

**TOWNSHIP OF HAMILTON
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE

No. **24-026**

1ST READING MAY 21, 2024
2ND READING & PUBLIC HEARING JUNE 18, 2024
WITHDRAWN _____ LOST _____

DATE TO MAYOR JUNE 19, 2024
DATE RESUBMITTED TO COUNCIL _____
DATE EFFECTIVE July 9, 2024

APPROVED AS TO FORM AND LEGALITY


TOWNSHIP ATTORNEY

FACTUAL CONTENTS CERTIFIED TO BY

 BA
TITLE

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP
OF HAMILTON, NEW JERSEY, CHAPTER 550, LAND DEVELOPMENT**

Be It Ordained by the Council of the Township of Hamilton, in the County of Mercer and State of New Jersey, that the *Code of the Township of Hamilton, New Jersey, Chapter 550, Land Development*, as amended and supplemented, be further amended and supplemented as follows:

Chapter 550

LAND DEVELOPMENT

ARTICLE I. TITLE

§ 550-1 Long title.

The long title of this chapter is: "A comprehensive ordinance regulating and limiting the uses of land and the uses and locations of buildings and structures; regulating and restricting the height and bulk of buildings and structures and determining the area of yards and other open spaces; regulating and restricting the density of population; dividing the Township of Hamilton into districts for such purposes; adopting a map of said Township showing boundaries and the classification of such districts; establishing rules, regulations and standards governing the subdivision of land within the Township; establishing a Planning Board and a Zoning Board of Adjustment and establishing fees for applications thereto; and prescribing penalties for the violation of its provisions."

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§ 550-7 Definitions.

For the purposes of this chapter, certain phrases and words used herein are defined as follows. Words used in the present tense include the future; words used in the singular number include the plural number and vice versa; the word "used" shall include "arranged, designed, constructed, altered, converted, rented, leased or intended to be used"; the word "lot" includes the words "plot," "premises" and "tract"; the word "building" includes the words "structure," "dwelling" or "residence"; the word "shall" is mandatory and not discretionary. Any word or term not defined herein shall be used with a meaning of standard usage. Moreover, whenever a term is used in the chapter which is defined in N.J.S.A. 40:55D-1 et seq., such term is intended to have the meaning as defined in N.J.S.A. 40:55D-1 et seq., unless specifically defined to the contrary in this chapter.

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ABOVEGROUND SWIMMING POOL

A water-filled enclosure located above the level of the surrounding land, having a depth of more than 24 inches.

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CORNER LOT

A lot or parcel of land abutting upon two or more streets (public or private) at their intersections.

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HOTELS

A building designed for occupancy primarily as a temporary abode of individuals, with or without meals, in which:

- A. There are more than [10] 100 sleeping rooms.
 - B. Incidental business may be conducted.
 - C. There may be club rooms, ballrooms and common dining facilities.
 - D. Such hotel services as maid, telephone and postal services are provided.
 - E. Access to the rooms is restricted to passage by a single control desk or lobby.
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ARTICLE III. DISTRICT REGULATIONS

§ 550-73 RRC Rural Resource Conservation and R-25 Single-Family Residential Districts.

A. Purpose.

- (1) The RRC District responds to the Township's long-standing planning objectives to conserve rural character, retain farmland for agricultural use, and protect surface waters, woodlands and environmentally sensitive lands. The RRC District's location beyond the sewer service area has prevented its rapid suburbanization, distinguishing it from the remainder of the Township and much of the region.
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B. In the RRC Rural Resource Conservation and R-25 Single-Family Residential Districts, the following shall apply:

- (1) Principal permitted uses on the land and in buildings.
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- (3) Other uses permitted upon application to the municipal agency for a conditional use permit:
- [(a) Golf courses, excluding a golf driving range or miniature golf course.]
 - [(b)](a) Camps.
 - [(c)](b) Child care and infant care centers.
 - [(d) Clubhouse.]
 - [(e)](c) Churches and other places of worship, Sunday school buildings, rectories and parish houses.
 - [(f) Public and parochial schools and colleges and private schools and colleges for academic instruction.]
 - [(g)](d) Public utility installations.
 - [(h)](e) Home occupations.

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§ 550-74 R-15, R-10, R-7 and R-5 Single-Family Residential Districts.

In the R-15 Single-Family Residential, R-10 Single-Family Residential, R-7 Single-Family Residential and R-5 Single-Family Residential Districts the following shall apply:

A. Principal permitted uses on the land and in buildings.

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B. Accessory uses permitted:

- (1) Private residential pools. (See Article IV for standards.)
- (2) Private residential tool or garden sheds not to exceed 150 square feet in area and 12 feet in height and located three feet from property lines. [Amended 5-21-2019 by Ord. No. 19-027]
- (3) Boats on trailer and campers, to be parked or stored only and located in rear yards only. Their dimensions shall not be counted in determining total building coverage, and they shall not be used for temporary or permanent living quarters while situated on a lot. Boats and campers, when stored in rear yards, are to observe side and rear yard requirements associated with accessory buildings.
- (4) Off-street parking and private garages.
- (5) Fences and walls. (See § 550-114.)
- (6) Signs.

