

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2020-08**

AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING CHAPTER 30, LAND USE AND DEVELOPMENT REGULATIONS, BY CREATING FIVE NEW AFFORDABLE HOUSING OVERLAY ZONES ENTITLED RIVER ROAD MIXED-USE AFFORDABLE HOUSING OVERLAY (AHO-1); DOWNTOWN MIXED-USE AFFORDABLE HOUSING OVERLAY (AHO-2); BLOCK 27, LOTS 56, 57, AND 58 AFFORDABLE HOUSING OVERLAY (AHO-3); BLOCK 28, LOTS 18, 19, 23.1, 25, AND 26 AFFORDABLE HOUSING OVERLAY (AHO-4); AND METHODIST CHURCH AFFORDABLE HOUSING OVERLAY (AHO-5)

WHEREAS, in March 2019, the Borough Council of the Borough of Fair Haven, Monmouth County, New Jersey (the “Borough”) voluntarily petitioned the Court via Declaratory Judgment Action (“DJ Action”) for approval of its Housing Element and Fair Share Plan (“HEFSP”), which was also adopted in March of 2019; and

WHEREAS, as a result, the Borough and its Planning Board obtained immunity from builder’s remedy and Mount Laurel litigation, while its plan was processed; and

WHEREAS, the 2019 HEFSP included several Affordable Housing Overlay Zones, which the Borough found to be consistent with its long-term planning goals; and

WHEREAS, the Borough Council of the Borough of Fair Haven, Monmouth County, New Jersey, entered into a Settlement Agreement with Fair Share Housing Center (FSHC) on February 12, 2020 that resolves the Borough’s DJ Action globally; and

WHEREAS, a Court Order was signed by the Honorable Judge Linda Grasso-Jones on June 5, 2020, that found that the Borough’s proposed affordable housing strategy as set forth within the FSHC Settlement Agreement is facially constitutionally compliant and provides a fair and reasonable opportunity for the Borough to meet its obligations under Mount Laurel IV; and

WHEREAS, pursuant to the executed Settlement Agreements and Court Order, the Borough has determined that five locations are appropriate within the parameters of the regulations defined herein, for inclusionary development through the creation of five new affordable housing overlay zones; and

WHEREAS, the River Road Mixed-Use Affordable Housing Overlay (AHO-1), encompassing Block 25, Lots 10, 10.1, 11, 12,13,14, 14.1, 15, 16, 17, 18, 19, 20, 21, and 22; Block 31, Lots 1, 2, and 3; and Block 32, Lots 1, 2, 3, 4, 5, and 6 is appropriate for the development of mixed-use projects with two stories of apartments over ground floor commercial uses at a residential density of 20 dwelling units per acre as outlined in the FSHC Settlement Agreement condition 8.a)i.A); and

WHEREAS, the Downtown Mixed-Use Affordable Housing Overlay (AHO-2), encompassing Block 25, Lots 39, 40.1, 41.1, and 41.2; Block 31, Lots 4, 4.1, 5, and 13; and Block 35, Lots 2, 3, and 4, is appropriate for the development of mixed-use projects with two stories of apartments over ground floor commercial uses or two stories of entirely residential development at a residential density of 20 dwelling units per acre as outlined in the FSHC Settlement Agreement condition 8.a)i.B); and

WHEREAS, the Block 27, Lots 56, 57, and 58 Affordable Housing Overlay (AHO-3), is appropriate for the development of mixed-use projects with two stories of apartments over ground floor commercial uses or two stories of entirely residential development at a residential density of 15 dwelling units per acre as outlined in the FSHC Settlement Agreement condition 8.a)iii.; and

WHEREAS, the Block 28, Lots 18, 19, 23.1, 25, and 26 Affordable Housing Overlay (AHO-4), is appropriate for the development of mixed-use projects with two stories of apartments over ground floor commercial uses or two stories of entirely residential development at a residential density of 20 dwelling units per acre as outlined in the FSHC Settlement Agreement condition 8.a)iv.; and

WHEREAS, the Methodist Church Affordable Housing Overlay (AHO-5), encompassing Block 77, Lot 107 is appropriate for the development of an age-restricted residential development at a residential density of 10 dwelling units per net acre or family inclusionary housing at a density of 8 dwelling units per net acre if a letter of intent to construct an age-restricted development is not in place by December 31, 2022 as outlined in the FSHC Settlement Agreement condition 8.a)ii; and

WHEREAS, this Ordinance implements and incorporates the Borough's executed Settlement Agreement with FSHC, the Court Order, and the New Jersey Fair Housing Act of 1985.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Fair Haven, County of Monmouth as follows:

New zoning districts, entitled "River Road Mixed-Use Affordable Housing Overlay (AHO-1)", "Downtown Mixed-Use Affordable Housing Overlay (AHO-2)", "Block 27, Lots 56, 57, and 58 Affordable Housing Overlay (AHO-3)", "Block 28, Lots 18, 19, 23.1, 25, and 26 Affordable Housing Overlay (AHO-4)", and "Methodist Church Affordable Housing Overlay (AHO-5)" districts are hereby created as follows:

Section 1. Section 30-5.1 The Official Zoning Map of the Borough of Fair Haven is hereby amended to include the newly created:

