

**TOWNSHIP OF HAINESPORT
ORDINANCE NO. 2024-1**

**ORDINANCE TO AMEND CHAPTER 104 ENTITLED "LAND USE" OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
HAINESPORT TO ESTABLISH A NEW AFFORDABLE ACCESSORY
APARTMENT PROVISION**

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hainesport, County of Burlington, State of New Jersey, that amendments set forth below are made to the Revised General Ordinances of the Township of Hainesport, Chapter 430 entitled "Zoning."

Section 1. Section 104-6 "Terms defined" item A to add a new definition:

Affordable Accessory Apartment: Affordable accessory apartment shall mean one (1) self-contained residential dwelling unit with a kitchen with cooking facilities and a kitchen sink, complete sanitary facilities, sleeping quarters and a private entrance for the exclusive use of its occupants which is created through the conversion of an existing attached accessory structure on the same site, or by an addition to an existing home or accessory building, to be occupied by a "low" or "moderate" income household in accordance with the applicable provisions of the "Substantive Rules" of the New Jersey Committee On Affordable Housing (COAH) at N.J.A.C. 5:97-6.8 and N.J.A.C. 5:80-26.1 et seq., the Uniform Housing Affordability Controls (UHAC) with the exemptions specified in N.J.A.C. 5:97-6.8. It shall consist of no less than two (2) rooms, one (1) of which shall be a full bathroom. The unit shall be accessory and incidental to the principal single-family residential use located on the same lot.

Section 2. Article VII Residential-1 District shall be amended to include the following item under Section 104-46 B 2 Conditional Uses

H. Affordable Accessory Apartments as defined in 104-6, in the Residential-1 District only and subject to the requirements set forth hereinafter:

- (1) The minimum lot area must be at least 20,000 square feet, with a width of at least 100 feet.
- (2) The Affordable Accessory Apartment must have its own separate entrance from ground level not visible from the street and shall not be accessible from the principal building on the lot.
- (3) The Affordable Accessory Apartment may not be within the building footprint of the principal single-family residence on site. Construction of an addition or conversion of an attached garage is permissible, so long as adequate off-street parking for both the principal residential use and the Affordable Accessory Apartment is provided.
- (4) There shall be no more than one (1) principal single-family residence and one (1) accessory apartment on any one (1) lot wherein the same principal single-family residence is located.
- (5) The Accessory Apartment shall be designed, constructed out of materials, and landscaped in such a way that respects the existing character of the principal single-family residence and the neighborhood in which it is located.

(6) The Affordable Accessory Apartment must be approved under the Township's Accessory Apartment Program to be rented to an income-eligible household. This applies to any existing non-conforming Accessory Apartments seeking Planning Board approval.

(7) The Affordable Accessory Apartment shall not be occupied by more than two (2) persons.

(8) The floor area of a newly constructed or converted Affordable Accessory Apartment shall not be less than five hundred (500) square feet and shall not exceed eight hundred (800) square feet.

(9) A newly constructed detached Affordable Accessory Apartment must be set back a minimum of 15 feet from both the rear and side lot lines.

(10) A conversion of an existing detached accessory building to an Affordable must meet the setback and yard requirements of an accessory building in the zone.

(11) A newly constructed attached Affordable Accessory Apartment shall meet all the appropriate requirements in the zone.

(12) All Accessory Apartments shall provide at least one (1) off-street car parking space. This requirement may be met by existing parking provided by the principle dwelling on the lot.

(13) The dwelling structure shall comply with the Uniform Construction Code and Uniform Fire Code Requirements to the extent required by the Construction Official.

(14) No lot containing a principal residence and an Affordable Accessory Apartment shall be subdivided unless each resulting lot with its improvements complies in all respects with the requirements of this section and the requirements of the R-1 Residential District.

(15) Prior to issuance of a building permit for the Affordable Accessory Apartment, a new deed shall be recorded in the Burlington County Clerk's Office containing a restriction stating that the accessory apartment will be maintained as affordable for a period of at least 30 years, and be in compliance with this section.

(16) If the Affordable Accessory Apartment is not serviced by the Township sewer system, approval of Burlington County Health Department shall be obtained before Planning Board approval.

(17) No more than nine (9) Affordable Accessory Apartments are permitted within the Township of Hainesport.

(18) The provisions of this article permitting Affordable Accessory Apartments shall become null and void, having no further force or effect, upon the issuance of a building permit for the 9th Affordable Accessory Apartment within the Township of Hainesport. The administrative provisions shall remain in full force and effect unless otherwise modified until the last deed restriction expires.

Section 3. 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 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hainesport, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Hainesport are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 5. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Burlington County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 6. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Hainesport 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 Township Committee, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 7. This Ordinance shall be presented to the Mayor for his approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either his approval or objection to same within ten (10) days after it has been presented to him, then this Ordinance shall be deemed approved.

Section 8. This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Burlington County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

NOTICE OF PUBLIC HEARING

HAINESPORT TOWNSHIP

ORDINANCE NO. 2024-1

**ORDINANCE TO AMEND CHAPTER 104 ENTITLED "LAND USE" OF
THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF
HAINESPORT TO ESTABLISH A NEW AFFORDABLE ACCESSORY
APARTMENT PROVISION**

The Ordinance published herewith was introduced and passed upon first reading at the special meeting of the Township Committee of the Township of Hainesport held on January 2, 2024. It will be further considered for passage after a public hearing at the regular meeting to be held on January 30, 2024 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 6:30 PM at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

Dated: January 2, 2024



Paula L. Kosko, RMC, Township Clerk
Township Administrator

	Motion	Second	Yes	No	Abstain	Absent
Evans		X	X			
Montgomery			X			
Clauss	X		X			
Tordy			X			
Gilmore			X			

NOTICE OF FINAL PASSAGE

HAINESPORT TOWNSHIP

ORDINANCE NO. 2024-1

**ORDINANCE TO AMEND CHAPTER 104 OF THE CODE OF
HAINESPORT TOWNSHIP ENTITLED "LAND USE" TO ESTABLISH A
NEW AFFORDABLE ACCESSORY APARTMENT PROVISION**

Notice is hereby given that Ordinance No. 2024-1 as entitled above has been finally adopted on final reading by the governing body of Hainesport Township after a public hearing at a meeting held on January 30, 2024. Said Ordinance shall take effect in accordance with the law.

ATTEST:

Dated: January 30, 2024 Paula L Kosko
Paula L. Kosko, RMC, Township Clerk
Township Administrator

ACKNOWLEDGMENT OF
APPROVAL BY:

Dated: Jan 30, 2024 Leila Gilmore
Leila Gilmore
Mayor of Hainesport Township

	Motion	Second	Yes	No	Abstain	Absent
Evans	X		X			
Montgomery			X			
Clauss						X
Tordy		X	X			
Gilmore			X			

Introduced: January 2, 2024
First Publication: January , 2024
Adoption: January 30, 2024
Final Publication: February 4, 2024