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- (7) Residential agriculture (R-15 Zone only).
- (8) Private greenhouses, garden houses, [tennis courts] and outdoor fireplaces.
- [(9)] Barns and silos (R-15 Zone only).]
- [(10)](9) Keeping of not more than four dogs or four cats over six months old for individual domestic purposes in any single-family detached residence. Any single-family detached residence may contain only a total of four dogs or cats altogether, except for homes in the R-5 Residential District where all residences may contain only a total of two dogs or cats altogether, except that a litter or portion thereof may be kept for a period of six months.
 - (a) The above limitation shall not apply to an operating farm nor to residents of a single-family detached dwelling who are members of a bona fide active 501(c)(3) nonprofit animal rescue organization that fosters dogs and/or cats on a temporary basis. However, there shall be a limit of six fostered dogs or cats over the age of six months, or a combination of six altogether, except that a litter or portion thereof may be kept for a period of no more than six months. The number of foster dogs and/or cats is over and above the allowable limit for individual domestic purposes.
- [(11)](10) Temporary sales or construction trailer(s).
 - (a) The trailer(s) shall be located on the same lot as the principal permitted use and shall meet all setback requirements for principal buildings in the zone.
 - (b) The trailer(s) shall be shown on the site plan for the principal permitted use and shall be reviewed by the administrative officer on an individual case basis in accordance with the performance standards in § 550-120.
 - (c) The trailer(s) shall be permitted to remain only for the period of construction, renting or sale of the permitted use.
 - (d) Only one sales trailer and two construction trailers are permitted per project.
- [(12)](11) Amateur radio antennas and antenna support structure not to exceed 45 feet in height, unless the structure is retractable. The height of a retractable antenna structure shall not exceed 45 feet when the structure is not being used for the transmission and/or reception of amateur radio signals and 65 feet when the structure is fully extended and in use for the transmission and/or reception of amateur radio signals. Satellite dish antennas shall be installed in accordance with the standards specified in § 550-137
- [(13)](12) Parking of one commercial vehicle as outlined in § 550-312H of this chapter.

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~~[(14)]~~[(13)] Dog runs. Dog runs are permitted as accessory uses to residential properties, subject to standards specified in § 550-312S of this chapter.

~~[(15)]~~[(14)] Roof-mounted solar or photovoltaic energy-generating facility.

~~[(16)]~~[(15)] Private residential garages shall not exceed 25 feet wide by 25 feet deep. The finishing of a garage with metal panels or siding is prohibited. [Added 6-19-2018 by Ord. No. 18-020]

~~[(17)]~~[(16)] Electric vehicle supply/service equipment. (See § 550-144.) [Added 10-19-2021 by Ord. No. 21-058]

C. Other uses permitted upon application to the municipal agency for a conditional use permit:

~~[(1)]~~ (1) Golf course, excluding a golf driving range or miniature golf course, provided that the chief activity for a club or lodge shall not be one which is customarily carried on as a business, and provided that the buildings and services shall be for the use of members and their guests only.]

~~[(2)]~~[(1)] Hospitals, medical institutions, philanthropic or eleemosynary uses, provided that plans for such facilities have met all requirements of state and Township health regulations, but not including correctional institutions or hospitals exclusively for the isolation of contagious diseases or for the insane.

~~[(3)]~~[(2)] Nursing homes.

~~[(4)]~~[(3)] Churches and other places of worship, Sunday school buildings, rectories and parish houses.

~~[(5)]~~ (5) Public and parochial schools and colleges, and private schools and colleges for academic instruction.]

~~[(6)]~~[(4)] Public utility installations.

~~[(7)]~~[(5)] Senior citizen housing subsidized by the federal and/or state government shall be permitted as a conditional use in the R-15 and R-10 Zones only.

~~[(8)]~~[(6)] The conversion of single-family and/or multifamily dwellings into offices and/or the construction of new office buildings only along highways specified in § 550-161I of this chapter.

~~[(9)]~~[(7)] Home occupations.

~~[(10)]~~[(8)] Funeral homes and mortuaries, subject to the same conditions as those governing the conversion of single-family dwellings into offices and/or the construction of new office buildings. (See § 550-161I.)

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§ 550-79 GSC Government Service Center District.

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In the GSC Government Service Center District, the following shall apply:

A. Purpose. The GSC government service center area has been designated in recognition of both the existing Township facilities located within the area and the excellence of the land area for the future location of additional government service facilities. The parcel is located in the central portion of the Township and enjoys excellent road accessibility.

B. Principal permitted uses on the land and in buildings.

(1) All forms of Township land uses, including but not limited to public playgrounds, conservation areas, parks, public purpose uses and publicly owned/private maintained and operated recreation facilities.

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[(12)] On Lots 35, 36, 37, 15 and 18.01 of Section 499, apartments and/or townhouses] [are permitted uses. These dwellings may be either freestanding or located within buildings housing other permitted uses. A total of 225 units of housing are required, of which 45 are to be for low- and moderate-income tenants. These units must satisfy the New Jersey Council on Affordable Housing requirements. Where the dwelling units are freestanding, the following chapter sections are to apply in addition to §§ 550-79 and 550-81 of this chapter: §§ 550-75G(1) and (2); 550-162A, B and K; 550-163A, D and J.]

[(13)](12) All uses permitted within the Neighborhood Commercial, Community Commercial, and Highway Commercial Zone Districts, with the exception of the following: §§ 550-77B(9) and (10); 550-78B(4), (5), (9), (10), (11), (13), (14), (17), (19), (21), (22), (24), (25), (26), (28), (30), (31), (33), (36), (39), (40), (45), (46), (47), (50), (51).

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D. Other uses permitted upon application to the municipal agency for a conditional use permit:

(1) Public utility installations.

(2) Hotels.

(3) Hospitals.

[(4)] Schools.]

[(5)](4) Clubs.

[(6)](5) Child care and infant care centers.

[(7)](6) Ground-mounted solar or photovoltaic energy-generating facility as a conditional accessory use.

[(8)](7) Solar or photovoltaic energy-generating parking structure as a conditional

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accessory use.

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§ 550-80 [Township Town Center Project Redevelopment Plan.] Reserved.

[The Township Town Center Project Redevelopment Plan, as amended, which is set forth in this section, shall constitute the municipal development regulations for the Government Service Center District. The zoning district map of the Township shall indicate the redevelopment area to which the redevelopment plan applies as the Government Service Center District.]

[A. Description of project.]

[(1) Boundaries. The redevelopment area is located in the central portion of the Township. The area to be redeveloped is bounded by Cypress Lane to the north, Whitehorse-Mercerville Road to the east, Route I-295 to the west and Section 499, Lots 39, 40, 41, 43, 44.01, 44.02, 45, 46, 47, 54, 75, 112, 113, 137 and 142 to the south. The redevelopment area includes Section 499, Lots 15 and 35.]

[(2) Redevelopment plan objectives.]