River Road Mixed-Use Affordable Housing Overlay (AHO-1) Zone on Block 25, Lots 10, 10.1, 11, 12, 13, 14, 14.1, 15, 16, 17, 18, 19, 20, 21, and 22; Block 31, Lots 1, 2, and 3; and Block 32, Lots 1, 2, 3, 4, 5, and 6;

Downtown Mixed-Use Affordable Housing Overlay (AHO-2) on Block 25, Lots 39, 40, 40.1, 41.1, and 41.2; Block 31, Lots 4, 4.1, 5, and 13; and Block 35, Lots 2, 3, and 4;

Block 27, Lots 56, 57, and 58 Affordable Housing Overlay (AHO-3) on Block 27, Lots 56, 57, and 58;

Block 28, Lots 18, 19, 23.1, 25, and 26 Affordable Housing Overlay (AHO-4) on Block 28, Lots 18, 19, 23.1, 25, and 26;

Methodist Church Affordable Housing Overlay (AHO-5) on Block 77, Lot 107.

Section 2. Section 30-5.1a2 Schedules. The Schedule of Permitted Uses is hereby amended as follows:

Schedules. The Schedule of Permitted Uses (Table A, ~~and~~ Table B, Table AH, **and Table AHO**) and the Schedule of Area Yard and Building Requirements (Table C) for zone districts within the Borough are established and are made part of this section, together with all notations, references, and designations shown thereon. Requirements related to off-street parking, off-street loading, are set forth in subsection 30-9.2a and b. of this chapter. Requirements related to signs are set forth in subsection 30-9.24 of this Chapter."

Section 3. Permitted and Prohibited Uses- Schedule of Permitted Uses- Table AHO is hereby created as follows:

Table AHO (subsection 30-5.1)
Schedule of Permitted Uses- Affordable Housing Overlay Districts

P=Permitted Use
C= Conditional Use
A= Accessory Use
NP= Not Permitted

Type of Use	AHO-1 Zone	AHO-2 Zone	AHO-3 Zone	AHO-4 Zone	AHO-5 Zone
Residential/Mixed-Use					
Mixed-use residential with required commercial on the ground floor (1)(2)	P	P	P	P	NP
Inclusionary Multi-family residential	NP	P	NP	NP	NP
Inclusionary Age-Restricted residential consisting of market-rate townhouses and affordable townhouses or apartment flats, provided the exterior design of the apartment flats is consistent with the design of the townhouses. Townhouses are defined as: A one-family dwelling in a row of units in which each unit has its own front and rear access to the outside, no unit is located over another units and each unit is separated from any other unit by one or more common fire-resistant walls.	NP	NP	NP	NP	P(4)
Inclusionary residential consisting of market-rate townhouses and affordable townhouses or apartment flats, provided the exterior design of the apartment flats is consistent with the design of the townhouses. Townhouses as defined above.	NP	NP	NP	NP	P(3)(4)
Retail/Service/Office					
Restaurant, category one	P	P	P	P	NP
Restaurant, category two	P	P	P	P	NP
Retail sale or rental of goods, merchandise, or equipment, art galleries, artist studios, except for the following:	P	P	P	P	NP
(i) Uses requiring storage or display of goods outside a fully enclosed building, except that this shall not be construed to prohibit temporary sidewalk sales or other temporary special promotional events utilizing a sidewalks area provided the Zoning Office is notified in writing at least ten (10) days in advance of such sale or event; that there is adequate provision for the safe and convenient circulation of pedestrians; and further provided that there are no sales of goods from trucks.	P	P	P	P	NP
(ii) Motor vehicle sales	NP	NP	NP	NP	NP
(iii) Lumberyards	NP	NP	NP	NP	NP
(iv) Auction markets	NP	NP	NP	NP	NP
Personal service establishments, having as their primary function the rendering of service to a client within a building. Such services may include, but are not limited to, barber and beauty	P	P	P	P	NP

shops; dry cleaning drop-off/pick-up shops; self-service					
Business service establishments, having as their primary function the rendering of a service to a business client. Such services may include, but not be limited to, document reproduction, duplication, and administrative services.	P	P	P	P	NP
Product service establishments, having as their primary function the servicing or repair of a product, including, but not limited to, the repair or servicing of shoes, audio and visual equipment, appliances, jewelry, and watches. Motor vehicle body shops shall not be permitted.	p	p	p	p	NP
Business offices whose operations are designed to attract and service customers or clients on the premises, including, but not limited to, insurance agents; travel agencies; realtor; finance companies; and tax preparation services.	p	p	p	p	NP
Banks, with no drive-thru services	P	P	P	P	NP
Professional Offices	P	P	P	P	NP
Indoor athletic, exercise, or recreation facilities	P	P	P	P	NP
Childcare center	P	P	P	P	NP
Public/Quasi-Public					
Municipal facilities operated by the Borough, volunteer fire house, first aid station	P	P	P	P	NP
Municipal parks and recreation	P	P	P	P	NP
Post Office	P	P	P	P	NP
Public Library	P	P	P	P	NP
Other Uses Incidental and Accessory to the Principal Permitted Use					
Private garages (pursuant to 30-7.25)	NP	NP	NP	NP	A
Home Occupations	NP	NP	NP	NP	NP
Drive-thru services	NP	NP	NP	NP	NP
Signs (pursuant to the applicable Zone Standards)	A	A	A	A	A
Fences and walls (pursuant to the applicable Zone Standards)	A	A	A	A	A
Off-street parking	A	A	A	A	A
Loading and unloading areas	A	A	A	A	A
Essential services	A	A	A	A	A
Private Swimming Pools	NP	NP	NP	NP	A
Shed	NP	NP	NP	NP	A

1. Some of the first-floor building length may be used for access to the residential portion of the building.
2. Lots with sufficient depth to permit both a first-floor non-residential use fronting River Road and first-floor apartment(s) behind that non-residential use, such apartment(s) will be allowed (the "Rear Apartments"), but in no event shall the Rear Apartments exceed two stories even if the mixed use component of a single building is three total stories.

