BOROUGH OF FAIR HAVEN ORDINANCE NO. 2022-11

AN ORDINANCE AMENDING ATTACHMENT 3: "SCHEDULE OF AREA, YARD, AND BUILDING REQUIREMENTS" OF CHAPTER 30: "LAND USE AND DEVELOPMENT REGULATIONS" TO CORRECT AN ERROR IN THE MINIMUM LOT SIZE FOR THE R-7.5 ZONE

WHEREAS, the Borough of Fair Haven (the "Borough") has adopted various Ordinances amending its land use regulations from time-to-time; and

WHEREAS, it has come to the attention of the Borough that an error was incorporated into Attachment 3 of Chapter 30 of the Borough Code, sometime between the adoption of Ordinance No. 2020-08 and Ordinance No. 2021-06, which incorrectly codified the minimum lot requirement in for the R-7.5 zone as 4,500 square feet, instead of the proper 7,500 square feet; and

WHEREAS, the Borough hereby adopts this Ordinance to correct the aforementioned error and to ensure that the Borough Code contains accurate information for applicants;

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey" as follows:

<u>SECTION 1.</u> Attachment 3 entitled "Schedule of Area, Yard, and Building Requirements" of Chapter 30 entitled "Land Use and Development Regulations" of the Revised General Ordinances of the Borough of Fair Haven is hereby amended as follows (stricken text deleted; <u>underlined</u> text added):

CHAPTER 30: "LAND USE AND DEVELOPMENT REGULATIONS"

ATTACHMENT 3: "SCHEDULE OF AREA, YARD, AND BUILDING REQUIREMENTS"

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[Amendments to Attachment 3 Follow on Next Page]

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LAND USE AND DEVELOPMENT REGULATIONS

30 Attachment 3

Borough of Fair Haven

SCHEDULE OF AREA, YARD AND BUILDING REQUIREMENTS [Ord. No. 2009-18; amended by Ord. No. 2014-19; Ord. No. 2017-09; amended 10-13-2020 by Ord. No. 2020-04; 9-28-2020 by Ord. No. 2020-08; 5-24-2021 by Ord. No. 2021-06]

					-	-												1					-				
	Maximum Accessory	Building or	Structure	Height (feet)	15	15	15	15	15	15	15	15	15	15	15	10		10			10		01	10		10	
				Maximum Stories	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	2.5	3 (12)		residential -	2	3(20)	residential -	mixed-use -	3(20)	residential -	mixed-use - 3(20)	residential -	mixed-use - 3(20)
ents	Maximum Principal	Building or	Structure	Height (feet)	35	35	35	32	32	32	32	30	30	35	35	38 (14)		residential -	30(19)	- asn-nac	residential -	mixed-use -	38	residential - 30(19)	mixed-use - 38	residential - 30(19)	mixed-use - 38
Maximum Allotments	%	Maximum	Building	Coverage (6)	20	20	25	30	35	35	35	35	35	50	30	45%		30%			30%		, 02 C	72%		30%	
Max	Maximum	Habitable	Floor Area	(square feet) (5) (8)	6,900	5,180	4,140	3,450	3,220	3,220	3,220	3,020	2,200	2,200	3,020	N/A		N/A			N/A		A 1/ A	N/A		N/A	
		Maximum	Habitable	Floor Area Ratio (4)	0.15	0.15	0.18	0.2	0.28	0.28	0.28	0.35	0.4	0.4	0.4	0.95 (15)		0.70			0.50 -	0.70 -	mixed-use	05.0		0.70	
	%	Maximum	Lot	Coverage	30%	30%	35%	35%	40%	45%	45%	45%	50%	80%	20%	85%		80%			70% -	80% -	mixed-use	%0/		80%	
	ory s and ures			Side (feet)	25	10	10	10	10	10	8	8	5	3	10	ς.		3			3		,	τ η		æ	
ents	Accessory Buildings and Structures			Rear (feet)	10	10	10	10	10	10	10	10	10	3	10	ε		3			ю		,	τ η		ε	
Minimum Yard Requirements	uctures	Total	Side	Yards (9)(10)	50	40	35	30	25	25	24	16	16	10(1)	30(2)	N/A		20% of	lot width		20% of		J 7000	20% of lot width		20% of lot width	
um Yar	g and Str		One	Side (feet)	25	20	14	12	10	10	10	L	7	5(1)	15(2)	50		10			10		01	10		10	
Minim	Building (3)		1	(feet)	30	30	30	30	30	30	30	30	30	10	30	18		20(18)			20(18)		10/100	20(18)		20(18)	
	Principal Building and Structures (3)			Front (feet)(3)	50	50	50	35	30	25	30	30	25	35	35	15 feet from River Road; 13 feet from	Cedar Avenue (13)	15(21)			15(17)		20	3		15(21)	
				Depth (feet)	150	200	150	120	100	100	100	100	100	100	100	175 (16)		150			150		150	061		150	
nents	Corner Lot	Frontage	and	Width (feet)	150	140	125	120	115	115	95	80	70	70	80	175 feet along River Road; 125 feet along	Cedar Avenue (16)	150			150		1 50	061		150	
Requiren	-		Area	(square feet)	40,000	33,500	25,000	18,000	11,500	11,500	11,500	10,000	7,000	7,000	10,000	28,000 (16)		22,500			22,500		002.00	005,22		22,500	
Minimum Lot Requirements				Depth (feet)	150	200	150	120		100	100	100	100	100	100	N/A		100			100		100	001		100	
Minin	Interior Lot	Frontag	e and	Width (feet)	150	125	100	100	100	100	75	09	50	50	60	N/A		150			150		150	061		150	
	Ц		Area	(square feet)	40,000	30,000	20,000	15,000	10,000	10,000	10,000	4,5 7,500	5,000	5,000	7,500	N/A		20,000			20,000		00000	20,000		20,000	
				Zone	R-40	R-30	R-20	R-15	R-10A	R-10B	R-10	R-7.5	R-5	B-1	B-2	AH (16)		AHO-1			AHO-2			AH0-3		AHO-4	

