

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2011-2-3**

**ORDINANCE OF THE TOWNSHIP OF HAINESPORT,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,
AMENDING THE TOWNSHIP'S DEVELOPMENT/ZONE CODE**

WHEREAS, a need arises on occasion to the Township Committee of the Township of Hainesport to amend existing Ordinances; and

WHEREAS, the Township of Hainesport finds it in the best interest of the Township to amend certain provisions of the Land Development Code of the Township of Hainesport.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hainesport that Chapter 104 entitled "Land Use" is hereby amended as follows:

104-6: Definitions

PERSONAL SERVICES – Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, without limitation as to frequency of use which are utilized by customers on an on-going and reasonably frequent basis. Examples, without limitation, would include barbershops; beauty or hair salons; dry-cleaning establishments; Laundromats; nail salons; shoe repair shops; tailors and dressmakers; and similar uses.

SELF STORAGE FACILITIES – A building or buildings which contain units available for lease to the general public (or a portion of the general public) for the purpose of storing personal property ("Facilities"). Examples of Facilities include those operated as franchises such as "Public Storage."

SITE PLAN EXEMPT – The following shall be exempt from site plan review:

- (1) Single-family dwellings and their accessory buildings, structures and uses, except for home occupations which shall require minor site plan review.
- (2) Two-family dwellings and their accessory buildings, structures and uses.
- (3) Fences, on single-family and two-family lots.
- (4) Building alterations which do not involve exterior changes, which do not involve increased floor area, where there is no change in use and where there is no increase in impervious coverage.
- (5) Changes in tenancy which do not involve exterior building alterations, where there is no change in actual use of the building (i.e. a clothing store becomes a clothing store, or a restaurant becomes a different restaurant) and where there is no increase in impervious coverage. A change in use from a permitted use to another permitted use, where the proposed use is different from the existing use (i.e. changing a restaurant to a clothing store) shall require minor site plan review, even though both uses may be permitted in that particular zone.

SITE PLAN, MAJOR – Any development plan not classified as a minor site plan.

SITE PLAN, MINOR – Any development plan which is limited to the proposed construction of any permitted accessory use(s), such as a sign, home occupation or off-street parking area of ten (10) spaces or less, as defined in Section 104-6 or any development plan consisting of an expansion of or addition to an existing conforming structure and use not exempted from site plan review by Section 104-24 and not accounting for more than ten (10) percent additional building or lot coverage and not exceeding 5,000 square feet of enclosed and roofed area; provided that such development plan does not involve a planned development, the installation of any road improvements or expansion of public facilities, does not adversely affect the development of an adjoining property or premise and does not require the granting of a variance.

Article III entitled Plan Requirements and Documentation shall be amended to add the following section:

104-12.2 Minor Site Plans

104 – 12.2(a) Purpose

The purpose of this section is to provide certain rules, regulations and standards for the minor development of lands and the use of such section in order to provide for and promote the health, safety and general welfare of the residents of Hainesport Township and of the general public and to provide for a means to regulate and control minor site plan matters without referring to the Site Plan Review regulations of the development ordinance.

104- 12.2(b) Scope

The minor site plan review by the Hainesport Township Joint Land Use Board shall be required for the construction of any improvements which shall be distinguished from the Site Plan Review regulations of the development ordinance by treating all applications under this section as minor site plan review applications and shall be limited to building additions, construction of parking lots, installation of handicapped ramps and such improvements as per current ADA requirements, and other improvements as defined in Section 104-6.

104-45: Industrial District

Section 104-45B(3)(c) Motor vehicle or trailer sales shall be eliminated in its entirety.

104-45.1 Industrial -1 District

Section 104-45.1 entitled Industrial -1 District shall be added to read as follows:

Purpose: The purpose of the Industrial -1 District is to provide areas of the township for the exclusive use of non-noxious industries consistent with Section 104-45 and to provide areas of the township for sexually oriented businesses as a conditional use which can meet the strict performance standards set forth in Chapter 150 of the Code of Hainesport Township and the specific conditions as set forth in Article X of the Hainesport Land Development Ordinance.

A. Dimensional regulations. Within the Industrial -1 District, the following dimensional requirements shall apply:

- (1) Minimum lot area: one acre.
- (2) Building coverage limit: 70%.
- (3) Minimum front yard:
 - (a) On a municipal street: 50 feet.
 - (b) On a county road: 75 feet.
- (4) Minimum side yard: 25 feet.
- (5) Minimum rear yard: 25 feet.
- (6) Minimum frontage: 100 feet.
- (7) Maximum building height: 40 feet.
- (8) Maximum impervious coverage limit: 70%.
- (9) Minimum vegetated area: 30%.
- (10) Minimum setback of parking or traffic aisle from:
 - (a) A right-of-way line: 35 feet.
 - (b) A side or rear property line: 15 feet.