3. In the event that there has been no contract for sale to transfer ownership of the property and/or a letter of intent for both acquisition and construction in a manner consistent with the inclusionary age-restricted housing standards by December 31, 2022.
4. A master bedroom and bathroom shall be required on the ground floor of any townhouse unit.

Section 4. 30-5.1a.2 Table C: Schedule of Area, Yard, and Building Requirements is hereby amended to add the River Road Mixed-Use Affordable Housing Overlay (AHO-1), Downtown Mixed-Use Affordable Housing Overlay (AHO-2), , Block 27, Lots 56, 57, and 58 Affordable Housing Overlay (AHO-3), Block 28, Lots 18, 19, 23.1, 25, and 26 Affordable Housing Overlay (AHO-4), and Methodist Church Affordable Housing Overlay (AHO-5) Zones with the following standards:

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Zone	Minimum Lot Requirements						Minimum Yard Requirements						Maximum Allotments						
	Interior Lot			Corner Lots			Principal Buildings & Structures				Accessory Buildings & Structures		% Maximum Lot Coverage (7)	Maximum Habitable Floor Area Ratio (4)	Maximum Habitable Floor Area Sq. ft. (5)(8)	Maximum Building Coverage % (6)	Maximum Principal Building or Structure Height (feet)	Maximum Stories	Maximum Accessory Building or Structure Height (feet)
Area (sq. ft.)	Frontage & Width (feet)	Depth (Feet)	Area (sq. ft.)	Frontage & Width (feet)	Depth (Feet)	Front (feet) (3)	Rear (feet)	One Side (feet)	Total side Yards (9)(10)	Rear (feet)	Side (feet)								
R-40	40,000	150	150	40,000	150	150	50	30	25	50	10	25	30%	0.15	6,900	20	35	2.5	15
R-30	30,000	125	200	33,500	140	200	50	30	20	40	10	10	30%	0.15	5,180	20	35	2.5	15
R-20	20,000	100	150	25,000	125	150	50	30	14	35	10	10	35%	0.18	4,140	25	35	2.5	15
R-15	15,000	100	120	18,000	120	120	35	30	12	30	10	10	35%	0.2	3,450	30	32	2.5	15
R-10A	10,000	100	100	11,500	115	100	30	30	10	25	10	10	40%	0.28	3,220	35	32	2.5	15
R-10B	10,000	100	100	11,500	115	100	25	30	10	25	10	10	45%	0.28	3,220	35	32	2.5	15
R-10	10,000	75	100	11,500	95	100	30	30	10	24	10	8	45%	0.28	3,220	35	32	2.5	15
R-7.5	4,500	60	100	10,000	80	100	30	30	7	16	10	8	45%	0.35	3,020	35	30	2.5	15
R-5	5,000	50	100	7,000	70	100	25	30	7	16	10	5	50%	0.4	2,200	35	30	2.5	15
B-1	5,000	50	100	7,000	70	100	35	10	5(1)	10(1)	3	3	80%	0.4	2,200	50	35	2.5	15
B-2	7,500	60	100	10,000	80	100	35	30	15(2)	30(2)	10	10	70%	0.4	3,020	30	35	2.5	15
AH	N/A	N/A	N/A	28,000 (16)	175 feet along River Road; 125 feet along Cedar Avenue (16)	175 (16)	15 feet from River Road; 13 feet from Cedar Avenue (13)	18	50	N/A	3	3	85%	0.95 (15)	N/A	45%	38 (14)	3(12)	10

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AHO-1	20,000	150	100	22,500	150	150	15(21)	20(18)	10	20% of Lot Width	3	3	80%	0.70	N/A	30%	Residential - 30(19) Mixed-Use - 38	Residential - 2 Mixed-Use - 3(20)	10
AHO-2	20,000	150	100	22,500	150	150	15(17)	20(18)	10	20% of Lot Width	3	3	70% - Residential 80% - Mixed Use	0.50 – Residential 0.70 – Mixed-Use	N/A	30%	Residential - 30(19) Mixed-Use - 38	Residential - 2 Mixed-Use - 3(20)	10
AHO-3	20,000	150	100	22,500	150	150	25	20(18)	10	20% of Lot Width	3	3	70%	0.50	N/A	25%	Residential 30(19) Mixed-Use - 38	Residential - 2 Mixed-Use - 3(20)	10
AHO-4	20,000	150	100	22,500	150	150	15(21)	20(18)	10	20% of Lot Width	3	3	80%	0.70	N/A	30%	Residential 30(19) Mixed-Use - 38	Residential - 2 Mixed-Use - 3(20)	10
AHO-5	130,000	N/A	150	N/A	N/A	N/A	See 30-5.7(c)				25	25	40%	0.50	N/A	20%	38	3	10

(1) Within any B-1 zone, a building used only for residence purposes shall comply with the requirements of the R-5 zone. For any other Building, a side yard of not less than five feet wide is required along a boundary line of any other residential zone. In a B-1 zone, any building constructed on a corner lot, the side street line of the building shall be at least 30 feet from the center of the side street.