[(a) To create a mixed-use activity center in a village setting that includes government services, cultural activities and recreational, commercial, retail and family recreation establishments.]

[(b) To promote family-oriented activities that focus on education and recreation facilities permitted by law.]

[(c) To promote sensitive design solutions that integrate both the natural and man-made character of the site.]

[(d) To provide through design a significant statement of "place," a central area in the Township for citizens to meet, relax and work.]

[(e) To design a pedestrian-oriented facility. The town center setting shall promote the use of the site as a gathering place by encouraging strolling, sitting and possible street entertainment.]

[(f) To promote the effective design of both exterior and interior spaces to encourage their flexible use for a multitude of seasonal activities. Plazas, squares, colonnades, outdoor cafes, seating areas, fountains, artwork and gardens shall be encouraged to provide an attractive environment for year-round activity on the site.]

[(g) To promote a pleasingly built environment through high quality architectural design and open space design. High quality construction methods and craftsmanship shall also be encouraged.]

[(h) To provide adequate off-street parking to serve the users of the site. Surface parking shall be permitted; however, structured parking may be encouraged for later phases of the project.]

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- [(i) Encourage the interconnection and integration of uses on both the northerly and southerly side of Municipal Drive.]

 - [(j) The corner of Whitehorse-Mercerville Road and Municipal Drive serves as a gateway to the project, and therefore the design treatment of this corner is critical to the success of the project. The corner is not to be developed as surface parking. Rather, architectural elements such as retail stores, gazebos, colonnades, gatehouses and the like should be used to define the corner and provide an attractive entrance into the site. Critical attention must be taken in the architectural design of all facades facing Whitehorse-Mercerville Road and Municipal Drive.]

 - [(k) Preservation of the wetland areas and their incorporation into the redevelopment plan where possible.]

 - [(l) Develop a plan for the future use of the landfill which will complement the town center. This plan shall take into consideration the closure plan and the ecological facility.]

 - [(m) Uses that detract from the town center theme of a family-oriented place shall be prohibited.]
- [B. Land use plan.]
- [(1) Land use map. The attached land use map, dated May 1995, indicates the proposed land uses in the project area.]

 - [(2) Land use provisions and building requirements.]
 - [(a) Permitted land uses.]
 - [1. Government offices and related uses.]
 - [2. Banks.]
 - [3. Restaurants and bars as accessory uses to restaurants.]
 - [4. Theaters. Movie cinemas and community theaters.]
 - [5. Museums, exhibition halls, art galleries, libraries, music conservatories or instruction, art, photographic and dance studios and other cultural facilities of similar nature.]
 - [6. Civic arenas.]
 - [7. Child and infant care centers.]
 - [8. Boutiques, bookstore, flower shop, ice cream establishment and other similar small-scale commercial establishments.]
 - [9. Periodicals and newspapers.]

EXPLANATION: Matter underlined thus in this legislation is new matter.
Matter contained in brackets [thus] is to be omitted from the law.

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- [10. Offices, business and professional.]
- [11. Indoor tennis, racquetball, squash and handball courts.]
- [12. Indoor and/or outdoor recreation facilities, such as golf driving range, golf course, aquatic center, tennis center and similar uses associated with family recreation.]
- [13. Outdoor cafes, restaurants, theater and seating areas.]
- [14. Housing in accordance with the Township zoning ordinances.]
- [15. Parking and parking garages as accessory uses.]
- [16. Parks, plazas and other public or quasi-public spaces.]
- [17. Hotels.]
- [18. Other retail establishments catering to the needs of family recreation and consistent with the theme of a municipal town center.]
- [19. Recycling center on Parcel Number 3 only.]

[(b) Building requirements.]

- [1. Regulations, controls and restrictions regarding building area, floor area, height, lot width, yard setbacks and parking, if not controlled by this redevelopment plan, shall be generally determined by the Township zoning and land development ordinance.]
- [2. Building setbacks shall adhere to the GSC Zone District standards. Generally, buildings are to be built directly adjacent to sidewalks, plazas and other hard surfaces. If deemed appropriate, up to twenty-foot-wide landscape strips shall be planted adjacent to certain facades.]
- [3. The general location of buildings and amenities and their relationship to each other shall generally follow the illustrative concept plan, which, however, shall not be deemed to be land use control. This configuration may change subject to review by the redevelopment agency. Buildings facing the plaza shall be encouraged to have colonnades, canopies, awnings, outdoor seating areas or other pedestrian-friendly elements. It is the intent of the Township and the redevelopment agency to allow for discretion with respect to aesthetics and site plan design. However, aesthetics and site plan design shall be subject to the approval of the appropriate Township agency.]
- [4. Architectural elements. It is strongly encouraged that architectural design exercise a full array of creative design elements in order to achieve a place that is interesting,

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pedestrian-friendly and designed in a style that withstands the test of time. To this end, such elements as arcades, colonnades, clock towers, unique fenestration, balconies, material changes, dormers, hip, gable or mansard rooflines and the like are encouraged.]

- [5. Building materials. Building materials should be chosen to express the idea of permanence on the site. Stone, brick, masonry aggregates and/or a combination of above materials shall be required. Roofs of all buildings shall be gable, gambrel or true mansard and shall be constructed of a raised-seam metal type.]
- [6. Building(s) on the plaza on the primary axis with the front door of the existing library shall be no less than 40 feet high and no greater than 70 feet high. This structure shall also include a prominent architectural feature on axis with the library door. This feature may be a clock tower, obelisk or theater marquee, and it shall be a minimum of 45 feet high and a maximum of 70 feet high. The remaining buildings on the plaza square shall be a minimum of 30 feet high (measured to the top of the roofline).]
- [7. Signs. Signs shall be architecturally incorporated into each building design. Each tenant shall be permitted a facade sign equal to 10% of the front facade leased to said tenant.]
 - [a. Signage should be uniform in nature, and the materials should be consistent with or at least complement the original construction materials and architectural style of the building facade.]
 - [b. Natural materials such as wood and metal are more appropriate than internally-lit plastic box signs. Individually-lit channel letter signs shall also be permitted as long as it constitutes a uniform theme on the site.]
 - [c. Appropriately designed neon window or facade signs can account for some or all of the 10% allowable signage on the building.]
 - [d. An awning with the store's name on it may serve as an attractive alternative when properly designed and installed.]
 - [e. A total of 600 square feet of signage may be distributed in up to three signs along the two frontages of Whitehorse-Mercerville Road and Municipal Drive in connection with Parcel 1. No sign shall exceed 250 square feet in area. Signs shall be incorporated into architectural elements such as gazebos, gatehouses,

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sculptures or similar structures and shall be set back a minimum of 20 feet from roadways. Signs shall not exceed 15 feet in height.]