B. Use regulations.

(1) Permitted uses. The following land uses are hereby established as permitted uses in the Industrial -1 District:

- (a) Indoor recreation buildings.
- (b) Heavy manufacturing.
- (c) Government facilities.
- (d) Warehousing and indoor storage facilities.
- (e) Motor vehicle service stations.
- (f) Printers or publishers.
- (g) Septic transfer stations.

(2) Conditional uses. The following land uses are hereby established as conditional uses in the Industrial -1 District:

- (a) Motor vehicle and trailer sales.
- (b) Sexually Oriented Businesses

(3) Prohibited uses. The following land uses are hereby established as prohibited uses in the Industrial -1 District:

- (a) Motels or hotels.
- (b) Housing of any kind.
- (c) Dry-cleaning factories.
- (d) Restaurants of any kind.
- (e) Hospitals.
- (f) Cemeteries.
- (g) Clubs or lodges.
- (h) Educational buildings.
- (i) All other uses not specifically permitted.

104-46: Residential -1a District

Section 104-46A(1) shall be amended to add the following:

Section 104-46A(1)(h) Impervious coverage ratio (ICR). The maximum ICR permitted on any residential lot shall not exceed 25%.

104-49: Rural Residential – 5 District

Section 104-49B(4) shall be amended to read as follows:

Nonconforming lot. All lots less than five acres in size shall be nonconforming lots.

Section 104-49A(13) pertaining to any existing lot shall be eliminated in its entirety.

104-53: Regulations applicable to all zones.

Section 104-53G(2)(a) shall be amended to read as follows:

No fence or wall hereafter erected, altered or reconstructed in other than residential districts shall exceed a height of 8 feet above the ground.

104-55: Commercial districts.

Section 104-55B entitled Temporary Storage Buildings shall be eliminated in its entirety.

Section 104-55E shall be amended by adding the follow language:

Outdoor displays. Where permitted, outdoor displays shall not occur as a temporary use for more than three times during the calendar year and shall be removed within thirty days from the date of approval from the zoning officer.

104-71: Self Storage Facilities

Section 104-71 entitled Self Storage shall be added as follows:

Self storage facilities shall be permitted as a conditional use in the following districts: Industrial I, Business Park BP, and Highway Commercial HC provided that the use does not constitute a nuisance or hazard for any reason in the neighborhood or for adjacent properties which promote safety, and a harmonious integration of the facilities as permitted uses within the master plan and the land use regulations of the Township. Self storage facilities shall be permitted subject the certain other specific conditions as follows:

- (1) Unless the proposed facility is entirely within a building and all access to individual units is within that building, facilities shall be surrounded by a fence six feet in height of the type permitted by Section 104-53G.
- (2) All driveways and aisle ways shall be subject to the review and approval of the fire subcode official.

- (3) Storage of motor vehicles, except vehicles which are qualified to be and licensed as antique vehicles or qualify for insurance purposes as collectible, is prohibited. It shall be the specific intent of this provision to prohibit storage of vehicles that are regularly used and allow only the storage of vehicles that have some extrinsic value due to age or other consideration and are not used on a regular basis.
- (4) Repairs of motor vehicles, boats or any other machinery (including antique or collectible vehicles) are prohibited.
- (5) Facilities shall be subject to methods of providing twenty four (24) hour per day security as approved by the reviewing agency.
- (6) Storage of flammable or hazardous materials, as those terms are defined by the Uniform Fire Code, the USEPA and/or the NJDEP (whichever definition is the most stringent), shall be strictly prohibited.
- (7) All setback and buffering requirements, especially for areas abutting residential zones or existing residential uses shall be strictly applied.

104-74: Sexually Oriented Businesses.

Sexually oriented businesses shall be permitted as a conditional use in the Industrial -1 district and shall be permitted as a conditional use provided that the use does not constitute a nuisance or hazard for any reason in the neighborhood or for adjacent properties which promote safety, and a harmonious integration of the facilities as permitted uses within the master plan and the land use regulations of the Township. Sexually oriented businesses shall be permitted subject the certain other specific conditions as follows:

- (1) Compliance with all regulations as established in Chapter 150, Sexually Oriented Businesses of the Code of the Township of Hainesport.
- (2) A sexually oriented business shall not be located within 1,000 feet of the following:
 - (a) A church or place of religious worship;
 - (b) A public or private elementary or secondary school;
 - (c) A child care facility;
 - (d) A public park;
 - (e) Another sexually oriented business;
 - (f) Any area zoned for a residential use.
- (3) For the purpose of Subsection (2), measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or place of religious worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot.
- (4) Every sexually oriented business shall be surrounded by a perimeter buffer of at least 50 feet in width with plantings, a fence, and other physical dividers along the outside of the perimeter sufficient to impede the view of the interior of the premises in which the business is located. All such plant material shall be a minimum of six feet in height at the time of planting along any common property line.

