

**TOWNSHIP OF HAINESPORT**

**ORDINANCE NO. 2018-2**

**AN ORDINANCE TO AMEND CHAPTER 104 OF THE CODE OF THE TOWNSHIP OF HAINESPORT, AND SPECIFICALLY SECTION 104-65, "DEVELOPMENT FEES"**

**WHEREAS**, by Ordinance 2016-5-4, the Township Committee of the Township of Hainesport amended Section 104-65, subsections D, E & F regarding residential and non-residential development fees; and

**WHEREAS**, since the enactment of that legislation, it has become clear that clarification as to the applicability of an enhanced development fee for increased residential densities arising not only from a "density variance" under N.J.S.A. 40:55D-70(d)(5), but also to any increase in density as a result of a variance, including use variances where the permitted uses on the property under existing zoning do not include any residential activity, and residential uses have been approved by the applicable Land Use Board, thereby resulting in a situation where any and all units so approved, represent an increase over what otherwise would have been permitted under existing zoning; and

**WHEREAS**, the Township Committee is desirous of clarifying this situation, and amending Chapter 104-65(D) to address this issue, as well as removing same from the Township's land use chapter.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Hainesport, County of Burlington, State of New Jersey that Section 104-65(D), entitled "Residential Development Fees", is hereby amended to move the entire §104-65, "Development Fees" to Chapter 44, "Affordable Housing", and establish same as §44-30, "Affordable Housing Development Fees"; and to further amend §104-65(D)(1) [to now

be re-numbered §44-30(D)(1)], at subparagraph (1), “Imposed Fees”, to add the following new subparagraph (c):

“(c) Increased Dwelling Unit Density As Result Of Use Variances. Where residential development is approved as a result of a use variance, where the underlying zoning regulations did not permit residential construction as a permitted use, or only permitted limited residential construction, thereby necessitating the obtainment of a use variance by the Developer for the construction of any or additional residential units, (“excess units”). Developers shall be required to pay a development fee equal to the percentages of the equalized assessed value for each unit that may be constructed, over and above what the existing and underlying zoning would have permitted, as follows:

- (1) For the first 20% of the excess units constructed: 1.5%;
- (2) For the second 20% of the excess units constructed: 2.75%;
- (3) For the third 20% of the excess units constructed: 3.50%;
- (4) For the fourth 20% of the excess units constructed: 4.75%;
- (5) For the fifth 20% of the units constructed: 6.0%

#### **REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

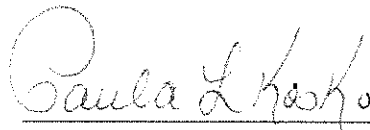
- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

## NOTICE OF PUBLIC HEARING

### HAINESPORT TOWNSHIP ORDINANCE NO. 2018-2

The Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of Hainesport held on February 13, 2018. It will be further considered for passage after a public hearing at the regular meeting to be held on March 13, 2018 at the Municipal Building, One Hainesport Centre, Hainesport, New Jersey at 7:00 PM at which time and place any persons desiring to be heard upon the same will be given an opportunity to be heard. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

Dated: 02.13.2018



Paula L. Kosko, RMC, Township Clerk  
Township Administrator

| Committee member | Motion | Second | Yes | No | Abstain | Absent |
|------------------|--------|--------|-----|----|---------|--------|
| Costa            |        |        | X   |    |         |        |
| Gilmore          |        | X      | X   |    |         |        |
| Schneider        | X      |        | X   |    |         |        |
| Fitzpatrick      |        |        |     |    |         | X      |
| Masciocchi       |        |        | X   |    |         |        |

**NOTICE OF FINAL PASSAGE**

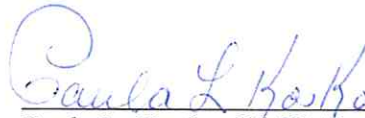
**HAINESPORT TOWNSHIP**

**ORDINANCE NO. 2018-2**

Notice is hereby given that Ordinance No. 2018-2 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 March 13, 2018. Said Ordinance shall take effect in accordance with the law.

ATTEST:

Dated: MARCH 13, 2018



Paula L. Kosko, RMC, Township Clerk  
Township Administrator

ACKNOWLEDGMENT OF

APPROVAL BY:

Dated: APRIL 3, 2018



FRANK MASCIOCCHI  
Mayor of Hainesport Township

| Committee member | Motion | Second | Yes | No | Abstain | Absent |
|------------------|--------|--------|-----|----|---------|--------|
| Costa            |        |        | X   |    |         |        |
| Gilmore          | X      |        | X   |    |         |        |
| Schneider        |        | X      | X   |    |         |        |
| Fitzpatrick      |        |        |     |    |         | X      |
| Masciocchi       |        |        | X   |    |         |        |

Introduced: February 13, 2018

First Publication: February 18, 2018

Adoption: March 13, 2018

Final Publication: March 16, 2018