- [f. A total of 100 square feet of signage shall be permitted in one sign for Parcel 2. Said sign shall be architecturally harmonious with surrounding development and shall be set back a minimum of 20 feet from the roadway. Said sign shall not exceed 15 feet in height.]
- [g. Blinking and flashing signs shall be prohibited.]
- [8. Corporate or commercial statements in the architecture shall be limited and shall be at the discretion of the Township.]
- [9. Outdoor recreation facilities. Outdoor recreation facilities shall be designed ensuring a high quality of development. Design shall take into consideration both the natural and man-made environmental content consistent with such standards and controls usually associated with state-of-the-art facilities and shall be subject to approval by the Township.]
- [10. Parking.]
 - [a. Parking lots shall be designed as an integral part of the site plan. Surface parking shall be buffered and landscaped in accordance with this chapter. Structured or decked parking shall be designed so that it enhances rather than detracts from the architectural integrity of the project. When siting structures, view corridors should be considered to maximize visibility of commercial buildings.]
 - [b. Off-street parking shall be provided equal to the parking ratios set forth in this chapter. Shared parking shall be considered acceptable if supporting evidence to the viability of the parking ratio proposed is satisfactory to the reviewing agency(ies).]
 - [c. Parallel parking shall be permitted in the area along the front of the movie theater only. Stalls for such parking shall be a minimum of 25 feet by eight feet.]
- [11. Plaza square. A plaza shall be constructed and it shall serve as the site-organizing element around which the commercial/retail/government/cultural facilities shall be set. The plaza square shall be a minimum of 180 feet by 210 feet and shall be constructed of brick, stone or other such material deemed appropriate. Design elements such as patterns in pavement, fountain(s), sculpture, bollards, sitting areas and

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landscaping shall be incorporated into the design of the plaza.]

[12. Sidewalks.]

[a. A system of walks shall be provided throughout the subject site area designed to encourage pedestrian movement on the site and connections to adjacent sites.]

[b. Sidewalks shall be constructed of brick pavers approved by the Township.]

[c. Crosswalks shall be provided at appropriate intersections as well as along a well-defined path system within all parking lots. All crosswalks and pedestrian paths shall be a minimum of six feet wide and constructed of brick pavers.]

[13. Lighting.]

[a. Lighting on the site shall meet or exceed the Township standard for minimum lighting.]

[b. Due to the unique nature of the project, the following decorative light standard shall be used: Belmont fourteen-foot pole and luminaire and Belmont eleven-foot pole and luminaire.]

[14. Service. Service requirements for loading, unloading and trash removal shall be well-screened and shall be architecturally incorporated into the design of the affected buildings. Loading areas shall be designed to avoid conflict with pedestrians and other vehicle patterns on the site. Service and loading areas shall meet Township standards.]

[15. Landscaping. Landscaping shall meet Township standards.]

[16. Street furniture. Street furniture, such as benches, street lamps, bicycle racks, landscape planters and the like, shall be encouraged. The design of street furniture shall be consistent with the general architectural character of the town center as envisioned by the redevelopment agency.]

[C. Other provisions necessary to meet state and local requirements. The laws of the state require that any redevelopment project be undertaken in accordance with a redevelopment plan for the project area. The Township Planning Board has approved this redevelopment plan for the town center. It has further indicated that the proposals in this plan are in accordance with local plan objectives and the Master Plan of the Township.]

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- [(1) Land use. The land use plan and land use map indicate proposed uses following redevelopment. The land uses as shown on the land use plan/land use map are in general conformity with the local objectives for the project area which, in its totality, is designed for government services and commercial, recreational, cultural and institutional uses.]
- [(2) Density of population. Changes in resident population due to implementation of the redevelopment plan will have no significant adverse impacts. A maximum of 220 one- and two-bedroom residential units are permitted. This equates to 1.04 units/acre on the site, and it is estimated that they would generate approximately 550 residents.]
- [(3) Traffic patterns and parking.]
- [(a) A traffic analysis of the site and surrounding area was conducted by FAZ Associates and several improvements were recommended. They are:]
- [1. Installation of a traffic signal at Whitehorse-Mercerville Road and Municipal Drive.]
- [2. Municipal Drive is to be widened to meet traffic requirements.]
- [3. Left-turn lanes are to be installed on Whitehorse-Mercerville Road.]
- [(b) Off-street parking is to be designed to meet or exceed the minimum requirements of this chapter.]
- [(4) Public transportation. There are no proposed changes in existing public transportation.]
- [(5) Public utilities. Public utilities, including water, sewer, gas and electric, will be extended into the site by the redeveloper of the project.]
- [(6) Recreation and community facilities.]
- [(a) A multipurpose plaza is proposed to provide space for varied cultural and recreational events.]
- [(b) The Township will extend trails and paths into the wooded areas of the site for passive recreation and educational purposes.]
- [(7) Regulation and controls. All standards relating to land coverage, lot size, etc., shall be done in accordance with this chapter of the Township Code unless specifically noted.]
- [(8) Relocation plan.]
- [(a) No displacement of residents or businesses should occur as a result of the implementation of this plan, as the area to be redeveloped is

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presently unoccupied. Additionally, the Township currently owns all lands affected by the redevelopment plan.]

[(b) Any families or individuals temporarily or permanently displaced by the governmental action from the redevelopment area will be relocated by the Township into decent, safe and sanitary housing at rents within the means of the persons displaced from the project area.]

