

**AN ORDINANCE AMENDING SECTIONS 225-7, 225-12, AND 225-16, OF CHAPTER 225:  
"LAND DEVELOPMENT" OF THE BOROUGH'S REVISED GENERAL ORDINANCES**

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

**WHEREAS**, the Mayor & Council of the Borough of Spring Lake (the "Borough") having formed an Ad Hoc Land Use Committee ("Committee") consisting of members of the Governing Body, Planning Board and certain professionals.

**WHEREAS**, the Committee has made certain recommendations to amend Chapter 25 and 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 Sections 225-7, 225-12, and 225-16,

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

SECTION 1. Section 225-7 entitled "Definitions" in Article II of Chapter 225 entitled "Land Development" of the Revised General Ordinances of the Borough of Spring Lake is hereby amended as follows (stricken text deleted; underlined text added):

**§225-7            DEFINITIONS**

**DECK**

An open, unroofed structure or platform that is attached to or adjoining the outside of a building. A deck that is 24 inches or more above the adjacent grade of the property at any point, including any associated railings or appurtenances, shall be included in building coverage. A deck that is not 24 inches or more above the adjacent grade of the property at any point, including any associated railing or appurtenances, shall not be included in building coverage but shall be no greater in total area than 5% of the lot area of the property upon which it exists. Decks constructed of any impervious material shall count 100% towards the overall impervious coverage of the property All decks shall be set back six feet from any property line.

**DORMER**

A projection from a sloping roof that contains a window which shall not exceed 10 feet in length measured along its long wall for a shed dormer and measured at the midpoint of the height for a gable or gambrel dormer, and is set back a minimum of 2 feet from the exterior vertical building wall beneath the dormer. An exception is made for a dormer that results from stairs on an outside wall, which is permitted to be flush with the exterior vertical building wall against which the stairs are constructed. A dormer must include a window. Minimum roof pitch for a dormer shall be no less than six (6) on twelve (12).

**HALF STORY**

~~A space under a sloping roof which has the line of intersection of the roof and wall face not more than three feet above the floor level and in which space the possible floor area with head room and five feet or less occupies at least 40% of the floor area of the story directly beneath.~~

Attic space above second story which shall have a pitched roof to begin at within 12 inches of the ceiling joists line of the story below. Such attic space, if finished, shall have a minimum vertical wall of five (5) feet in a finished area including deck and balcony space not to exceed fifty (50%) percent of the second story living space in the case of a two and one-half (2 1/2) story structure. Chimneys shall not be elevated more than three (3) feet above the established ridge height. Decorative structures such as, but not limited to, railings, widow walks, parapets, etc., are not allowed to be more than an additional two (2) feet above the established ridge height. Dormers attached to half-stories must meet the setback requirements included in the definition of dormers.

## **PATIO**

An open, unroofed structure, platform or deck that is less than 24 inches above the adjacent grade of the property, including any associated railings or appurtenances. All patios shall be set back six feet from any property line. Patios constructed of wood decking allowing runoff to penetrate the structure shall not be considered impervious but will be limited to 5% of the lot area as defined by "Deck" in this chapter.

SECTION 2. Section 225-12 entitled "R-1, R-2, and R-3 Residential" in Article IV of Chapter 225 entitled "Land Development" of the Revised General Ordinances of the Borough of Spring Lake is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

### **§225-12. R-1, R-2, and R-3 Residential.**

#### **B. Accessory uses permitted**

- (1) Private garages in accordance with § 225-16 of this chapter.
- (2) Attached garages in accordance with § 225-17 of this chapter.
- (3) Tool and storage sheds.
- (4) Greenhouses.
- (5) Gazebos.
- (6) ~~Pool cabanas, provided that no pool cabana shall contain heating, hot water plumbing or sanitary facilities.~~ Pool Cabanas, provided that the portion of the pool cabana that shall contain heating, hot water plumbing or sanitary facilities does not exceed 60 sq. ft and that no portion of the pool cabana be closer than 5 ft. to the garage.
- (7) Decks, provided that the deck is attached to the principal building and is not located in any front yard.
- (8) Fences in accordance with § 225-18 of this chapter.
- (9) Private residential swimming pools in accordance with § 225-29 of this chapter.
- (10) Signs in accordance with § 225-25 of this chapter.
- (11) Off-street parking in accordance with § 225-21 of this chapter.

