

**HAMPTON TOWNSHIP
ORDINANCE #2018-09**

AN ORDINANCE AMENDING THE HAMPTON TOWNSHIP CODE TO AMEND CHAPTER 108 – THE ZONING ORDINANCE TO AMEND ARTICLE IV, THE DISTRICT REGULATIONS TO INCLUDE A NEW ZONE DISTRICT KNOWN AS THE APARTMENT/TOWNHOUSE – MULTIPLE FAMILY - RESIDENTIAL – HIGHWAY COMMERCIAL – MANUFACTURING DISTRICT, WHICH INCLUDES BLOCK 3501, LOT 30.01.

BE IT ORDAINED by the Township Committee of the Township of Hampton, Sussex County, New Jersey, that the Code of the Township of Hampton be amended as follows:

SECTION 1. Article IV, entitled “District Regulations”, of Chapter 108, entitled “Zoning”, is amended to add Section 108-17.2, entitled “APT/TH-HC-MFG -- Apartment/Townhouse - Multiple-Family – Residential -- Highway Commercial -- Manufacturing District”, which shall read as follows:

Section 108-17.2 APT/TH-HC-MFG -- Apartment/Townhouse - Multiple-Family – Residential -- Highway Commercial -- Manufacturing District.

- A. The purpose of the APT/TH-HC-MFG Zone District, which applies to Block 3501, Lot 30.01 (the “Property” or “Tract”), is to provide areas in the Township responsive to the need for multiple family housing, including affordable housing, and commercial and manufacturing development and uses situated in transitional zoning locations with advantageous roadway exposure. The Property, Block 3501, Lot 30.01, which is the subject of this APT/TH-HC-MFG zone district, may be subdivided. The bulk standards applicable to the APT/TH-HC-MFG zone district shall be applicable to the entire Property, and a subdivision shall not result in a non-conformity.
- B. Principal permitted uses on the land and in buildings.
- 1) Agricultural uses as defined in sec. 108-7.
 - 2) Multi-story apartment
 - 3) Garden apartments as defined in 108-7.
 - 4) Townhouses as defined in 108-7.
 - 5) Group homes and facilities.
 - 6) Detached single-family dwellings according to the area and yard requirements set forth below in section F3, below.
 - 7) All permitted uses in the HC and HC-MFG Districts as defined in 108-15 and 108-16, respectively.
 - 8) Professional office as defined in 108-7.
 - 9) Retail Business Establishment as defined in 108-7.
 - 10) Restaurants as defined in 108-7.
 - 11) Restaurants, drive-in or drive-thru as defined in 108-7.
 - 12) Shopping center as defined in 108-7.
 - 13) Motels or hotels as defined in 108-7.
 - 14) Manufacturing as defined in 108-16(B)(4).
 - 15) Wholesale distribution centers and warehouses.
 - 16) Solar farms and panels and wind energy systems

C. Accessory uses permitted.

- 1) Playgrounds.
- 2) Swimming pools subject to the standards of sec. 108-33A. [Amended 6-25-1985]
- 3) Off-street parking, subject to the design standards of sec. 108-26, and with respect to number, subject to RSIS standards for residential uses and 1 per 250 square feet for non-residential uses).
- 4) Structures necessary for utilities and infrastructure
- 5) Solar farms and panels and wind energy systems

D. Building Height.

- 1) Maximum building height (Commercial). Retail, mixed use, and other permitted commercial structures shall not exceed 48 feet in height except as allowed in sec. 108-39. No story limitation shall apply.
- 2) Maximum building height (Residential). Residential multi-family and mixed use residential/commercial structures shall not exceed 48 feet in height, except as allowed in sec 108-39. Residential multi-family and mixed use residential/commercial structures shall be permitted to have 3 stories of residential units.

E. Southwest Corner of the Property. The Southwest Corner of the Property, as described in section 3.1 of the Settlement Agreement, as described below, and as depicted on Exhibit B, attached thereto and made a part thereof and of this Zoning Ordinance, may be developed for residential uses only, as set forth in the Zoning Ordinance.

- 1) Description. Description. The “Southwest Corner of the Property” is roughly shaped as a trapezoid, and its boundaries are: starting from the corner of the Hampton/Newton boundary, then running in a northerly direction along County Route 519 to the Property’s boundary with Block 3501, Lot 84, then running in an easterly direction along the property line between the Property and Block 3501, Lot 84 to the rear property boundary of Block 3501, Lot 84, then running in a southerly direction, along a tangent extended from the rear property boundary of Block 3501, Lot 84, back to the Hampton/Newton boundary, then running along the Hampton/Newton boundary in a westerly direction to the point and place of beginning.
- 2) Use. The Southwest Corner of the Property may be developed for residential use, provide for access from County Road 519, and may be used for stormwater detention or retention purposes, or be planted with landscaping or vegetation. Commercial development, including the location of structures or building, may occur up to the boundary of the Southwest Corner of the Property.

