

**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, "Definitions," 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 inches from the face of the building or which open space extends more than 24 inches below grade. **Areaways shall be considered part of the building foundation and included in the BUILDING AREA, as defined in this section.**

BASEMENT - That portion of a building partly below and partly above grade, where the ceiling **finished floor elevation (first floor)** averages ~~four~~ **five** feet, or more than ~~four~~ **five** feet, above the finished grade and where such grade meets the outside walls of the building **foundation**.

CELLAR - That portion of a building partly below and partly above grade, where the ceiling **finished floor elevation (first floor)** averages less than ~~four~~ **five** feet above the finished grade where such grade meets the outside walls of the **building foundation**.

RETAINING WALL - A structure more than 18 inches in height erected between land of different elevation to protect structures and/or prevent the erosion of earth from the upper slope level. **All structures 18 inches or less in height shall be considered landscaping walls and shall be permitted in the side and rear yards only. This definition shall not apply to AREAWAYS or WINDOW WELLS.**

**WINDOW WELL - Any structure attached to a foundation not meeting the definition of Areaway.**

2. Article IV, District Regulations, Section 225-12 "Area and Yard Requirements" of the Land Development Code, is hereby amended to provide as follows:

**§ 225-12D. Area and yard requirements.**

Detached private garage	1-story	1-story	1-story
	<b><u>1 ½ stories/</u></b>	<b><u>1 ½ stories/</u></b>	<b><u>1 ½ stories/</u></b>
	18 feet	18 feet	18 feet

Notes:

**(5) No garage shall be higher than 1 ½ stories and 18 feet in height such that the half-story above shall be nonhabitable and provide no more than six feet standing room from the top of the floor framing to the roof framing/collar tie at the underside of the roof. Flat roofs shall not be permitted.**

3. Article V, General Development Regulations, of the Land Development Code, is hereby amended to provide as follows:

**§ 225-18. Fences and sight triangles.**

All permitted fences shall be situated on a lot in such a manner that the finished side of such fence shall face adjacent properties. No fences or gates shall be constructed or placed in front yards. No fence shall be erected of barbed wire, topped with metal spikes, or constructed of any material or in any manner which may be dangerous to persons or animals. Moreover, on any lot in any district, no fence shall be erected or altered so that said fence shall be over ~~three~~ **four** feet in height in ~~the~~ side yard areas and five feet in height in ~~the~~ rear yard areas, and if a property is located so that its backyard is the side yard of an adjacent property (say by way of example on corner lots) then the three four-foot side yard regulation would apply. **Fences shall be erected in such a manner so as to permit the flow of natural drainage and shall not cause surface water to be blocked or dammed to create ponding.**

**§ 225-23. Location of outdoor heating, ventilation, and air conditioning (HVAC) equipment, generators and swimming pool equipment.**

A. In all residential zones and properties immediately adjacent to residential zones or uses, outdoor heating, ventilation and air conditioning (HVAC) equipment, generators and swimming pool equipment shall be located so as to have the least practical visual and noise impacts on adjoining residential uses. ~~Except as otherwise provided in Subsection B of this section, outdoor heating, ventilation and air conditioning (HVAC) equipment, generators, and swimming pool equipment shall be located exclusively in the rear yard within eight feet of the principal structure or accessory, and inside the portion of the rear yard formed by the projection of the side building lines to the rear lot line. Outdoor heating, ventilation and air conditioning (HVAC) equipment, and generators and swimming pool equipment shall not be located in any front or the side or rear yard, as defined in 225-7. Definitions. Swimming pool equipment shall be located exclusively within the rear yard, as defined. All equipment shall be located within eight feet of the principal structure or accessory and shall have a setback of area or within 10 feet of from any property line except as provided herein.~~ The provisions of this section shall not be applicable to window-mounted HVAC units or the replacement of existing outdoor heating, ventilation and air conditioning (HVAC) equipment, generators and swimming pool equipment in its existing location, provided the equipment is not located in the front yard area.

B. ~~Notwithstanding the above, g-Generators and/or HVAC equipment may be placed in a side yard, but not closer than 10 feet to any property line, in the event the Borough Zoning Officer shall determine that the placement of the generators and/or HVAC equipment, as otherwise permitted, is impractical and the visual and noise impacts of locating the equipment within a side yard have been mitigated to the extent reasonably practicable.~~ shall be suitably buffered from adjacent properties with either evergreen plantings or screening fence in compliance with the Ordinance.

**§ 225-28. Lot grading and drainage.**

D. ~~The lots shall be graded so that surface runoff is retained on the property. In general lots shall be graded as follows:~~

- (1) The minimum slope of an unpaved yard surface shall be 1 1/2 % except for well-defined swales which shall have a minimum slope of 1%.
- (2) The minimum slope on a paved yard surface shall be 1%.
- (3) The maximum slope of an unpaved yard surface shall be 10% within five feet of a structure and 25% elsewhere.
- (4) The maximum slope of a paved yard surface shall be 5% except for a driveway which shall have a maximum slope of 10%.

- (5) All plans must conform to the most recent stormwater management regulations.<sup>10</sup>

**§ 225-30. Yard area.**

C. Structural projections customarily attached and appurtenant to a building or structure such as steps, Window Wells, **Areaways**, light fixtures, cornices, eaves, gutters, sills, and chimneys are permitted to project or encroach into the minimum required setback up to a maximum of 24 inches.

4. Article VI, Exceptions, Modifications and Development Alternatives, Section 225-34, General exceptions and modifications, of the Land Development Code, is hereby amended as follows:

**§ 225-34. General exceptions and modifications.**

A. Height. Except for detached and townhouse dwellings as permitted in this chapter, penthouses or roof structures for the housing of stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, skylights, spires, cupolas, flagpoles, chimneys or other structures may be erected above the height limits prescribed by this chapter, but in no case more than 25% more than the maximum height permitted for the use in the district. **On residential dwelling and accessory structures, chimneys, vent pipes, lightning rods and non-roofed architectural/ornamental appurtenances such as cupolas and spires may be erected above the height limits prescribed by this chapter by no more than six feet, provided that the combined area of all such projections shall not exceed ten percent (10%) and no single projection shall exceed five percent (5%) of the total building area of the building to which they are attached.**

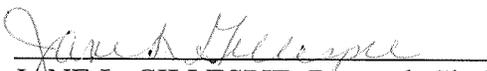
INTRODUCED: February 29, 2012

ADOPTED: April 10, 2012

APPROVED:

  
JENNIFER NAUGHTON, Mayor

Attest:

  
JANE L. GILLESPIE, Borough Clerk