(2) Within any B-2 zone, a building used only for residence purposes shall comply with the requirements of the R-7.5 zone.

(3) Corner lots shall provide the minimum front yard for the respective zone for both intersecting streets.

(4) See the definition of "Habitable Floor Area Ratio."

(5) See the definition of "Habitable Floor Area."

(6) See the definition of "Building Coverage."

(7) See the definition of "Lot Coverage."

(8) This limitation applies to single family dwellings. The permitted habitable floor area for any single family dwelling shall be the lesser of the maximum habitable floor area or the maximum habitable floor area as calculated by applying the maximum habitable floor area ratio to the lot area. For other uses, the permitted habitable floor area is determined by the maximum habitable floor area ratio.

(9) Add 1.5 feet to the total side yard requirement for each full 5 feet that the lot width exceeds the minimum lot width for the zone.

(10) In the residential zones R-20, R-15, R-10A, R-10B and R-10, the distance between the principal structures on adjacent lots must be equal to the minimum required combined side yard for the zone in question. Where such compliance cannot be made due to the location of an existing non-conforming structure on an adjacent lot, the larger side yard will be placed abutting the least conforming adjacent structure.

(11) If an existing residential lot contains lot area, lot width and lot depth compliant with a zone above the zone in which the lot is located on the above table, a dwelling may be constructed on said lot under the zoning standards of the zone immediately above it on the table, provided that the front yard setback conforms to the zone standard in which the lot is located. Further provided that a lot in the R-10, R-10A and R-10B zones which would otherwise be fully compliant with the bulk requirements of the R-15 zone, shall be permitted to be developed under the R-15 standards provided that the front yard setback conforms to the zone standard in which the lot is located.
(12) The third story of a mixed-use building shall be setback a minimum of 10 feet from the first and second story building face along any street frontage or at 25 feet in height, whichever is less.
(13) The minimum setback along Cedar Avenue is 13 feet, increasing to 16 feet at a depth of 55 feet measured perpendicular to River Road, as shown on the concept plan.
(14) The measurement of building height shall be measured from the existing curb to the highest point of the building from the average height of each corner of the lot.
(15) The HFAR shall not include parking spaces located beneath the building.
(16) An 8-foot-wide ROW dedication/easement shall be required along Cedar Avenue. For the purposes of lot dimensions and calculations, the ROW dedication/easement shall not be included.
(17) Where the prevailing average setback of properties within 200 feet on the same block face is greater than 20 feet, the minimum setback shall match the prevailing setback.
(18) A minimum rear yard setback shall be the greater of 20 feet or 20% of lot depth.
(19) A minimum roof pitch of 6 on 12 is required.
(20) The second and third stories of a mixed-use building shall be setback a minimum of 12 feet from the first story building face along any street frontage.
(21) Any lot with a depth in excess of 230 feet shall have a minimum front yard setback of 15 feet plus 1 additional foot for every 5 feet over 230 feet of lot depth.

Section 5. 30-5.2a Description of Districts is hereby amended to add the River Road Mixed-Use Affordable Housing Overlay (AHO-1), Downtown Mixed-Use Affordable Housing Overlay (AHO-2), Block 27, Lots 56, 57, and 58 Affordable Housing Overlay (AHO-3), and Block 28, Lots 18, 19, 23.1, 25, and 26 Affordable Housing Overlay (AHO-4), and Methodist Church Affordable Housing Overlay (AHO-5) Zones to the section entitled “Zone Overlay Areas.”

Section 6. 30-5.6 is hereby added as follows:

30-5.6 Affordable Housing Overlay Zones AHO-1, AHO-2, AHO-3, and AHO-4

Purpose: Four affordable housing overlay zones will provide an opportunity for inclusionary residential development along and around the River Road corridor in the Borough.

The purpose of the River Road Mixed Use Affordable Housing Overlay (AHO-1) is to provide an opportunity for inclusionary residential development as part of a mixed-use project, up to three-stories in height, with frontage on River Road in the Borough’s downtown commercial district.

The purpose of the Downtown Mixed-Use Affordable Housing Overlay (AHO-2) is to provide an opportunity for inclusionary residential development as part of a mixed-use project, up to three-stories in height on properties surrounding the Borough’s Downtown commercial district that do not have frontage on River Road. Alternatively, properties may be developed with inclusionary multi-family residential projects up to two-stories in height, which is appropriate for sites with frontage on Navesink Avenue, Cedar Avenue, Locust Avenue, and Forman Street.

The purpose of the Block 27, Lots 56, 57, and 58 Affordable Housing Overlay (AHO-3) is to provide an opportunity for inclusionary residential development as part of a mixed-use project, up to three-stories in height on properties along River Road in the Borough’s secondary business district.

The purpose of the Block 28, Lots 18, 19, 23.1, 25, and 26 Affordable Housing Overlay (AHO-4) is to provide an opportunity for inclusionary residential development as part of a mixed-use project, up to three-stories in height on properties in the Borough’s secondary commercial district around the existing municipal building.

The underlying zoning for each of the Overlay Zones remains in place. At the time of site plan application, a developer may opt to utilize the base zoning or the standards in this Overlay but may not combine or “mix and match” standards.