[(9) Procedure for changing the plan. The redevelopment plan may be amended from time to time upon compliance with requirements of law.]

[(10) Consistency with contiguous municipalities' and state's master plans. This redevelopment plan is consistent with the County Master Plan and the State Development and Redevelopment Plan in its promotion of creative mixed-use projects and community centers. Due to the project's location within the center of the Township, it can be stated that the project has no significant adverse impacts on the master plans of contiguous municipalities.]

[(11) Period of effectiveness of the redevelopment plan. This plan shall be effective for a period of 20 years.]

[(12) Project maps.]

[(a) Location map.]

[(b) Redevelopment plan parcel boundary map.]

[(c) Illustrative concept plan map.]

[(d) Existing utilities map.]

[D. Amendment of Township Town Center Project Redevelopment Plan of January 18, 1989.]

[(1) The Township Town Center Project Redevelopment Plan of January 18, 1989, enacted by Township Council Ordinance No. 89-002, is superseded and amended by Subsections A through C preceding.]

[(2) The Zoning Map of the Township shall be and is hereby amended consistent herewith, and the proper officials of the Township are authorized to make such revisions thereto.]

§ 550-81 REO-2, REO-4 and REO-5 Research, Engineering and Office Districts, and RD Research and Development Districts.

In the REO and RD Districts, the following shall apply:

A. Principal permitted uses on the land and in buildings.

(1) REO and RD Districts:

(a) Office buildings for executive, administrative, business, educational

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or professional services.

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(s) Hotels. See Section 550-145 for design standards.

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C. Other uses permitted upon application to the municipal agency for a conditional use permit:

(1) Public utility installations.

.....

[(6) Hotels.]

.....

ARTICLE IV. GENERAL REGULATIONS AND DESIGN STANDARDS

§ 550-111 Accessory buildings.

A. Accessory buildings as part of principal buildings. Any accessory building attached to a principal building shall be considered part of the principal building, and the total structure shall adhere to the yard requirement for the principal building regardless of the technique of connecting the principal and accessory buildings.

.....

§ 550-114 Fences, walls and sight triangles.

A. All permitted fences shall be situated on a lot in such a manner that the finished side of the fence shall face adjacent properties. No fence shall be erected of barbed wire, topped with metal spikes, nor constructed of any material or in any manner which may be dangerous to persons or animals, except that the provisions in this section shall not apply to farms and except further that fences permitted for industrial uses may be topped by a barbed wire protective barrier in RD, REO, REO-4, MFG and I Districts. All barbed wire fences shall be faced into the property.

B. Fences are permitted in all zones in accordance with the following design criteria and regulations:

(1) On any corner lot, no wall or other structure shall be erected or altered except utility poles or light standards not exceeding a cross-sectional area of one square foot, and no embankment or hedge, shrubbery, tree or other growth shall be maintained which would cause an obscuring or obstruction of traffic sight distances on a street or public road. A clear sight triangle, formed by the intersection of the right-of-way lines of two streets or railroads or a street intersection with a railroad right-of-way line at two points, each 30 feet distant from the intersection of the right-of-way line, or in the case of a rounded corner, from the point of intersection of their tangents, shall be

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maintained. Such fences, structures, plantings or other obstruction shall be limited to a height of not more than three feet or less than seven feet above the street grade. A construction permit is required for the installation of all fencing.

(2) Except as stipulated above, a fence, wall or hedge shall be not more than four feet in height along the front lot line and six feet in height along a side lot line and rear lot line. The height shall not exceed four feet between the front lot line and front building line, and the fence shall not be of solid construction within this area. To qualify as not being of solid construction, the fence must be at least 50% open. For a wooden fence, the solid portion cannot exceed a maximum of six inches in width. Other fencing to be determined by the administrative officer. Rear yard fences for residential lots with reverse frontage shall adhere to Subsection B[(11)](12).

(3) For corner lots, a fence may be erected no taller than six feet in height and solid in design within the front yard area at 50% of the required front yard setback. Any fence of this design shall not interfere or create a sight obstruction with any adjacent residential driveways on neighboring lots nor shall it be constructed to interfere with sight triangles on an intersecting public or private street.

[(3)](4) Fences should complement the structural style, type and design of the principal building.

[(4)](5) Fences which are deemed to be inferior in quality, and therefore not maintenance-free (except for painting or refinishing), are prohibited.

[(5)](6) Solid fences are more appropriately used adjacent to or attached to the buildings as architectural extensions, and careful consideration should be given to coordination with the lines, materials and color of the principal structure.

[(6)](7) Semitransparent fences are less architecturally related and should be finished in a more natural manner.

[(7)](8) Transparent fences should be as unobtrusive as possible and blend into the surrounding landscape.

[(8)](9) Plantings shall be considered as part of any fencing plan.

[(9)](10) Metal fences, when used to enclose electrical supply stations having energized electrical conductors or equipment, shall be a minimum of seven feet in height and shall be effectively grounded. Other types of construction, such as high-metallic material, shall present equivalent barriers to climbing or other unauthorized entry.

[(10)](11) A tennis court area, located in rear yard areas only, may be surrounded by a fence a maximum of 12 feet in height, said fence to be set back from any lot line the distances required for accessory buildings in the zoning district as stipulated in Article III.

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~~[(11)]~~(12) Due to the public impact of reverse frontage lots located on the Township's public road system, it has been found that a uniform fencing design is necessary to ensure the interests of the public domain. Therefore, residential lots with reverse frontage may have rear yard fences, provided that they follow the following design standards:

.....

§ 550-119 Off-street parking, loading areas and driveways.

A. Landscaping.

.....

F. Off-street parking standards.

- (1) Computation of number of employees. For the purpose of the following subsection, the number of employees shall be computed on the basis of the average number of persons to be employed, taking into consideration day, night and seasonal variations.
- (2) Number of spaces. Each individual use shall provide parking spaces according to the following minimum provisions. Where a permitted use of land includes different specific activities with different specific parking requirements, the total number of required parking spaces shall be obtained by individually computing the parking requirements for each different activity and adding the resulting numbers together.

