TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY
ORDINANCE # 1858-2017

AN ORDINANCE AMENDING SECTION 203 OF THE CODE
OF THE TOWNSHIP OF HAMILTON

WHEREAS, as a result of the damage caused by Superstorm Sandy the Township of Hamilton qualified for Post Sandy Planning Grant (PSPG) funding to undertake planning studies to help guide local revitalization in a manner that helps make the community more resistant to damage from future storm events & encourages sustainable economic growth; and

WHEREAS, the Mays Landing Neighborhood Plan, which was funded through the PSPG program and focused on actions the Township should take to enhance economic development, flood mitigation & resiliency, aesthetics and the quality of life in Mays Landing, was adopted as an amendment to the Master Plan by the Planning Board in November 2015; and

WHEREAS, the Mays Landing Neighborhood Plan included recommended amendments to Chapter 203, Land Use and Development, of the Township Code to achieve the goals set forth in the Plan.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hamilton, in the County of Atlantic and State of New Jersey, as that Chapter 203, Land Use and Development, of the Code of the Township of Hamilton shall be amended as follows:

Section 1. Amend Chapter 203, Article II, titled Districts, by changing the zoning designation of the following parcels to the Zoning Maps listed in §203-12.B.(1) through (4) as follows:

Block #	Lot #'s	Current Zone	New Zone
744	3	GC	VC
979	1, 2, 3, 5	GA-L	VC
980	1	GA-L	VC
985	2, 3	R-9	VC
986	7, 8, 9	R-9	VC

Section 2. Amend the Chapter 203, Article VII, titled Regional Growth Districts, §203-44 (Permitted and accessory uses), by changing the section title to Preliminary, accessory and conditional uses and inserting the following as new subsection C, Conditional Uses:

C. Conditional Uses.

Use	Districts R-22	R-9	GA-I	GA-M	GA-L
Bed and Breakfasts (sec §203-196.2) subject to the following conditional use standards: 1. The subject property must be located in the Mays Landing Historic District or have frontage on either the Great Egg Harbor River or Lake Lenape. 2. Bed and Breakfast establishments in the R-22 or R-9 districts may only serve meals to registered guests. 3. Bed and Breakfast establishments shall be managed and occupied by the owner of the facility and said owner shall reside in the premises during any time that the facility is used for lodging of guests.	X	X			

Section 3. Amend Article IX, Commercial Districts, §203-74. Village Commercial District, as follows:

§ 203-74. Village Commercial District.

A) (Unchanged)
B) Permitted principal, accessory and conditional uses.
   1) Permitted principal uses for the Village Commercial District shall be as follows:
      a) Studios for artist, craftsmen, photography, dance or music.
      b) Personal service establishments.
      c) Business offices.
      d) Bicycle and scooter rental establishments
      e) Professional offices.
      f) Single-family detached dwellings.
      g) Bed-and-breakfast establishments (see §203-196.2)
      h) Clubs, lodges or fraternal organizations.
      i) Restaurants and cafes, excluding drive in or drive thru restaurants.
      j) Existing places of worship.
      k) Retail stores and shops.
      l) Funeral parlors.
      m) Minor repair operations for electronics, jewelry, watches, shoes and appliances.
      n) Museums, art galleries and similar uses
      o) Theaters.
      p) Bars, pubs and taverns, including establishments holding a restricted brewery license as defined at NJSA 33:1-10.
      q) Health and exercise facilities

   2) Accessory uses.
      a) Private garages and storage sheds
      b) Private swimming pools (see §203-178)
      c) Off street parking and loading areas.
      d) Other accessory buildings or structures supportive of the permitted principal use.

   3) Conditional uses
      a) Residential dwelling uses in a mixed use building subject to the following conditions:
         (1) Residential dwelling units shall not occupy any part of the first floor of any building.
         (2) Nonresidential uses shall not be permitted on an upper floor where there is a residential unit.
         (3) For developments with five or more residential units Pinelands Development Credits shall be acquired and redeemed at a rate of one right for every four non-income restricted units (25% of all market units).
      b) Mixed residential/commercial buildings up to three stories in height subject to the following conditions:
         (1) Uses in the building comply with the conditions of subsection 3) a) (above).
         (2) The development provides an amenity that advances an objective of the Mays Landing Neighborhood plan such as, but not limited to, provides parking to serve the surrounding area, provides a street level open space/plaza area.
         (3) The exterior architecture of the structure shall be in keeping with the existing character of the Mays Landing Historic District.

C) Area and bulk requirements. Area and bulk requirements for the Village Commercial District shall be as follows:

Maximum building height	
Principal	2.5 stories or 35 feet
Accessory building/structure	1.5 stories or 15 feet
Minimum lot area	5,000 square feet
Maximum impermeable coverage	75%
Setback requirements	
Front yard	Minimum – 5 feet or the smaller of the adjacent buildings, whichever is less. Maximum – 10 feet
Side yard	20 feet aggregate/minimum 8 feet on one side
Rear yard	20 feet
Minimum landscaped area	25%

D) Parking requirements. Parking requirements for the Village Commercial District shall be as follows:

1) Minimum number of spaces.
   a) Uses with frontage on Main Street or Mill Street shall not be required to provide additional on-site parking, provided there is no increase in the gross floor area of the building. Lots with frontage on Main Street or Mill Street which have existing parking or loading areas shall not be permitted to reduce the supply of such parking or loading, and the supply may be increased but there shall be no new direct access drives to the parking or loading areas from Main Street or Mill Street. If a new building is constructed or an existing building expanded along Main Street or Mill Street, on-site parking shall be expanded or off-site parking shall be required to accommodate the added floor area.
   b) Parking for residential uses shall comply with the requirements of the Residential Site Improvement Standards (NJAC 5:21-1 et.seq).
   c) Nonresidential uses in the VC District shall comply with the parking requirements of § 203-60. The required parking shall be either provided on site, in the Township-maintained public parking lot pursuant to Subsection D(1)(d) (below), or through a common or shared parking arrangement pursuant to Subsection D(3).
   d) Use of the public parking lot. If a change of use results in an increased parking requirement, the property owner shall not be required to construct the additional parking on site, or seek a parking variance, provided that they comply with the following:
      (1) All existing parking spaces on site, if any, are maintained.
      (2) All areas on site that can reasonably be used for parking, pursuant to the setback requirements of Subsection D(2), and the stormwater management standards of this chapter, are developed for parking.
      (3) There is no increase in the area of the building used for nonresidential uses.
      (4) The owner shall install signs on site, as directed by the board professional, informing patrons of the availability and location of public parking.
      (5) The owner and tenant shall execute an agreement with the Township requiring the owner, tenant and all employees to park in the nearest public parking lot at all times. Violation of this agreement shall be considered a violation pursuant to § 203-218 and subject to the penalties set forth in that section.
      (6) The owner/tenant shall pay to the Township an annual fee of $100 per space, to be used towards the upkeep and maintenance of the public parking lot.

e) Parking design standards.
(1) Minimum parking setbacks.

Front	The front building setback line or 25 feet, whichever is greater
Side	5 feet
Rear	5 feet
Building	8 feet

(2) Exceptions to required setbacks. A parking area shared by uses located on two or more adjacent lots may extend to and over the boundary lines of the lots it serves, provided that the outer perimeter of the parking area complies with the setback requirements.
(3) Common and shared parking areas. Common and shared parking areas and accessways shall be permitted and encouraged subject to the following:
(i) Parking requirements may be reduced to account for shared parking among uses. The reduced parking must be justified to the Planning Board's Traffic Engineer for recommendation to the Planning Board. In no instance will reduction of over 25% be approved. In addition, the shared parking must be reasonably close to each of the facilities as determined by industry standards, with a maximum walking distance of 300 feet.
(ii) Access agreements and maintenance agreements or other suitable legal mechanisms shall be provided where necessary.
(iii) Liability safeguards for all property owners and lessees served by the common or shared parking areas and/or accessways shall be guaranteed to the satisfaction of the Township Solicitor.
f) Bicycle racks. Bicycle racks shall be incorporated in the parking and circulation design of commercial and office uses in the VC District to promote alternate means of access for employees and patrons/clients.
g) Loading areas. See § 203-60E.

E) Standards for buildings and site improvements.
1) All commercial uses occupying existing structures in the Village Commercial District shall retain the existing architectural facade characteristics of the building and architecturally relate to the historic characteristics of the surrounding area.
2) New commercial structures shall incorporate a pedestrian friendly design including, but not limited to, orienting the building towards the street rather than a parking area and providing pedestrian access from street to the building.
3) New commercial structures shall be designed to maintain the architectural characteristics of existing structures considered common to this area, particularly those designated as historically significant buildings found in the Village Commercial District. Site improvements, such as but not limited to lighting, fences, sidewalks, etc., shall be consistent with the historic characteristics of the surrounding area.

F) (Unchanged)
G) (Unchanged)

Section Four. Amend Article XV, Special Regulations, by inserting the following as new §203-196.2:

§203-196.2 Bed and Breakfasts

Bed and Breakfast establishments subject to the following standards:

A. Bed and Breakfasts must be accommodated solely in a single-family dwelling which has been converted for such a use and licensed by the New Jersey Department of Community Affairs as a Bed and Breakfast establishment.
B. Bed and Breakfast establishments shall have a maximum of four (4) guest rooms accommodating no more than eight (8) guests. Guest stays shall not exceed thirty (30) days during any sixty (60) calendar day period.
C. Bed and breakfast establishments shall not operate as a rooming house or boarding house as defined by NJSA 55:138.3.
D. Cooking facilities and smoking shall not be allowed in guest rooms.

E. The residential character of the lot and dwelling shall not be changed. If additions or expansions to the dwelling are proposed, such addition or expansion shall maintain the architectural style and façade of the dwelling.
F. A minimum two off-street parking space shall be provided the owner's living unit plus one parking space for each guest room. Off-street parking spaces shall be located in the side and/or rear yard area. All parking areas and driveways shall be a least 5 ft. from side property lines and 10 ft. from the rear property line.
G. Bed and Breakfast establishments shall comply with the minimum lot area and bulk requirements of the zoning district in which it is located.

Section 5. Repealer. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 6. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinance enacted together with this Ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance, and of the ordinances enacted together with this Ordinance, are hereby declared to be severable.

Section 7. Effective date. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

ATTEST:

Rita Martino, RMC, CMR
Township Clerk

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC and STATE OF NEW JERSEY

John Kurtz, Mayor

COMMITTEE MEMBER	MOTION	YES	NO	ABSTAIN	ABSENT
GUISHARD	2	x			
LINK		x			
SCHENKER		x			
SILVA	1	x			
MAYOR KURTZ		x			

FIRST READING AND INTRODUCTION: September 18, 2017
AMENDED: October 2, 2017
FINAL READING AND ADOPTION: October 16, 2017