30 Attachment 3:1

Supp 2, Dec 2021

FAIR HAVEN CODE

Minimum Yard Requirements

Minimum Lot Requirements

Maximum Allotments

							Princinal	Drincinal Ruilding and Structures	r and St	riictiiree	Accessory Buildings and	sory s and					Maximum		Maximum
	Ι	Interior Lot			Corner Lot		ndiourre	(3)			Structures	ures	%		Maximum	%	Principal		Accessory
	Area	Frontag e and		Area	Frontage and				One	Total Side			Maximum Lot	Maximum Habitable	Habitable Floor Area	Maximum Building	Building or Structure		Building or Structure
Zone	(square feet)	Width (feet)	Depth (feet)	(square feet)	Width (feet)	Depth (feet)	Front (feet)(3)	Rear (feet)	Side (feet)	Yards (9)(10)	Rear (feet)	Side (feet)	Coverage (7)	Floor Area Ratio (4)	(square feet) (5) (8)	Coverage (6)	Height (feet)	Maximum Stories	Height (feet)
AHO-5	130,000	N/A	150	N/A	N/A	N/A		See § 30-5.7(c)	-5.7(c)		25	25	40%	0.50	N/A	20%	38	3	10
F				-			-	- - -		-			-	- - -	و ج		-	-	
E	Within any B- seidential zor	-1 Zone, a bu	su guiblit	building for	or residence	purposes si	lot the cide	with the	requirem	tents of the i	K-5 Zone. F Il ba at least	or any ot	her building, a	within any B-1 Zone, jor autoing used only for residence purposes shall comply with the requirements of the K-5 Zone. For any Other Junuting, a gued yard of not residencial zone in D-1 Zone and building concentrated as a concert by the side ensembles of the K-5 Zone. For any Other Junuting, a gued yard of not	ot less than five	teet wide is re	Within any B-1 Zong, a building used only for residence purposes fault comply with the requirements for the K-3. Cone. For any Other building, a state of the contrast factor of a negative and the orbit of the K-3. Cone. For any Other building, a state of the contrast factor of a negative and the orbit of the K-3.	oundary line of	any other
M (C)	Within any R-2 Zone, and yourning constructed on a contra volume and successful for the Party S Zone and Within and R-2 Zone and only for residence numeers each of the R-2 S Zone.	.7 Zone a hi	ilding use	ounuing of the	residence n	irnoses shi	ill comply w	with the re	o ul ulo Militeme	nts of the R -	.7 5 Zone	1 1001 00 1			cı.				
	Corner lots shall provide the minimum front yard for the respective zone for both intersecting streets.	all provide th	ne minim	um front v	ard for the re	spective z	one for both	intersect	ing stree	ts.									
(4) S	See the definition of "habitable floor area ratio."	tion of "habit	table floo.	r area ratio	o."														
(5) S	See the definition of "habitable floor area.	tion of "habi	table floo	r area."															
(6) S	See the definition of "building coverage."	tion of "build	ling covel	rage."															
(7) S	See the definition of "lot coverage."	tion of "lot c	overage."																
(8) T	This limitatio	n applies to	single-fai	mily dwel	lings. The p	ermitted hi	abitable floc	or area fo	r any sit	ngle-family	dwelling sh	all be the	e lesser of the	maximum habi	itable floor area	or the maxin	This limitation applies to single-family dwellings. The permitted habitable floor area as calculated by	oor area as cal	culated by
+	pplying the n	naximum hal	bitable flc	or area ra	tio to the lot	area. For c	ther uses, th	ne permitt	ed habiti	able floor an	ea is determ	nined by th	he maximum h.	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.	rea ratio.				
-	Add 1.5 feet to the total side yard requirement for each full five feet that the lot width exceeds the minimum lot width for the zone.	o the total sid	de yard re	duiremen	t for each ful.	l five feet t	hat the lot w	vidth exce	eds the 1	ninimum lo	t width for t	the zone.							
(10) I1	In the residential Zones R-20, R-15, R-10A, R-10B and R-10, the distance between	tial Zones R-	20, R-15,	, R-10A, F	R-10B and R-	-10, the dis	tance betwe	sen the pr	incipal si	tructures on	adjacent loi	ts must be	equal to the n	ninimum requir	ed combined sid	le yard for the	the principal structures on adjacent lots must be equal to the minimum required combined side yard for the zone in question. Where such compliance	1. Where such c	ompliance
-	cannot be made due to the location of an existing nonconforming structure on an adj	de due to the	location (of an exist	ing nonconfc	orming stru	cture on an	adjacent	ot, the l	arger side ya	ard will be p	nlaced abu	utting the least	acent lot, the larger side yard will be placed abutting the least conforming adjacent structure.	acent structure.			•	
(II)	f an existing	residential lo	ot contain:	s lot area,	lot width and	l lot depth	compliant w	vith a zon	e above t	the zone in v	which the lo	t is locate	d on the above	table, a dwellir	ng may be consti	ructed on said	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	ning standards c	f the zone