Use	Minimum Parking Space Requirements
Automobile sales establishment	1 space for every 1,000 square feet of the area used for such purposes and 1 space per employee
Bank	5 spaces per 1,000 square feet of gross floor area or 8 spaces for each teller window, whichever is greater; stacking lanes shall accommodate at least 8 vehicles per teller window
Boardinghouse or rooming house	At least 1 space for each rental unit plus 1 additional space for owner or manager
Bowling establishment	At least 4 spaces for each bowling lane; if additional facilities, such as bar or restaurant, are provided, additional parking spaces shall be provided in accordance with the

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Use	Minimum Parking Space Requirements
------------	---

requirements for similar uses set forth in this subsection

Child and infant care centers 1 space for each employee plus 1 space for every 10 children permitted under maximum capacity

Church, synagogue or other place of worship At least 1 space for each 4 seats

Commercial, personal service establishment or retail service 1 space for each 200 square feet of gross floor area

Community buildings, social halls and places of public assembly 1 parking space for each 2 seats, except where a specific amount of seating is undetermined, then 1 parking space shall be required for 75 square feet of assemblage area

Construction enterprise or vehicle repair garage 1 space for every 300 square feet of floor area used for repair and 1 space for every 500 square feet of floor area used for inside storage and warehousing

Country club 1 parking space for each 100 square feet of floor area occupied by all principal or accessory structures, except those used for parking purposes

Educational institution, public or private At least 1 space for each 2 employees, including teachers and administrators; sufficient off-street parking space for the safe and convenient loading and unloading of students; additional facilities for student parking, taking into consideration the total number of students driving automobiles; stadiums, gymnasiums and auditorium uses shall be in addition to these

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Use	Minimum Parking Space Requirements
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requirements

Eleemosynary or philanthropic institution	At least 1 space for each 2 employees, plus such additional facilities for residents and visitors as shall be deemed necessary
Funeral home, mortuary	10 parking spaces plus 1 space for each 50 square feet of floor area
Furniture store	1 1/2 spaces for each 1,000 square feet of gross floor area
Garden center, flower or plant nursery, landscape gardener's business	6 spaces per 1,000 square feet of gross floor area of buildings plus 1 space per 1,000 square feet of outside storage, sale or display area
Golf course or club	10 parking spaces for each tee
Golf driving range or miniature golf	1 1/2 parking spaces for each tee
Government-owned or -operated building or use, such as a post office	At least 1 space for each 100 square feet of gross floor area
Home occupation	At least 1 parking space in addition to the requirement for the dwelling unit
Hospital	At least 1 space for each 2 patient beds, excluding bassinets, plus 1 additional space for each medical staff member or visiting doctor, based on the average number of such persons serving the hospital, plus 1 additional space for each 4 employees, including nurses
Hotel	1 parking space per guest room; 1 parking space for each employee – the shift having the most employees shall be used to

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Use	Minimum Parking Space Requirements
	calculate employee parking needs; 1 parking space for every 3 seats in the restaurant(s) and/or lounge(s) and/or conference/banquet space; where it can be proved that shared parking will occur, reductions in the required number of parking spaces may be permitted
Indoor tennis, racquetball, squash or handball courts	4 spaces per each court
Industrial or manufacturing establishments	At least 1 parking space for each employee on the maximum work shift and 1 additional space for each vehicle used directly in the conduct of the enterprise or 1 space for each 600 square feet of floor area, whichever is greater
Laboratory or research use	At least 1 parking space for each employee or 1 parking space for each 500 square feet of gross floor area, whichever is greater.
Medical or dental practitioner's or attorney's office	1 parking space for each 175 square feet of gross floor area or 5 spaces for each doctor, dentist, or attorney plus 1 additional space for each employee, whichever is greater
Multiple-family dwelling	At least 2 spaces for each dwelling unit
Museum, exhibition hall, art gallery, library, music conservatory or other cultural facility	1 space for each 1.5 persons of rated occupancy
Nursing home	1 for each bed
Office, business,	1 space for each 250 square feet

EXPLANATION: Matter underlined thus in this legislation is new matter.
Matter contained in brackets [thus] is to be omitted from the law.

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Use	Minimum Parking Space Requirements
other than medical, dental and attorney or other professional office	of gross floor area for each building up to 100,000 square feet; 1 space for each 285 square feet of gross floor area for each building containing between 100,001 and 300,000 square feet; 1 space for each 330 square feet of gross floor area for each building containing over 300,000 square feet
One- or two-family detached dwelling	At least 2 spaces per dwelling unit, which shall have immediate access to the street
Private club or union hall	At least 1 space for each 100 square feet of gross floor area
Professional office, other than medical, dental or attorney	1 space for each 200 square feet of gross floor area or 5 spaces for each professional person occupying or using each office, whichever is greater
Railroad or bus station	At least 1 space for every 100 square feet of waiting room space, including concession and dining areas
Recreation establishment	At least 1 space for each 100 square feet of nonstorage floor area
Restaurant, bar or tavern	At least 1 space for every 3 seats or 1 space for every 3 persons of rated building capacity, whichever is greater, but in all cases a sufficient number of spaces to prevent obstruction of driveways, fire lanes and aisles
Senior citizen housing	At least 1 space per dwelling unit

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Use	Minimum Parking Space Requirements
Service stations	At least 6 spaces for the first lift, wheel alignment pit or similar work area, 5 additional spaces for a second work area and an additional 3 spaces for each additional work area; such spaces shall be separated from the driveway and general apron areas which give access to the gasoline and air pumps and service areas; no designated parking space shall obstruct access to such facilities
Shopping center	For purposes of application of these parking ratios, a shopping center shall be a complex containing multiple retail or personal service establishments totaling at least 50,000 square feet of gross floor area. For retail facilities containing less than 75,000 square feet of gross floor area or single freestanding retail establishments for any size, the parking ratio for a commercial, personal service establishment or retail store shall be applied in determining the number of parking spaces required, which is 1 space for each 200 square feet of gross floor area; 4 spaces for each 1,000 square feet of gross floor area for centers containing between 75,000 and 400,000 square feet of gross floor area; 4 1/2 spaces for each 1,000 square feet of gross floor area for centers containing between 400,001 and 600,000 square feet of gross floor area; 5 spaces for each 100 square feet of gross floor area for centers containing over 600,000 square