- a. Principal Permitted Uses
 - 1. See Table AHO in subsection 30-5.1
- b. Permitted Accessory Uses
 - 1. See Table AHO in subsection 30-5.1
- c. Required Bulk Standards
 - 1. See subsection 30-5.1a.2 Table C: Schedule of Area, Yard, and Building Requirements
- d. Residential Density
 - 1. AHO-1 Overlay Zone - 20 dwelling units per acre

2. AHO-2 Overlay Zone – 20 dwelling units per acre
 3. AHO-3 Overlay Zone – 15 dwelling units per acre
 4. AHO-4 Overlay Zone – 20 dwelling units per acre
- e. Additional Standards
1. In the event the Borough develops a new municipal building at an alternate site, the “Municipal Building Site” consisting of Block 28, Lots 23.1, 25, and 26 in the AHO-4 Overlay Zone shall be sold within 18 months of completion of a new municipal building.
 2. Mixed-use and residential buildings shall have a maximum length of 150 feet along the frontage.
- f. Mixed-Use Standards
1. For mixed-use developments, a portion of the first floor may be used for access to the residential portion of the building.
 2. For mixed-use developments, lots with sufficient depth to accommodate a non-residential use fronting on River Road and first floor apartment(s) behind the non-residential use, such apartments will be allowed (the “Rear Apartments”), but in no event shall the Rear Apartments exceed two stories even if the mixed use component of a single building is three total stories.
- g. Affordable Housing
1. Any development under the Overlay option shall set aside twenty (20%) percent of housing units for low- and moderate-income households.
 2. Each affordable restricted unit shall remain restricted for a minimum of 30 years and that restriction may be unilaterally extended by the Borough at its sole discretion, thereafter.
 3. Very low, low and moderate-income housing shall be constructed in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing, provided a minimum of 13% of the affordable units are very low income units at 30% of the median income and 37% of the affordable units are low income units with the (up to) 50% balance of units allowed at moderate income; bedroom distribution; range of affordability; pricing of units; affirmative marketing and 30-year minimum affordability controls.
 4. Affordable housing units shall be subject to the standards in the Borough’s Affordable Housing Ordinance.
- h. Parking Standards
1. Mixed-Use Development Parking Standards
 - (a) Section 30-9.2b Off-Street Parking shall apply for non-residential development. Where a conflict occurs between this section and Section 30-9.2b, this section shall supersede those standards.
 - (b) Each residential unit shall provide a minimum of 2 parking spaces per unit.

- (c) Tandem parking is permitted to satisfy residential parking requirements, in accordance with the following:
 - (1) No more than two vehicles shall be placed one behind the other
 - (2) Both spaces shall be assigned to a single unit.
 - 2. Multi-Family Residential, not in mixed-use development in the AHO-2 Overlay Zone, Parking Standards
 - (a) The number of parking spaces required shall be governed by the Residential Site Improvement Standard (RSIS) “Garden Apartment” requirement.
 - 3. Parking areas and drive aisles shall be setback a minimum of 5 feet from all lot lines.
 - 4. All surface parking lots that abut the public sidewalk or street shall be separated from the sidewalk or street by a landscaped buffer with a minimum width of five (5) feet. Buffers shall include shrubbery, plantings, and/or a row of trees.
 - 5. No parking shall be permitted in the front yard.
- i. Circulation Standards

Sections 30-8 Design Guidelines and Standards for Subdivisions and Site Plans and 30-9 Improvement Standards, Specific Criteria and Construction Specifications shall apply.
 - j. Signs

Section 30-7.24 Signs shall apply. Where a conflict occurs between this section and Section 30-7.24, this section shall supersede those standards.

 - 1. Permitted signs for mixed-use development in the AHO-1, AHO-2, AHO-3, and AHO-4 Overlay Zones
 - (a) Wall signs
 - (1) Each commercial store front shall be permitted 1 wall sign above the entrance to the storefront in the ‘sign band’.
 - (2) In no event shall a single wall sign exceed 5% of the 1st floor commercial façade.
 - (3) Wall signs shall be externally lit. In no event shall a wall sign be internally lit.
 - (4) The maximum lettering height shall be 10 inches.
 - (b) Projecting Signs
 - (1) Each storefront shall be permitted one (1) projecting sign
 - (2) In no event shall a projecting sign exceed 6 square feet.
 - (3) The projecting sign shall not project more than 3 feet from the building face.
 - (4) The bottom of the projecting sign shall have a minimum height of 8 feet when measured from the ground.
 - (5) Projecting signs shall be illuminated externally. In no event shall a projecting sign be illuminated internally.
 - (6) The maximum lettering height shall be 10 inches.
 - 2. No freestanding signs are permitted, except as permitted for strictly residential uses in Section 30-7.24.

