

**BOROUGH OF SPRING LAKE HEIGHTS  
COUNTY OF MONMOUTH**

**ORDINANCE 2026-03**

**AN ORDINANCE AMENDING CHAPTER 22, ARTICLE VI ZONING REGULATIONS,  
SECTION 606 (ZONE DISTRICT REGULATIONS) CREATING THE AH-5 OVERLAY  
ZONING DISTRICT IN FURTHERANCE OF THE BOROUGH'S OBLIGATION TO  
PROVIDE FOR ITS FAIR SHARE OF AFFORDABLE HOUSING.**

**WHEREAS**, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, an Amendment to the 1985 Fair Housing Act (hereinafter "Amended FHA" or "Act") establishing the statutory calculation of the state-wide fair share obligation for the Fourth Round of affordable housing for the time period 2025-2035; and

**WHEREAS**, the Amended FHA requires the Department of Community Affairs ("DCA") to provide its calculation of every municipality's Fourth Round fair share affordable housing obligations based upon the criteria on the Amended FHA and the DCA issued a report on October 18, 2024 (the "DCA Report") wherein it supplied its calculation of the fair share affordable housing obligation for all municipalities, including the Borough of Spring Lake Heights; and

**WHEREAS**, the DCA Report calculated Spring Lake Heights's Fourth Round fair share obligations as follows: Present Need (Rehabilitation) Obligation of 35 units and a Fourth Round Prospective Need (New Construction) Obligation of 44 affordable housing units; and

**WHEREAS**, the Borough of Spring Lake Heights (the "Borough" or "Spring Lake Heights") having filed a resolution of participation in the Affordable Housing Dispute Resolution Program (the "Program") and a declaratory judgment action bearing the caption, In the Matter of the Borough of Spring Lake Heights, Superior Court of New Jersey, Law Division, Docket No. MON-L-436-25 on January 21, 2025; and

**WHEREAS**, the Borough having filed its Housing Element and Fair Share Plan on June 4 2025 (the "HEFSP"); and

**WHEREAS**, FSHC and other objectors having filed challenges pursuant to N.J.S.A. 52:27D-304.1(f)(2)(b) regarding the Borough's HEFSP on August 31, 2025; and

**WHEREAS**, the Mediation before the Program was unsuccessful, and the Program, Judge, the Hon. Mary C. Jacobson, A. J.S.C. (retired), having found the Borough's position legally consistent with the Fair Housing Act and issued a Program Decision on January 8, 2026 which requires the Borough to allow for residential use with an affordable housing set aside and to adopt an updated Affordable Housing Ordinance; and

**WHEREAS**, the Borough Council of the Borough of Spring Lake Heights believes it is in the best interest of the Borough to adopt the Fourth Round implementing ordinances in order to obtain compliance certification from the Program/Court thereby protecting the Borough from exclusionary zoning litigation for ten years until 2035.

**NOW THEREFORE, 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 VI Zoning Regulations, Section 606 (Zone District Regulations) is hereby amended to create the AH-5 Overlay Zoning District as follows:

**606.10 Affordable Housing AH-5 Overlay Zoning District**

**A. Purpose.** The purpose of the *AH-5 Overlay Zone* is to allow for residential uses with an affordable housing set aside to assist the Borough in meeting its Fourth Round unmet need obligation. The AH-5 Zone includes Block 53, Lots 4 and 5 and Block 67, Lot 5.

**B. Permitted Principal Uses (Land and Building)**

**1. Residential Use.**

- (a) Multi-Family Residential up to three stories with a mandatory 20% set aside for affordable housing.
- (b) Essential services

**C. Permitted Accessory Uses**

- 1. Off-street parking and loading facilities
- 2. Supply and equipment storage
- 3. Signs, conforming to the provisions of section 22-610
- 4. Fences and walls

**D. Area and bulk requirements**

<b>Minimum Lot Area:</b>	<b>10,000 square feet</b>
<b>Minimum Lot Frontage:</b>	<b>100 feet</b>
<b>Minimum Lot Width:</b>	<b>100 feet</b>
<b>Minimum Lot Depth:</b>	<b>125 feet</b>
<b>Minimum Front Yard:</b>	<b>20 feet</b>
<b>Minimum Side Yard:</b>	<b>10 feet</b>
<b>Minimum Rear Yard:</b>	<b>30 feet</b>
<b>Maximum Building Height:</b>	<b>40 feet (3 stories)</b>
<b>Maximum Building Height Accessory Structure:</b>	<b>15 feet</b>
<b>Maximum Building Coverage:</b>	<b>40%</b>
<b>Maximum Dwelling Unit/Acre:</b>	<b>24</b>
<b>Maximum Lot Coverage:</b>	<b>75%</b>

**E. Parking requirements**

- 1. All residential development shall comply with the Residential Site Improvement Standards for all residential development.

**F. Buffers**

- 1. Buffers shall be provided in accordance with Section 22-505.

**G. Design Criteria.** In addition to all other design standards as may be applicable under this chapter, the following design standards shall be applied in the MU1 and MU2 Combination Zones:

1. A planting strip, a minimum of five (5') feet wide, is required along State Highway 71 between the curb and the sidewalk.
2. All sidewalks shall be five (5') feet wide.
3. All approved plantings along State Highway 71 exceeding six (6') feet in height shall be a minimum of ten (10') feet from the curb.
4. Shade trees (as per Borough Tree List) shall be required with a minimum of two (2) per lot approximately thirty-five (35') apart as per site plan approval.
5. Decorative lamp posts (Grosse Pointe 3173 PB w/305 Base) are required every seventy (70') feet of frontage along State Highway 71 and shall be implemented as per site plan approval.
6. Sidewalk benches shall be required (2 per frontage) as per site plan approval.
7. All recycling and dumpster areas shall be enclosed on four (4) sides and surrounded by four (4') to six (6') foot evergreen trees (as per Borough Tree List) on three (3) sides.
8. Above ground storm water management is prohibited.
9. All wiring and utilities shall be underground.

**BE IT FURTHER ORDAINED THAT** the Zoning District Map of the Borough of Spring Lake Heights is hereby amended to include the AH-5 Overlay Zoning District.

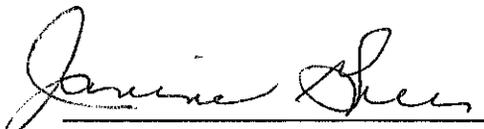
**BE IT FURTHER ORDAINED,** that

- A. All other Ordinances or provisions of the Code of the Borough of Spring Lake Heights or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law.

**BE IT FURTHER ORDAINED,** that this ordinance shall take effect upon passage and publication in accordance with applicable law.

  
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 Christopher M. Campion, Jr., Mayor

3-2-2026  
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 Date

  
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 Janine Gillis, Borough Clerk

3-2-2026  
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 Date