	mmediately :	b the hulk red	the table,	provided ts of the R	that the fron -15 Zone sh	t yard setb all he nern	ack contorr	ns to the Jeveloned	zone sta	ndard in wt he R-15 stan	uch the lot dards provi-	1s located	 Further prov he front vard se 	athack conform.	in the K-10, K- s to the zone star	IUA and K-I(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 K-10, K-10B Zones which would otherwise be fully combinent with the bulk reminements of the R-15 Zone shall be nermitted to be developed under the R-15 standards under the R-15 standards and with the front vard scheck conforms to the zone standard in which the lot is located	would otherwis	e be tully
(12) T	The third stor	v of a mixed-	-use build	ting shall t	be setback a 1	ninimum c	of 10 feet fro	are the fire	st and se	cond story b	uilding face	s along an	vy street frontag	ge or at 25 feet	The third story of a mast-use building shall be set-back aminimum of 10 feet from the first and second story building face the fortage of at 25 feet in height, whichever is less	ever is less.	201 GI 101 200 11	÷	
(13) T	The minimum	n setback alor	1g Cedar.	Avenue is	13 feet, incr	easing to 1	6 feet at a d	epth of 5:	5 feet me	asured perp-	endicular to	River Rc	ad, as shown c	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.	olan.				
(14) T	The measurement of building height shall be measured from the existing curb to the	nent of build	ing heigh	t shall be 1	neasured fro.	m the exist	ing curb to	the highe:	st point c	of the building	ng from the	average h	neight of each c	highest point of the building from the average height of each corner of the lot.					
(15) T	The HFAR shall not include parking spaces located beneath the building.	all not inclue	le parking	g spaces lc	cated beneat	h the build	ing.												
(16) h A	An eight-foot- he included	-wide ROW	dedicatio	n/easemer	nt shall be re	quired alor	ום Cedar Av	'enue. Fo	r the pur	poses of lot	dimensions	s, minimu	m yard require	sments, maximu	um allotments, a	nd calculatior	An eight-foot-wide ROW dedication/easement shall be required along Cedar Avenue. For the purposes of lot dimensions, minimum yard requirements, maximum allotments, and calculations, the ROW dedication/easement shall not	ication/easemer	it shall not
(17) <u>v</u>	Where the pre	vailing avers	ige setbac	sk of prope	erties within	200 feet of	the same b	lock face	is greate	r than 20 fe	et, the mini1	mum setb:	ack shall match	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	setback.				
(18) A	A minimum rear yard setback shall be the greater of 20 feet or 20% of lot depth.	ear yard setb	ack shall	be the gre	ater of 20 fee	t or 20% o	f lot depth.				6			¥ -					
(19) A	A minimum roof pitch of six on 12 is required.	oof pitch of s	ix on 12	is required	Ŧ														
(20) T	The second ar	nd third storie	es of a mi	xed-use bi	uilding shall	be setback	a minimum	of 12 fee	t from th	he first story	building fa	ce along ¿	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.	age.					
(21) A	Any lot with a	a depth in exc	cess of 23	0 feet sha	ll have a min	imum fron	t yard setba	ck of 15 f	eet plus	one additior.	al foot for ε	svery five	feet over 230 :	Any lot with a depth in excess of 230 feet shall have a minimum front yard setback of 15 feet plus one additional foot for every five feet over 230 feet of lot depth.					
(22)	"Habitable floor area" is defined as the sum of the gross horizontal area of all the	or area" is c	lefined as	s the sum	of the gross	horizontal	area of all	the storie.	s and ha	lf stories of	a building	as measu	red from the e.	xterior face of	exterior building	3 walls or from	stories and half stories of a building as measured from the exterior face of exterior building walls or from the center line of a wall separating two	of a wall sepa	rating two
	buildings.																		

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Fair Haven, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Fair Haven are ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. After introduction, the Borough Clerk is directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Fair Haven for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Mayor & Council, within 35 days after referral, a report including identification of any provisions in this ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter the Board deems appropriate.

SECTION 5. This Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16.

Introduced: Adopted:

Attest:

Approve:

Allyson M. Cinquegrana, RMC/CMR Borough Clerk Joshua Halpern Mayor