

**BOROUGH OF FAIR HAVEN
ORDINANCE NO. 2026-06**

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE
COUNTY OF MONMOUTH AMENDING SECTION 30-5.7 "METHODIST CHURCH
AFFORDABLE HOUSING OVERLAY (AHO-5)" OF CHAPTER 30: "LAND USE AND
DEVELOPMENT REGULATIONS" OF THE BOROUGH'S REVISED GENERAL
ORDINANCES TO UPDATE AND CLARIFY DEVELOPMENT STANDARDS AND
REQUIREMENTS**

WHEREAS, the Borough Council previously adopted § 30-5.7 of the Land Use Ordinance establishing the Methodist Church Affordable Housing Overlay (AHO-5) to permit inclusionary residential development while preserving the underlying zoning applicable to the property; and

WHEREAS, the Borough Council has reviewed § 30-5.7 of the Land Use Ordinance governing the Methodist Church Affordable Housing Overlay (AHO-5) and has determined that certain provisions require clarification and refinement; and

WHEREAS, the Borough Council finds that the proposed amendments maintain the original purpose and intent of the Overlay while improving regulatory clarity, consistency, and administration in furtherance of the public health, safety, and general welfare.

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

SECTION 1. Section 30-5.7 entitled "Methodist Church Affordable Housing Overlay (AHO-5)" 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**

* * *

§ 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 their combined height.
- d. Residential Density.
1. Ten dwelling units per net acre for inclusionary ~~age-restricted~~ housing.
 2. ~~Eight 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 20% 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. 5:993-1 et seq.¹ 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 thirty-year minimum affordability controls.
 4. Affordable housing units shall be subject to the standards in the Borough's Affordable Housing Ordinance.²
- 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 set back a minimum of 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.
- h. Signs. Section 30-7.24, Signs shall apply. Where a conflict occurs between this section and § 30-7.24, this section shall supersede those standards.

¹ Editor's Note: The provisions of N.J.A.C. 5:93 expired 10-16-2016.

² Editor's Note: See § 30-15.2, Affordable Housing.

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

(a) Freestanding Signs.

- (1) No more than one freestanding sign shall be permitted.
- (2) A freestanding sign shall not exceed 24 square feet in area.
- (3) A freestanding sign shall not exceed seven 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 set back a minimum of 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 § 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 10 feet shall be required.
 - (b) Where the property abuts any other lot, a minimum buffer depth of 25 feet 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 feet in height at planting.
4. Deciduous trees shall have a minimum caliper of three 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 §§ 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 §§ 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 and §§ 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 three feet tall.
4. Lighting. Sections 30-9.2a12, Lighting, and 30-9.3c4, Lighting, shall apply. Where a conflict occurs between this section and §§ 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 §§ 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 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, 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 hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

Introduced: 2/11/2026

Adopted: 3/9/2026

Attest:



Allyson M. Cinquegrana, RMC
Borough Clerk

Approve:



Joshua Halpern
Mayor