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Use	Minimum Parking Space Requirements
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feet of gross floor area

Stadium, ball park or other outdoor sports arena At least 1 space for each 5 seats

Swimming pool or natural bathing place operated for profit At least 1 space for each 4 persons within the recommended or legal capacity prescribed under applicable state or local laws, ordinances or resolutions

Theater, auditorium or indoor sports arena At least 1 space for each 4 seats or similar vantage accommodations provided

Warehouse, Private (including multi-tenant) 1 space per 3,000 square feet of gross floor area

Warehouse, Public/self-storage facilities 1 space for every 40 storage units or bays

Wholesale warehouse establishment [and warehouse] Wholesale warehouse establishments, excluding retail use: [1 space for each 750 square feet of gross floor area or 1 space per employee, and 1 space for each vehicle used directly in the conduct of the business, whichever is greater;] when wholesale sales to the general public are permitted, 1 parking space per 200 square feet shall be require

Uses not specified In determining minimum parking space requirements for uses not covered in this article, the number of persons to be employed in said building or by the use and the number of persons expected to reside in, visit or patronize the building or use and the anticipated

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Use	Minimum Parking Space Requirements
	percentage of residents, visitors or patrons using various transportation modes shall be considered

§ 550-145 Hotel Design Standards

Structures developed for hotels, as defined in §550-7, shall be designed according to the following guidelines:

- A. The maximum height for hotel structures shall be increased to a maximum of fifty (50) feet.
- B. The minimum number of rooms shall be 100.

[§ 550-145] §550-146 through § 550-160. (Reserved)

**Article V
Exceptions, Modifications and Development Alternatives**

§ 550-161 Conditional uses.

- A. General provisions.

[K. Factory outlets.]

- [(1) No more than 5% of the total gross floor area of the buildings on site may be used for commercial retailing space.]
- [(2) Only those products produced by the company may be sold in the factory outlet retailing facility.]
- [(3) The factory outlet retailing facility shall be located within a principal building.]
- [(4) An area separated or set aside from the parking area utilized by employees shall be created for customers of the retail outlet and shall provide one parking space for every 150 square feet of factory outlet retailing space.]
- [(5) No advertising signs for the factory outlet retailing facility shall be located on any building, with the exception of a sign of a maximum size of two by three feet at the entrance.]
- [(6) Only 5% of the space on a freestanding sign may be used to advertise the existence of the factory outlet retailing facility.]

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[L. Golf courses and golf clubhouses.]

- [(1) Golf courses and golf clubhouses shall be located and have direct access to at least a minor collector or similar street of sufficient traffic capacity to serve the use.]
- [(2) No tee or green shall be located within 75 feet of a residential property line; tees or greens shall be suitably screened or buffered.]
- [(3) All clubhouses, dining and refreshment facilities, swimming pools, tennis courts and the like shall be located at least 100 feet from all property lines adjacent to or abutting a residence or residential zone.]

[M.]K. Home occupations. Any person may utilize his home for any lawful activity which qualifies as a home occupation, provided that:

.....

[N.]L. Hospitals, medical institutions and philanthropic or eleemosynary uses.

.....

[O. Hotels.]

- [(1) Any hotel must meet the following minimum standards:]
 - [(a) A minimum of 150 guest rooms must be provided. Each room must be a minimum of 350 square feet in area.]
 - [(b) A minimum of 20,000 square feet of conference space and banquet space must be provided.]
 - [(c) A minimum of one indoor swimming pool must be provided. The pool shall contain an area equal to 10 square feet per guest room.]
 - [(d) A minimum of two square feet per guest room for lockers, showers and toilet area must be provided.]
 - [(e) A minimum of two square feet per guest room for health club space must be provided.]
- [(2) Restaurant space equal to at least 6% of the floor area of the hotel must be provided.]
- [(3) A minimum of 1,200 square feet of retail space must be provided within the hotel. Retail space is limited to those businesses which are commonly found within hotels and provide services to hotel guests. A maximum of 10% of the floor area of the hotel may be devoted to such retail uses.]
- [(4) Parking requirements are as follows:]
 - [(a) One parking space per guest room.]
 - [(b) One parking space for each employee. The shift having the most

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employees shall be used to calculate employee parking needs.]

- [(c) One parking space for every three seats in the restaurant(s) and/or lounge(s) and/or conference/banquet space. Where it can be proved that shared parking will occur, reductions in the required number of parking spaces may be permitted.]
- [(5) The main lobby must contain a minimum area of 5,000 square feet, exclusive of conference, banquet, restaurant, cocktail or lounge space and retail space. This does not preclude restaurant, cocktail or lounge space and retail space within the lobby so long as the space is in addition to the minimum area required in Subsection O(2) and (3) above. Not more than 50% of the lobby may be used for commercial purposes such as restaurant, cocktail or lounge space, and retail space.]
- [(6) The maximum building height permitted is 45 feet. The maximum building height may be increased to 85 feet if a minimum lobby/atrium size of 15,000 square feet is provided, exclusive of conference, banquet, restaurant, cocktail or lounge space, and retail space mentioned above. This does not preclude restaurant, cocktail or lounge space, and retail space within the atrium so long as this space is in addition to the minimum area required in Subsection O(2) and (3) above. Significant public features such as gardens, sculptures, ornamental pools, plazas, etc., must be provided within the lobby and atrium. Not more than 50% of the atrium may be used for commercial purposes such as restaurant, cocktail or lounge space, and retail space. A proposed increase of height may be rejected or modified if found to have a potentially adverse effect upon a residential zone.]
- [(7) The minimum lot size for a hotel is 10 acres. The maximum FAR permitted for hotels on individual lots of 10 acres or more is 0.28. This maximum FAR will not apply when a hotel is part of an office complex on a single lot. In such an instance, the maximum FAR of the REO and/or RD Zone shall apply. In both instances, lobbies (exclusive of conference, banquet, auditoriums, restaurant, cocktail or lounge space and retail space), indoor and outdoor swimming pools, health clubs (for guests only), public open space (such as gardens, plazas, ornamental pools, etc.), any other indoor and outdoor recreational areas and other nonleasable space shall not be included in calculating the maximum FAR.]
- [(8) The maximum impervious surface coverage (MIS) is 55%, whether on an individual lot or on a lot combined with other permitted uses. Those uses and areas noted in Subsection O(7) above, as excluded from the FAR calculations, are also excluded from the MIS calculation.]
- [(9) Decked parking lots are permitted and are excluded from FAR calculations, but are included in MIS calculations.]
- [(10) All the standards of the RD Zone and this chapter shall apply.]