F. Area and yard requirements (Commercial)

- 1) Offices, manufacturing plants and wholesale distribution centers and warehouses, and agricultural uses.
 - a. Principal building.

<u>Requirements</u>	<u>Minimum Dimensions</u>
Lot area	2 acres
Lot frontage	200 feet
Lot width	200 feet

Lot depth	200 feet
Side yard, each	50 feet
Front yard	100 feet
Rear yard	50 feet

b. Maximum building coverage

<u>Type of Building</u>	<u>Coverage</u>
Principal	50%
Accessory	20%

c. Where applicable and requested by applicant, the provisions of section 108-15E(2) shall apply.

2) Retail, including retail business establishments, restaurants of any kind, shopping centers, hotels, motels, mixed use (residential and non-residential)

a. Standards

<u>Requirements</u>	<u>Minimum Dimensions</u>
Lot area	2 acres
Lot frontage	100 feet
Lot depth	150 feet
Side yard, each	30 feet
Front yard	50 feet
Rear yard	50 feet

b. Maximum building coverage

<u>Type of Building</u>	<u>Coverage</u>
Principal	50%
Accessory	20%

c. Where applicable and requested by applicant, the provisions of section 108-15E(2) shall apply.

3) Single family detached dwellings

a. Standards

<u>Requirements</u>	<u>Minimum Dimensions</u>
Lot area	10,000 square feet
Lot width	80 feet
Lot depth	100 feet
Side yard, each	10 feet each, 30 feet total
Front yard	30 feet
Rear yard	30 feet
Maximum building coverage	35%

b. Accessory Uses. Accessory uses shall be those permitted in sec. 108-12.2.

4) Multi-story apartments, townhouses, garden apartments, group homes and facilities

a. Standards

<u>Requirements</u>	<u>Minimum Dimensions</u>
Lot width	100 feet
Side yard, each	30 feet
Front yard	50 feet
Rear yard	60 feet
Maximum building coverage	60%

b. There shall be the following minimum distances between buildings.

Windowless wall to windowless wall	30 feet
Window wall to window wall	30 feet
Window wall to windowless wall	30 feet
Rear to rear	30 feet
End to end	30 feet
Any building face, except garage face to common parking area or street	12 feet
Garage face to common parking area	5 feet

The planning board may reduce the above distances if there is an angle between buildings, and sufficient landscaping or buffers are placed between buildings.

c. Parking spaces in common parking areas for multi-family residential development shall be located within 250 feet of the dwelling units served.

d. No building shall exceed a length of 250 feet in any single direction.

e. No room within a dwelling unit intended for human habitation shall be located in a cellar, basement, or attic, except that a cellar or basement may contain a family room or recreation room. Any story which abuts a finished grade shall not be considered a basement or cellar. Any floor of any dwelling unit containing a ceiling, the exterior of which floor abuts below the finished grade, shall not be considered a story.

f. Multi-family development in this district shall not be subject to any density adjustment factors and regulations otherwise applicable to townhouse or garden apartment developments, and all other standards of sections 108-34 and 108-35 shall not be applicable to multi-family development in this zone district.

G. Density (Residential)

- 1) 15 units per net acre where residential development contains market rate and affordable housing units as part of project.
- 2) 20 units per net acre, where residential development project is 100% affordable units.

H. Minimum off-street parking.

1) Residential:

- a. RSIS standards, as set forth at N.J.A.C. 5:21-4.14 and Table 4.4 therein.