3. No window signs are permitted.
 4. Awnings are permitted for mixed-use development in the AHO-1, AHO-2, AHO-3, and AHO-4 Overlay Zones subject to the following:
 - (a) Awnings shall have a metal structure covered with canvas, metal or like product.
 - (b) Awnings may have a front skirt; the bottom of the skirt shall not be scalloped.
 - (c) Awnings/canopies shall extend a maximum of three (3) feet from the exterior wall into the front yard setback at a height of at least eight (8) feet above sidewalk grade.
 - (d) In no event shall a sign be permitted on an awning.
 - (e) The first-floor corner commercial space may have an awning.
 - (f) The commercial store fronts fronting along River Road may have awnings if all the store fronts along River Road have awnings.
- k. Lighting
1. Section 30-7.22c14 Lighting and Illumination shall apply.
- l. Design Standards
1. Architectural Standards Applicable to All Development
 - (a) Pedestrian entry ways and/or lobbies shall be prominent, well-lit and separate from service entrances.
 - (b) A minimum of 20% of the upper-story front façades shall be glazed.
 - (c) A horizontal architectural feature shall define the ground floor from the upper floors.
 - (d) The exterior walls of the building shall not have large blank or featureless expanses.
 - (e) Openings for windows and windowpanes shall have a vertical dimension greater than or equal to the horizontal dimension.
 - (f) Enclosure of rooftop areas, terraces, or balconies is not permitted.
 - (g) Balconies shall not be permitted to be used as outdoor space for residential tenants.
 - (h) No sliding glass doors or Juliet balconies are permitted.
 - (i) The building shall be composed of durable materials such as brick, stone, and cement board. In no event shall EIFS be permitted.
 - (j) There shall be no continuous front façade along River Road, the façade shall be vertically broken up into “bays”. Each bay shall complement the others and be aesthetically pleasing.
 2. Architectural and Site Standards Applicable to Mixed-Use Development Only
 - (a) A minimum of 60% of the ground floor front façades shall be glazed.
 - (b) Glazing shall be a minimum of 70% transparent.
 - (c) The maximum sill height above sidewalk grade shall be 30 inches.
 - (d) Each individual use on the ground floor is required to have its own primary entrance.

- (e) In the AHO-1 and AHO-4 Overlay Zones, when a front yard setback greater than 15 feet is provided, to the extent feasible, the setback shall be used to provide an amenity and/or outdoor dining / seating.

3. Utilities

Sections 30-8 Design Guidelines and Standards for Subdivisions and Site Plans and 30-9 Improvement Standards, Specific Criteria and Construction Specifications shall apply. Where a conflict occurs between this section and Sections 30-8 and 30-9, this section shall supersede those standards.

- (a) Public utilities, transformers and primary and backup generators shall be located interior to the building, on the roof or vaulted underground within the pavement area of an adjacent street or sidewalk.
- (b) Individual window air conditioning units shall not be permitted.
- (c) Rooftop mechanical equipment shall be screened from public view.
- (d) Meters and access panels shall be integrated with street and building design.
- (e) Manholes, meters and access panels shall be constructed of materials and styles consistent with established design theme.
- (f) The developer shall coordinate all utility improvements with the responsible utility.
- (g) Backup generators for common areas are encouraged.
- (h) Any rooftop mechanicals shall be effectively screened by a sloped roof facing the public rights-of-way as shown on the attached cross-section.

4. Landscaping and Buffering

Sections 30-8 and 30-9 apply. Where a conflict occurs between this section of this ordinance and Sections 30-8 or 30-9, this section shall supersede those specific requirements.

- (a) A minimum buffer area of at least 5 feet shall be provided around the side and rear lot lines. The buffer area shall consist of a combination of deciduous and evergreen shrubs and trees. Plantings are encouraged to consist of native species.
- (b) If the topography of the site requires retaining walls, retaining walls shall be landscaped and be aesthetically pleasing. In no event shall a retaining wall be more than 3 feet tall.

5. Lighting

Sections 30-9.2a12 Lighting and 30-9.3c4 Lighting shall apply. Where a conflict occurs between this section of this ordinance and Sections 30-9.2a12, and 30-9.3c4, this section shall supersede those standards.

- (a) The maximum height of light poles shall be 15 feet.
- (b) Full cutoff or fully shielded light fixtures are encouraged.
- (c) Floodlights shall not be directed toward the street or adjacent properties.
- (d) Only dimmable LED lighting elements shall be permitted
- (e) Neon lighting is prohibited on commercial storefronts.
- (f) Flashing lights are prohibited.

- (g) Lighting shall be aesthetically unified and complimentary to the design of the building and site.
- (h) On site lighting shall not exceed 3000 Kelvin.

6. Signs

- (a) Signs and awnings shall have a coordinated graphic design theme through the site plan. The design theme shall include the style and size of lettering, construction materials, colors, size, lighting, color of letters, and background. These design theme elements shall be carefully considered in relation to the color and materials of the building, building design, and where the signs are proposed to be located.
- (b) Buildings shall be designed to include a ‘signage zone’ above the commercial use frontage and integrated into the overall architectural design of the building.

7. Stormwater Management

- (a) Sections 30-8 Design Guidelines and Standards for Subdivisions and Site Plans and 30-9 Improvement Standards, Specific Criteria and Construction Specifications shall apply. Where a conflict occurs between this section and Sections 30-8 and 30-9, this section shall supersede those standards.
- (b) The proposed improvement shall include design elements to reduce post development runoff.
- (c) The utilization of roof runoff recharge, rain gardens or other features, bioswales, pervious pavement, green infrastructure or alternate BMPs is strongly encouraged where feasible.

8. Additional Design Standards

- (a) Public outdoor seating/patios shall be subject to site plan approval.
- (b) Pedestrian pathways/sidewalks that are included within a parking lot shall be made of a different surface material than the parking areas and are encouraged to include landscaping around the edges of the walkway.

