

Ordinance ____

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF ORDINANCES,
HAMILTON TOWNSHIP, NEW JERSEY, CHAPTER 160 LAND DEVELOPMENT, ARTICLE II
ZONING DISTRICTS MAP AND ARTICLE III DISTRICT REGULATIONS**

WHEREAS, the arts and culture contribute positively to a community in a variety of ways, including economic, aesthetic, educational and by enhancing civic pride;

WHEREAS, the promotion of arts and culture in Hamilton Township will support existing businesses and the creation of new business ventures;

WHEREAS, the Planning Board adopted an Arts and Culture Amendment to the Land Use Plan on September 24, 2009; and

WHEREAS, the Township Land Use Code requires certain amendments to be consistent with the Arts and Culture Amendment to the Land Use Plan.

THEREFORE 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 Ordinances of Hamilton Township, Chapter 160, Land Development shall be amended as follows:

Article II. Zoning Districts; Map. Section 160-42. Zoning Map.

The boundaries of the Arts and Culture zoning overlay shall be applied to the area depicted in the Arts and Culture Overlay Zoning District Map Amendment, prepared by Clarke Caton Hintz and dated September 2009.

Article III. District Regulations. Section 160-90. Arts and Culture Overlay

All requirements of the Hamilton Township Land Development Code for the respective zoning districts within the Arts and Culture Overlay shall remain in effect except as specifically superseded by the following, unless otherwise noted:

- (1) *Purpose.* The Arts and Culture Overlay has been designated to promote investment through mixed use and commercial development that expands the presence of and/or otherwise enhances the arts and culture within the district.
- (2) *Principal permitted uses on the land and in the buildings.* The following permitted uses shall supplement the uses permitted in the underlying zone districts.
 - a. Arts & culture principal permitted uses
 1. Art galleries, including art sales.
 2. Art, music and dance studios.
 3. Teaching of visual and performing arts.

4. Performing art facilities and theaters.
 5. Museums, art libraries and other similar cultural facilities.
 6. Artist live/work space.
- b. Supporting principal permitted uses
1. Commercial recreation.
 2. Hotel.
 3. Restaurants, excluding drive-thru restaurants.
 4. Retail uses associated with and directly related to an arts and culture use on the same lot or as part of the same development project.
 5. Residences not located on the ground floor of a mixed use building.

(3) *General Requirements.*

- a. A floor area ratio bonus to a maximum total floor area ratio of 0.40 and an impervious surface coverage bonus to a maximum total coverage of 0.80 shall be conveyed to any lot developing one or more of the Arts and Culture overlay district's principal permitted uses provided that at least 20% of the total building floor area on the lot consists of one or more of the Arts and Culture principal permitted uses as set forth in section (2)a above. The bonuses set forth in this section are not to be conveyed for supporting principal permitted uses as set forth in section (2)b above.
1. No building developed under this subsection shall exceed 45 feet in height and any building which exceeds 35 feet in height shall provide twice the buffer which would otherwise apply under this ordinance in the event the lot is adjacent to a residential district or use.
- b. A floor area ratio bonus and an impervious surface coverage bonus shall be conveyed to any lot developing passive or active open space that would be open to the public, provided the following standards are met or exceeded.
1. For each one (1) square foot of open space provided on the lot, a floor area ratio bonus equivalent to one (1) square foot of floor area and an impervious surface coverage bonus equivalent to two (2) square feet shall be granted.
 2. The open space must be visible and easily accessible from a public street.
 3. The open space must include one or more elements of public art, such as, but not limited to outdoor sculpture, murals and/or artist designed furnishings.
- c. Site design standards. The following standards shall apply to all development and redevelopment.
1. Buildings shall be primarily oriented toward and relate to a public street. Buildings shall not be primarily oriented toward a parking lot.

2. Parking lots shall be located at the side or rear of buildings.
 3. Sidewalks shall be provided along the street frontage of all lots.
 4. Street trees shall be provided along the street frontage of all lots.
 5. A visual screen of plantings shall be provided along property lines adjoining residential districts.
- d. Architectural standards. All development and redevelopment shall comply with the standards in Section 160-167 (Evaluation standards and criteria for planned developments).
- e. Freestanding sign standards.
1. Where freestanding signs are permitted by the underlying zone district, one freestanding sign shall be permitted along each street frontage.
 2. Maximum height shall be 8 feet.
 3. Maximum area shall be 50 feet.
 4. Freestanding signs shall not be located within 20 feet of a public street or the boundary of a residential zone and shall not in any way interfere with the safe functioning of any traffic control signal nor be located within an intersection sight triangle easement.
 5. Freestanding signs shall be monument-type signs or shall be skirted to enclose the supporting pole(s) or pylon(s) of the sign. The skirting shall extend the full dimensions of the sign at its lower edge from ground to sign. The skirting shall not be included in the sign size calculation unless it displays a message.
 6. The base of the freestanding sign shall be liberally landscaped with a combination of shrubs, ground cover, flowers, or other plant material.
- f. Placement of public art. The following standards shall apply to outdoor sculpture within the Arts and Culture Overlay district which is intended to be viewed from a public right-of-way or other public property.
1. The placement of outdoor sculpture shall not require site plan approval; only a zoning permit shall be required, provided it does not jeopardize the public health or safety and the following standards are met:
 - i. Outdoor sculpture shall not be located within a site triangle.
 - ii. Outdoor sculpture shall not impede the flow of pedestrian, bicycle or vehicular traffic.
 2. Front, side and rear yard setback standards shall not apply to outdoor sculpture.
 3. Outdoor sculpture shall be excluded from the calculation of impervious surface coverage.

4. Outdoor sculpture may be located within a surface parking lot. Any parking spaces eliminated as a result shall not require parking relief from the Planning Board, provided the zoning officer is satisfied that the remaining parking and circulation is adequate for the associated use.

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