[P.]M. Nursing homes.

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.....

[Q.]N. Pinball and electronic game arcade. Pinball and electronic game arcades may be permitted within shopping centers which meet the criteria of this chapter in Highway Commercial Zone Districts, provided that such establishments meet the following conditions:

.....

[R. Public and private schools and colleges.]

[(1) Public and private schools must meet the New Jersey State Board of Education design standards as stipulated in Section 300 of "A Guide for School House Planning and Construction," dated 1969, and all subsequent revisions.]

[(2) On-site parking areas, theaters, auditoriums, stadiums, gymnasiums, cafeterias and dormitories must be located at least 100 feet from any property line adjoining a residential zone and be heavily buffered with evergreen plantings and fencing.]

[(3) All colleges and universities must prepare a community impact analysis, including but not limited to a traffic impact study.]

[(4) All junior and senior high schools and colleges and universities must have primary access to an eighty-foot-wide or wider right-of-way and a fifty-foot-wide cartway.]

[S.]O. Public utility uses.

.....

[T. Raising and housing of swine in excess of 10.]

[(1) No building, run, exercise pen or other enclosure shall be closer to any property or street line than 200 feet.]

[(2) All outside areas used for the enclosure of animals shall be fenced with a four-foot-high chain-link fence or an equivalent barrier satisfactory to the reviewing board.]

[(3) All outside enclosures visible from adjoining properties and rights-of-way must be additionally screened with heavy evergreen plantings at least four feet wide with a four-foot height at planting.]

[U. Raising, breeding and keeping of small animals raised for sale as pets or for laboratory research purposes.]

[(1) No building, run, exercise pen or other enclosure shall be closer to any property or street line than 200 feet.]

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[(2) All outside areas used for the enclosure of animals shall be fenced with a six-foot-high chain-link fence or an equivalent barrier satisfactory to the reviewing board.]

[(3) All outside enclosures visible from adjoining properties and rights-of-way must be additionally screened with heavy evergreen plantings at least four feet wide with a four-foot height at planting.]

[V.]P. Senior citizen housing.

.....

[W.]Q. Motor freight terminals.

(1) The minimum lot area shall be 10 acres.

.....

[X.]R. Fast food restaurant. A fast food restaurant may be permitted in Highway Commercial Zones only, provided that the following conditions are met:

.....

[Y.]S. Radio or television broadcasting towers or antennas. Radio or television broadcasting towers or antennas may be permitted in REO and RD Zones only, provided that the following conditions are met:

(1) The towers and antennas must be associated with radio or television broadcasting stations, including studios, auditoriums and other rooms for performances, and including office and other space incident to and necessary for the principal use, exclusive of broadcasting towers and antennas.

[Z.] Single-user warehouse club. With regard to single-user warehouse clubs, as defined in § 550-82D above, the following schedule shall apply, notwithstanding any other provisions of this chapter:]

[(1) Minimum lot area: 40 acres.]

[(2) Floor area ratio: 0.065.]

[(3) Maximum impervious area: 40%.]

[(4) Minimum frontage on an arterial road of 900 feet.]

[(5) At least the first 300 feet adjacent to any arterial road and 70 feet adjacent to any street and 50 feet adjacent to any lot line shall not be used for parking and shall be planted and maintained in lawn area or ground cover and landscaped with trees and evergreen shrubbery. Any parking proposed within the front yard shall be] [screened by a landscaped berm of at least four feet in height and having a slope of three to one.]

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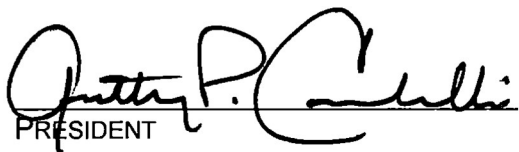
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[AA.]I. Solar or photovoltaic energy-generating facility, ground-mounted and mounted over surface parking. See § 550-142, Renewable-energy-generating facilities, for conditional use standards.

.....

Any Ordinance or Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.


PRESIDENT


MUNICIPAL CLERK

RECORD OF VOTE													
First Reading							Second Reading						
COUNCIL	AYE	NAY	NV	AB	ORD	SEC	COUNCIL	AYE	NAY	NV	AB	ORD	SEC
PASQUALE "PAT" PAPER0, JR.	✓						PASQUALE "PAT" PAPER0, JR.	✓				✓	
NANCY PHILLIPS	✓					✓	NANCY PHILLIPS	✓					✓
CHARLES F. WHALEN				✓			CHARLES F. WHALEN	✓					
RICHARD L. TIGHE, JR.	✓				✓		RICHARD L. TIGHE, JR.	✓					
ANTHONY P. CARABELLI, JR.	✓						ANTHONY P. CARABELLI, JR.	✓					

X - Indicates Vote A.B. - Absent N.V. - Not Voting RES. - Moved SEC. - Seconded

REJECTED _____
APPROVED ✓


JEFFREY S. MARTIN, MAYOR

6/19/2024
DATE

RECONSIDERED BY COUNCIL _____ OVERRIDE VOTE AYE _____ NAY _____

EXPLANATION: Matter underlined thus in this legislation is new matter.
Matter contained in brackets [thus] is to be omitted from the law.