Section 7. 30-5.7 is hereby added as follows:

30-5.7 Methodist Church Affordable Housing Overlay (AHO-5)

Purpose: The purpose of the Methodist Church Affordable Housing Overlay (AHO-5) is to provide an opportunity for inclusionary age-restricted residential development. If an age-restricted development does not move forward by December 31, 2022, the option to develop family inclusionary housing at a reduced density will be available. The underlying zoning for the property remains in place. At the time of site plan application, a developer may opt to utilize the base zoning or the standards in this Overlay but may not combine or “mix and match” standards.

- a. Principal Permitted Uses
 - 1. See Table AHO in subsection 30-5.1
- b. Permitted Accessory Uses
 - 1. See Table AHO in subsection 30-5.1

- c. Required Bulk Standards
 - 1. See subsection 30-5.1a.2 Table C: Schedule of Area, Yard, and Building Requirements
 - 2. The minimum required setback shall be 25 feet to property boundaries abutting municipally owned open space and 40 feet to all other property boundaries.
 - 3. The minimum distance between buildings shall be equal to one-half (1/2) their combined height.
- d. Residential Density
 - 1. 10 dwelling units per net acre for inclusionary age-restricted housing.
 - 2. 8 dwelling units per net acre for inclusionary family housing after December 31, 2022 if there has been no contract for sale to transfer ownership of the property and/or a letter of intent for both acquisition and construction of an age-restricted inclusionary development.
- e. Affordable Housing
 - 1. Any development under the Overlay option shall set aside twenty (20%) percent of housing units for low- and moderate-income households.
 - 2. Each affordable restricted unit shall remain restricted for a minimum of 30 years and that restriction may be unilaterally extended by the Borough at its sole discretion, thereafter.
 - 3. Very low, low and moderate-income housing shall be constructed in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et seq. and the Uniform Housing Affordability Controls (UHAC) at N.J.A.C. 5:80-26.1 et seq. including standards for the split between very low, low and moderate income housing, provided a minimum of 13% of the affordable units are very low income units at 30% of the median income and 37% of the affordable units are low income units with the (up to) 50% balance of units allowed at moderate income; bedroom distribution; range of affordability; pricing of units; affirmative marketing and 30-year minimum affordability controls.
 - 4. Affordable housing units shall be subject to the standards in the Borough's Affordable Housing Ordinance.
- f. Parking Standards
 - 1. Residential Parking Standards
 - (a) The number of parking spaces required shall be governed by the Residential Site Improvement Standards (RSIS).
 - 2. Parking areas and drive aisles shall be setback a minimum of twenty-five (25') feet from all lot lines.
- g. Circulation Standards

Sections 30-8 Design Guidelines and Standards for Subdivisions and Site Plans and 30-9 Improvement Standards, Specific Criteria and Construction Specifications shall apply.

 - 1.
- h. Signs

Section 30-7.24 Signs shall apply. Where a conflict occurs between this section and Section 30-7.24, this section shall supersede those standards.

1. Permitted signs in the AHO-5 Methodist Church Affordable Housing Overlay Zone

(a) Freestanding Signs

- (1) No more than one (1) freestanding sign shall be permitted.
- (2) A freestanding sign shall not exceed twenty-four (24) square feet in area.
- (3) A freestanding sign shall not exceed seven (7') feet in height inclusive of sign message face and structure.
- (4) A freestanding sign shall be of a monument type with no open space between the bottom of the sign face and the ground.
- (5) A freestanding sign shall be setback a minimum of fifteen (15') feet from any property line.
- (6) A freestanding sign shall not be internally illuminated. Illumination may be provided by exterior up- or down-lighting directed at the sign face that does not create visible glare.

i. Lighting

1. Section 30-7.22c14 Lighting and Illumination shall apply.

j. Buffering and Screening

Section 30-8.4.e shall apply. Where a conflict occurs between this section and Section 30.8.4.e, this section shall supersede those specific requirements.

1. A four-season landscape buffer area shall be provided around the perimeter of the development.
 - (a) Where the property abuts municipally owned open space, a minimum buffer depth of ten (10') feet shall be required.
 - (b) Where the property abuts any other lot, a minimum buffer depth of twenty-five (25') shall be required.
2. The landscape buffer shall be designed to screen the property from the street and neighboring uses. To that end, it shall include a mix of evergreen trees and shrubs, deciduous and ornamental trees and shrubs, appropriate ground cover, grasses, and other low plantings for the purpose of combining year round screening at ground and eye level with future mature tree canopy extending a minimum of 30 feet in height in an attractive and functional mix.
3. Evergreen trees shall be a minimum of eight (8') feet in height at planting.
4. Deciduous trees shall have a minimum caliper of three (3") inches at planting.
5. Plantings are encouraged to consist of native species.
6. Invasive species and species susceptible to blight and disease shall not be planted.

k. Design Standards

1. Architecture and Site Design

Standards relevant to residential architecture and site design in sections 30-8 Design Guidelines and Standards for Subdivisions and Site Plans and 30-9 Improvement Standards, Specific Criteria and Construction Specifications shall apply.

2. Utilities

Sections 30-8 Design Guidelines and Standards for Subdivisions and Site Plans and 30-9 Improvement Standards, Specific Criteria and Construction Specifications

shall apply. Where a conflict occurs between this section and Sections 30-8 and 30-9, this section shall supersede those standards.

