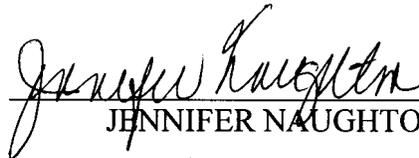
(1) Any senior citizen common services residence use shall provide for low- and moderate-income housing through contribution of \$420,000 to the Borough Affordable Housing Trust Fund.

(2) Any other use shall contribute to the Borough Affordable Housing Trust Fund in accordance with a municipal development fee ordinance to be enacted by the Borough Council.

L. Structures within this district consisting of 12 or more units shall require an annual inspection by the Zoning Officer or other designated Borough agent to assure that there are no conditions existing which might be deemed to be hazardous to the health, welfare or safety of the residents of the other units, of adjoining properties or other persons within the municipality. The annual inspection fee shall be \$16,800 and payable quarterly by the residents' association.

INTRODUCED: February 8, 2011

ADOPTED: February 22, 2011


JENNIFER NAUGHTON, MAYOR

ATTEST:


JANE L. GILLESPIE, BOROUGH CLERK