

**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:

SECTION 1. 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; underlined 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]

Zone	Minimum Lot Requirements				Minimum Yard Requirements				Accessory Buildings and Structures				Maximum Allotments					
	Interior Lot		Corner Lot		Principal Building and Structures		Buildings and Structures		Rear (feet)	Side (feet)	Total Side Yards (9)(10)	% Maximum Lot Coverage (7)	Maximum Habitable Floor Area Ratio (4)	Maximum Habitable Floor Area (square feet)	% Maximum Building Coverage (6)	Maximum Principal Building Structure Height (feet)	Maximum Accessory Building Structure Height (feet)	
	Area (square feet)	Frontage and Width (feet)	Depth (feet)	Area (square feet)	Frontage and Width (feet)	Depth (feet)	Front (feet)(3)	Rear (feet)										One Side (feet)
R-40	40,000	150	150	40,000	150	150	50	30	25	50	30%	0.15	6,900	20	35	2.5	15	
R-30	30,000	125	200	33,500	140	200	50	30	20	40	30%	0.15	5,180	20	35	2.5	15	
R-20	20,000	100	150	25,000	125	150	50	30	14	35	35%	0.18	4,140	25	35	2.5	15	
R-15	15,000	100	120	18,000	120	120	35	30	12	30	35%	0.2	3,450	30	32	2.5	15	
R-10A	10,000	100	100	11,500	115	100	30	30	10	25	40%	0.28	3,220	35	32	2.5	15	
R-10B	10,000	100	100	11,500	115	100	25	30	10	25	45%	0.28	3,220	35	32	2.5	15	
R-10	10,000	75	100	11,500	95	100	30	30	10	24	45%	0.28	3,220	35	32	2.5	15	
R-7.5	4-5 7,500	60	100	10,000	80	100	30	30	7	16	45%	0.35	3,020	35	30	2.5	15	
R-5	5,000	50	100	7,000	70	100	25	30	7	16	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)	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)	70%	0.4	3,020	30	35	2.5	15	
AH (16)	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	85%	0.95 (15)	N/A	45%	38 (14)	3 (12)	10	
AHO-1	20,000	150	100	22,500	150	150	15(21)	20(18)	10	20% of lot width	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	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	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	80%	0.70	N/A	30%	residential - 30(19) mixed-use - 38	residential - 2 mixed-use - 3(20)	10	

FAIR HAVEN CODE

Zone	Minimum Lot Requirements				Minimum Yard Requirements				Maximum Allotments						
	Interior Lot		Corner Lot		Principal Building and Structures			Accessory Buildings and Structures	% Maximum Lot Coverage (7)	Maximum Habitable Floor Area Ratio (4)	Maximum Habitable Floor Area (square feet) (5) (8)	% Maximum Building Coverage (6)	Maximum Principal Building or Structure Height (feet)	Maximum Accessory Building or Structure Height (feet)	
	Area (square feet)	Frontage and Width (feet)	Area (square feet)	Frontage and Width (feet)	Front (feet)(3)	Rear (feet)	One Side (feet)	Total Side Yards (9)(10)							Rear (feet)
AHO-5	130,000	N/A	150	N/A	N/A	N/A	N/A	See § 30-5.7(c)	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 five 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 nonconforming 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 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 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 six 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 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 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 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