104-88: Senior Citizen District.

Section 104- 88 shall be amended to read as follows:

A. Section “A” to remain unchanged.

B. Section “B” Development standards. Within the Senior Citizen District, the following dimensional requirements shall apply:

(1) Permitted uses. The following are permitted uses:

- (a) Single-family detached homes.
- (b) Townhomes/Twin Homes.
- (c) Public and private educational and recreational facilities.

(1.1) Conditional uses. Shall be amended to read as follows:

General commercial (subject to the standards as defined in Section 104-41)

Office (subject to the standards as defined in Section 104-43)

(2) Standards of development.

- (a) Age restricted. To remain unchanged.
- (b) Minimum area. The minimum gross area for development shall not be less than ten (10) contiguous acres.
- (c) Required open space. Land equal to or not less than 10% of the gross acreage of any senior citizen residential development shall be set aside as open space. Said lands shall be developed into recreational facilities to meet the needs of the residents within the community.
- (d) Maximum density. The density in any such development shall not exceed six (6) dwelling units per total tract acre.
- (e) Fair share housing. A minimum percentage of all units shall be set aside for low and moderate income resident pursuant to the rules as established by the Council on Affordable Housing.
- (f) Height. To remain unchanged.
- (g) Public water and sewer facilities. To remain unchanged.
- (h) Buffer. A minimum perimeter buffer of twenty-five (25) feet shall be provided in areas of dissimilar housing types and along any area adjacent to a rail line. The buffer area shall be exclusive of fencing and individual property lot areas.
- (i) Homeowners association. To remain unchanged.
- (j) Schedule of development. To remain unchanged.
- (k) Single-family dimensional standards. Where single-family detached homes are proposed, dimensional and other requirements shall be as follows:
 - [1] Lot size: The minimum lot size of any single-family detached building shall be 5,500 square feet.
 - [2] Frontage: 50 feet.
 - [3] Front yard: 20 feet.
 - [4] Side yard: 5 feet minimum, 10 feet aggregate.
 - [5] Rear yard: 20 feet.
 - [6] Impervious coverage limit: To remain unchanged.
 - [7] Mix: See Subsection B(2)(1)(1) below.

- (l) Attached housing dimensional standards: To remain unchanged.

104-112 Lots.

Section 104-112B(6) shall be amended to read as follows:

Any nonconforming residential lot or existing residential lot, not in the same ownership with any adjacent lot, and which does not meet the minimum lot size may have a principal and accessory buildings and structures constructed on it without an appeal for variance relief provided that:

- (a) The proposed use(s) on the lot are conforming to the permitted use(s) stipulated in the appropriate development section of the Ordinance for the lot in question.
- (b) The permitted building and total lot coverage's are not exceeded.
- (c) The buildings and /or structures do not violate any other requirements of the Development Ordinance such as, but not limited to , height, setback and parking.

104-115 Off-street parking and loading.

Section 104-115B(5) shall be amended to read as follows:

Dimensions. Off-street parking spaces shall be 9 feet wide and a minimum of 18 feet in length.

Section 104-B(12) shall be amended to add the following :

Use	Minimum Number of Required Spaces
Indoor Recreation	1 per 250 square feet of gross floor area.

104-120 Shade trees.

Section 104-120B shall be amended by adding the following language:

B. Regulations. All shade trees shall have a minimum diameter of 2½ inches measured three feet above the ground and be of a species approved by the approving authority. Trees shall be planted 50 feet apart and parallel to, but no more than 25feet from, the right-of-way line and shall be balled and burlapped, nursery grown, free from insects and disease, and true to species and variety. In the event that there does not exist the minimum width to plant the trees, the number of required trees shall be planted within other areas of the development. Stripping trees from a lot or filling around trees on a lot shall not be permitted unless it can be shown that grading requirements necessitate removal of trees, in which case those lots shall be replanted with trees to reestablish the tone of the area and to conform to adjacent lots. Dead or dying trees shall be replaced by the developer during the next recommended planting season.