#### **D. Area and yard requirements**

Maximum Impervious Coverage (% of lot area or square feet)	Detached Dwellings in the			
	R-1 District	R-2 District	R-3 District	Churches
Principal Building coverage (1)	<u>20%</u> 25%	<u>20%</u> 25%	<u>20%</u> 25%	15%
Front Porch Coverage (4)	<u>2.5%</u>	<u>2.5%</u>	<u>2.5%</u>	
Swimming pools	7%	7%	7%	—
Driveways	1,650 square feet	1,650 square feet	1,650 square feet	—
Walkways	350 square feet	200 square feet	275 square feet	—

Detached private garages	600 square feet	500 square feet	550 square feet	600 square feet
Total cumulative accessory building coverage (excluding detached private garages (3))	100 square feet	100 square feet	100 square feet	
Maximum total impervious surface coverage	40%	<u>50%</u> 55%	45%	35%

Notes:

- (1) (Reserved) The net habitable square footage of the second floor of the principal structure shall be no greater than 80% of the 1<sup>st</sup> floor footprint up to 25% coverage and no closer to the front property line than 30 feet; the half story at the third level shall be no greater than 50% of the second story net habitable square footage.
- (2) (Reserved)
- (3) Accessory structures include tool and storage sheds, greenhouses, gazebos and pool cabanas.
- (4) Front porch coverage calculations can not include any cover enclosed areas for the purpose of calculating the 2.5% The 2.5% does not count toward building and impervious coverage and only is permitted on lots with 50 feet or less of width. No basement area is permitted under the additional 2.5% of coverage for a front porch.
- (5) A balcony is permitted on the second floor over the front porch however, no roof is permitted. No balcony shall be permitted higher than the highest habitable floor. No uncovered balcony on the ½ story hall be greater than 150 square feet. An uncovered balcony 150 square feet or less shall not be calculated into the 50% habitable floor area.
- (6) A detached private garage shall be required for all new construction of a principal residential structure in the R-1 and R-3 Districts in accordance with the provisions of § 225-16.
- (7) No garage shall be higher than 1 1/2 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. No garage shall be higher than 1 ½ stories and 15' in height such that the half-story above shall be non-habitable and provide no more than six feet standing room from the top of the floor framing to the roof framing / collar tie at the under side of the roof. Flat roofs shall not be permitted. Basements are allowable in garages for utilities and storage only.
- (8) For properties located in the AE Flood Zone as shown on the most current FEMA — Flood Insurance Rate Map (FIRM), the Maximum "Building Height" shall be as defined in § 225-7, Definitions.
- (9) For corner lots, in accordance with the definition provided within § 225-7, in the R-2 Zone District, the minimum lot area shall be 9,750 square feet. The minimum lot frontage shall be 65 feet and the minimum lot width shall be 65 feet. A corner lot with contiguous lot(s) under single ownership that conformed to the zoning requirements prior to the adoption of Ordinance No. 2013-001, March 26, 2013, shall be considered to be an undivided parcel pursuant to § 225-20A(1), except any lots held under single ownership pursuant to an approved subdivision by a Borough land use board, or otherwise held in single ownership, where the distinct identity of the lots has not been destroyed. Furthermore, no portion of the said lot(s) shall be conveyed or divided except through the filing of an approved subdivision in accordance with the requirements adopted on March 26, 2013.
- (10) The permitted impervious total for any detached garage in any residential zone may be increased up to a total of five percent of the lot area of the lot subject to a maximum permitted area of 750 square feet.
- (11) The permitted impervious total for any accessory building in any residential zone may be increased up to 1% of the lot area of the lot subject to a maximum permitted area of 150 sq. ft.

SECTION 3. Section 225-16 entitled "Private garages" in Article V of Chapter 225 entitled "Land Development" of the Revised General Ordinances of the Borough of Spring Lake is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

A. A private garage shall be provided with all new construction of a principal residential structure in the R-1 and R-3 Districts and shall meet the following requirements:

- (1) Provided that the requirements of § 225-15 are met, a maximum of one private garage shall be permitted per principal residential use, except that no private garage shall be permitted where a garage is attached to the principal residential building;
- (2) ~~A private garage shall contain no heating, hot water plumbing, or sanitary facilities.~~  
A private garage shall contain no hot water plumbing or sanitary facilities.
- (3) 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.

This Ordinance shall take effect upon its passage and publication as required by law.

INTRODUCED: June 28, 2022

ADOPTED: July 26, 2022

APPROVED:   
JENNIFER NAUGHTON, Mayor

Attest:

  
DINA M. ZAHORSKY, BOROUGH CLERK