- 2) Retail of any kind:
 - a. Parking shall be provided at one (1) space/250 SF.
- 3) Office Manufacturing/Warehouse/Wholesale Distribution:
 - a. Parking shall follow requirements as located in sec. 108-16(G).
- 4) Theaters/Restaurants/Hotels/Other Uses: 1 space per 4 seats

I. Signs.

- 1) Each pylon sign shall not exceed 50 feet in height, shall be set back from the street rights-of-way and driveways at least 20 feet, shall not exceed an area of 200 square feet, and shall be at least 800 linear feet from the centerline of Route 206.
- 2) Retail/Office to follow sec. 108-15(H).
- 3) Manufacturing/Warehouse/Wholesale Distribution: To follow Section 108-16 (I).
- 4) Notwithstanding the provisions of sec. 108-30.4C, digital sequential signs shall be permitted on the Property.
- 5) The provisions of sec. 108-30.5E shall not apply to the Property. Signs, including, but not limited to digital sequential signs, may be located off of the Property, on land and/or existing free standing signs fronting on Route 206 (pursuant to a private agreement between the Property owner and owners of land fronting on Route 206) in order to identify and describe the uses on the Property, and for such off Property signs, the provisions of section 108-30.3 shall not apply.
Signs on the Property and any free standing sign permitted along Route 206 shall pertain only to properties owned by the Martins. No billboard type signs will be permitted to advertise any commercial businesses other than those on properties owned by the Martins, however community and public service announcement shall be permitted. Digital sequential signs shall be permitted for businesses on the Property and for businesses already identified on existing signs along Route 206, except that notwithstanding any other provisions in this Section I to the contrary, the existing pylon sign on Route 206 currently identifying Marshalls and Home Goods shall remain as a non-digital sign but may have an additional sign plate or panel inserted to advertise additional commercial uses.
- 6) Notwithstanding the provisions of sec. 108-30.5G, digital sequential signs shall be permitted.
- 7) The provisions of sec. 108-30.5H shall not apply.
- 8) Notwithstanding the provisions of sec. 108-30.11, the number of signs permitted shall be : one free-standing sign per building, provided, each establishment in such building shall have a placard (sign) identifying it on the free standing sign; one façade sign per establishment; and one off-site sign per establishment. Notwithstanding the provisions of section 108-30.4C, all signs pertaining to the development of the Property may be digital sequential signs.
- 9) A monument sign, not a pylon sign, shall be permitted along County Route 519 to advertise and identify commercial uses on the Property and residential uses or developments on the Property.

J. Affordable housing:

It is the intent and purpose of this section that the residential development of the Martin Property shall create a realistic opportunity for the development of 57 affordable rental units. The residential development may be in the form of 100% affordable units at a development density of 20 dwelling units per net acre, or via an inclusionary development with a density of 15 dwelling units per net acre, with a set aside of 17.5% on about 22 acres, or a combination of these mechanisms.

- 1) At least 17.5% of all residential units proposed in an inclusionary residential development of market rate and affordable units shall be affordable to low- and moderate-income households as defined by N.J.A.C. 5:93-1.3 and N.J.A.C. 5:93-7.4, provided that once 57 units of affordable rental housing have been developed, this restriction shall no longer apply.
- 2) Affordable units within a mix of market units shall comply with the UHAC rules on phasing.
- 3) The schedule found in N.J.A.C. 5:93-5.6(d) shall be followed in distributing affordable housing units during the construction of the proposed residential development on the Property.

K. Development Fees.

No development fees (i.e., Affordable housing fees), as described in N.J.S.A. 40:55D-8.1 et seq., and Hampton Code sec. 108-66, 108-67, and 108-68, whether for non-residential or residential development, shall be applicable to, assessed or collected from any development on the Martin Property.

SECTION 2. All ordinances or parts of ordinances of the Township inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

SECTION 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

CERTIFICATION

I hereby certify that the above Ordinance was adopted by the Hampton Township Committee at their regular meeting held on June 26, 2018 at the Hampton Township Municipal Building, Baleville, Sussex County, New Jersey.

Date: _____

Kathleen Armstrong, RMC
Township Clerk

**HAMPTON TOWNSHIP
NOTICE
ORDINANCE 2018-09**

NOTICE IS HEREBY GIVEN that the attached Ordinance #2018-09 was introduced at a special meeting of the Hampton Township Committee, Sussex County, New Jersey, held on the 7th day of June, 2018, and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Hampton Township Committee to be held on the 26th day of June, 2018, at the Township Municipal Building, One Municipal Complex Road, Hampton Township, New Jersey at 7:00 p.m., and that at such time and place all persons interested shall be given an opportunity to be heard concerning said Ordinance.

Kathleen Armstrong
Hampton Township Clerk

**HAMPTON TOWNSHIP
NOTICE
ORDINANCE 2018-09**

NOTICE IS HEREBY GIVEN that the foregoing Ordinance #2018-09 was adopted at Final Reading at the regular meeting of the Township Committee of the Township of Hampton, County of Sussex held on Tuesday, June 26, 2018, at the Hampton Township Municipal Building, Baleville, N.J.

Kathleen Armstrong, RMC
Township Clerk