- (a) Public utilities, transformers and primary and backup generators shall be located interior to the building, on the roof or vaulted underground within the pavement area of an adjacent street or sidewalk.
- (b) Individual window air conditioning units shall not be permitted.
- (c) Rooftop mechanical equipment shall be screened from public view.
- (d) Meters and access panels shall be integrated with street and building design.
- (e) Manholes, meters and access panels shall be constructed of materials and styles consistent with established design theme.
- (f) The developer shall coordinate all utility improvements with the responsible utility.
- (g) Backup generators for common areas are encouraged.
- (h) Any rooftop mechanicals shall be effectively screened by a sloped roof facing the public rights-of-way as shown on the attached cross-section.

3. Landscaping

Sections 30-8 and 30-9 apply. Where a conflict occurs between this section of this ordinance and Sections 30-8 or 30-9, this section shall supersede those specific requirements.

- (a) If the topography of the site requires retaining walls, retaining walls shall be landscaped and be aesthetically pleasing. In no event shall a retaining wall be more than 3 feet tall.

4. Lighting

Sections 30-9.2a12 Lighting and 30-9.3c4 Lighting shall apply. Where a conflict occurs between this section of this ordinance and Sections 30-9.2a12, and 30-9.3c4, this section shall supersede those standards.

- (a) The maximum height of light poles shall be 15 feet.
- (b) Full cutoff or fully shielded light fixtures are encouraged.
- (c) Floodlights shall not be directed toward the street or adjacent properties.
- (d) Only dimmable LED lighting elements shall be permitted
- (e) Flashing lights are prohibited.
- (f) Lighting shall be aesthetically unified and complimentary to the design of the building and site.
- (g) On site lighting shall not exceed 3000 Kelvin.

5. Stormwater Management

- (a) Sections 30-8 Design Guidelines and Standards for Subdivisions and Site Plans and 30-9 Improvement Standards, Specific Criteria and Construction Specifications shall apply. Where a conflict occurs between this section and Sections 30-8 and 30-9, this section shall supersede those standards.
- (b) The proposed improvement shall include design elements to reduce post development runoff.

- (c) The utilization of roof runoff recharge, rain gardens or other features, bioswales, pervious pavement, green infrastructure or alternate BMPs is strongly encouraged where feasible.

Section 8. Section 30-7.16e Outdoor Display of Goods is hereby amended as follows:

Section 30-7.16e- “Goods for sale, displayed or stored outdoors, in accordance with an approved site plan, shall not be located closer than twenty-five (25) feet to any street right-of-way or fifteen (15) feet to any side or rear line, except in conjunction with temporary sidewalk or other types of outdoor sales. 30-7-16g is hereby amended to read as follows:

g. In the event of an application for a restaurant is before the Zoning Board of Adjustment or Planning Board for site plan, subdivision or variance where a sidewalk café or outdoor dining is proposed, the reviewing Board will not have jurisdiction to approve the sidewalk café or outdoor dining but may make a recommendation to the Governing Body for review of a license pursuant to Section 4.2. In the AH Affordable Housing Zone, **AHO-1, AHO-2, AHO-3, and AHO-4 Affordable Housing Overlay Zones**, any proposed outdoor dining shall be part of any site plan application submitted to the Planning Board.

Section 9. Section 30-7.17a Home Occupations shall be amended as follows:

“Home occupations, as defined in these regulations, are permitted as an accessory use in the zones specified provided that within any residential district, no building or lot with a home occupation will be constructed or altered so as to be inharmonious to the residential character of adjacent structures or to be inconsistent with the residential character of the dwelling unit. Home Occupations are not permitted in AH Affordable Housing Zone **or AHO-1, AHO-2, AHO-3, AHO-4, and AHO-5 Affordable Housing Overlay Zones.**”

Section 10. Section 30-7.18 Storage of Boats and Recreational Vehicles shall be amended as follows:

“e. Recreational vehicles or parts, sections, pieces, or appurtenances and boats or boat trailers or parts, sections, pieces, or appurtenances shall not be stored in the AH Zone **or AHO-1, AHO-2, AHO-3, AHO-4, and AHO-5 Affordable Housing Overlay Zones.**”

Section 11. Section 30-7.19 Commercial Vehicles shall be amended as follows:

“c. In no event shall a commercial vehicle be parked or stored overnight in the AH Affordable Housing Zone **or AHO-1, AHO-2, AHO-3, AHO-4, and AHO-5 Affordable Housing Overlay Zones.**”

Section 12. Section 30-7.25 Fences and walls shall be amended as follows:

“f. Chain link, open wire, or wire mesh fence shall not be located in a front yard. In the AH Affordable Housing Zone, **or AHO-1, AHO-2, AHO-3, AHO-4, and AHO-5 Affordable Housing Overlay Zones**, chain link, open wire, or mesh fences shall be prohibited.”

Section 13. Section 30-7.26a Garages shall be amended as follows:

“a. A private garage accessory to a principal building is permitted in any zone district, except for the AH Affordable Housing zone **or AHO-1, AHO-2, AHO-3, and AHO-4 Affordable Housing Overlay Zones**. Garages are prohibited within the AH Affordable Housing Zone **or AHO-1, AHO-2, AHO-3, and AHO-4 Affordable Housing Overlay Zones**.”

Section 14. This ordinance shall take effect immediately upon final passage and publication thereof according to law.

Introduced: 9/14/2020

Adopted:

Attest:

Approved:

Allyson M. Cinquegrana, RMC/CMR
Borough Clerk

Benjamin Lucarelli
Mayor