

**AN ORDINANCE AMENDING CHAPTER 225, LAND DEVELOPMENT,  
SECTION 20 A (5) 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 following sections of Chapter 225 are amended with deletions reflected in ~~strikethrough~~ and additions reflected in **bold underline**;

**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 as follows:

§ 225-20. Nonconforming lots, structures, and uses.

A. Lots and structures.

(1) Contiguous lot ownership. Where two or more lots created by the filing of a map pursuant to the Map Filing Law prior to establishment of the Planning Board have any contiguous lines and are in single ownership and one or more of the lots is nonconforming in any aspect, the lots involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be conveyed or divided except through the filing of an approved subdivision in accordance with the provisions of this chapter.

(2) On any nonconforming lot, or for any nonconforming building or structure on a conforming lot, a zoning permit may be granted to allow for additions to the principal structure or for the construction of an accessory building, provided that all of the following criteria are met:

(a) The existing use(s) on the lot are conforming to the permitted use(s) stipulated in this chapter for the lot in question;

(b) The addition or enlargement is conforming; and

(c) The resulting building or structure does not create any new zoning violations.

(d) Any renovation does not include conversion of an existing unfinished attic or porch space that encroaches in any required yard into habitable floor area.

(3) Restoration of nonconforming structure.

(a) If a nonconforming structure is destroyed either unintentionally through fire, wind, water or other method, or through demolition by the owner or an agent of the owner, the nonconforming building or structure may be reconstructed or otherwise restored provided that the Borough Zoning Officer shall determine that such destruction affects less than 50% of the gross floor area of the original structure and the structure is not made more nonconforming than the original structure.

(b) If the destruction to a nonconforming structure affects more than 50% of the gross floor area of the original structure, as determined by the Borough Zoning

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Officer, then the structure shall only be restored in conformance with the applicable zoning standards.

(c) Nothing in this section shall prevent the correction of an unsafe condition of any wall, floor or roof that has been declared unsafe by the Building Official of the Borough or his representative.

(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 new buildings or structures meet all bulk requirements of the zone in which the lot is located.

**(5) No permit shall be issued for the construction of any new principal dwelling on any lot unless all accessory structures proposed to remain are in, or are proposed to be brought into, conformity with the applicable zoning standards.**

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

INTRODUCED: May 23, 2017

ADOPTED: June 27, 2017

APPROVED: \_\_\_\_\_



JENNIFER NAUGHTON, Mayor

Attest:



DINA M. ZAHORSKY, Borough Clerk