104-123 Signs.

Section 104-123E(5-a) Temporary Political Signs shall be eliminated in its entirety.

Section 104-123H Signs in Highway Commercial and General Commercial Districts shall be amended by adding the following language:

- (4)(e) Directional signs shall be located a minimum distance of five feet from a right-of-way or property line and shall be a minimum of one foot outside any road or driveway sight triangle.

Section 104-123J signs in Office and Professional Districts shall be amended by adding the follow language:

- (1) Each lot shall be permitted one ground mounted free standing sign, not to exceed 25 square feet per visible side.
- (2) Multitenant structures.
- (a) Each building shall be permitted one façade sign, not to exceed 15 square feet per visible side.

Section 104-123M signs in I Industrial District shall be amended by adding the follow language:

- (5)(d) Directional signs shall be located a minimum distance of five feet from a right-of-way or property line and shall be a minimum of one foot outside any road or driveway sight triangle.

104-132 Certificates and permits.

Section 104-132C(3) shall be amended by adding the following language:

Change of use. No owner, tenant or other person shall use or occupy a building or structure, thereafter the use of which shall be changed without the owner first procuring an occupancy permit, provided that an occupancy permit once granted shall continue in effect so long as there is no change in use, regardless of change in tenancy or occupancy. Any change of use or occupancy within Hainesport Township will void the previously issued certificate of occupancy and require the issuance of a new certificate of occupancy. The Zoning Officer shall determine whether the new use is consistent with the provisions of Chapter 104 entitled "Land Use Township of Hainesport". Should the Zoning Officer determine that the new use is inconsistent with the provisions of Chapter 104, a development application shall be required to be submitted. The purpose of the Zoning Officers review is to determine whether the new use will conform to all appropriate Township regulations and to ensure that the existing facilities will be adequate for the proposed use.

104-135 Nonconforming uses and buildings.

Section 104-135C shall be amended to read as follows:

C. Restoration. Except within the General Commercial and Highway Commercial Districts, if any nonconforming building, structure or sign shall be destroyed by reason of wind storm, fire, explosion or other acts of God or the public enemy, and the foundation and at least two walls of the structure or accessory structures survives, a permit shall be issued for the reconstruction of a nonconforming use. Nothing in this section shall prevent the strengthening or restoring to a safe condition any wall, floor or roof which has been declared unsafe by the Construction Code Official.

All other provisions of Chapter 104 of the Land Use Ordinances of the Township of Hainesport shall remain in full force and effect; however any Ordinances or parts of Ordinances inconsistent with the provisions of this ordinance as amended are hereby repealed to the extent of said inconsistency.

This Ordinance shall take effect immediately upon final passage and the publication in accordance with the laws of the State of New Jersey. Further in accordance with provisions of N.J.S.A. 40: 55-D-16, a copy of this Ordinance as finally adopted shall be filed with the Burlington County Planning Board.

NOTICE

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2011-2-3**

**ORDINANCE OF THE TOWNSHIP OF HAINESPORT,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,
AMENDING THE TOWNSHIP'S DEVELOPMENT/ZONE CODE**

The ordinance published herewith was introduced and passed upon first reading at a regular meeting of the Township Committee of the Township of Hainesport held on March 8, 2011. It will be further considered for final passage after a public hearing at the regular meeting to be held on April 12, 2011 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:30 P.M. at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard.

Dated:

Paul J. Tuliano, Jr.
Township Administrator/Clerk

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher			X			
Porto			X			
Fitzpatrick		X	X			
Dickinson			X			
MacLachlan	X		X			

FINAL NOTICE

**HAINESPORT TOWNSHIP
ORDINANCE NO. 2011-2-3**

**ORDINANCE OF THE TOWNSHIP OF HAINESPORT,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,**

AMENDING THE TOWNSHIP'S DEVELOPMENT/ZONE CODE

Notice is hereby given that Ordinance 2011-2-3 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 April 12, 2011. Said Ordinance shall take effect in accordance with law.

ATTEST:

Dated: _____

Paul J. Tuliano, Jr.
Township Administrator/Clerk

ACKNOWLEDGEMENT OF
APPROVAL BY:

Dated: _____

Michael Dickinson
Mayor of Hainesport Township

	Motion	Second	Ayes	Nays	Abstention	Absent
Boettcher						X
Porto			X			
Fitzpatrick		X	X			
Dickinson			X			
MacLachlan	X		X			

Introduced: March 8, 2011
First Publication: March 11, 2011
Adoption: April 12, 2011
Final Publication: April 17, 2011