

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

ORDINANCE

No. **24-031**

1ST READING JULY 16, 2024
2ND READING & PUBLIC HEARING AUGUST 20, 2024
WITHDRAWN _____ LOST _____

DATE TO MAYOR AUGUST 21, 2024
DATE RESUBMITTED TO COUNCIL _____
DATE EFFECTIVE _____

APPROVED AS TO FORM AND LEGALITY

FACTUAL CONTENTS CERTIFIED TO BY

TOWNSHIP ATTORNEY

TITLE

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

**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."

.....

**Article III
District Regulations**

§ 550-71 General principles.

No building shall hereafter be used, erected, altered, converted, added to, moved or reduced, wholly or in part, nor shall any land be designated, used or physically altered for any purpose or in any manner except in conformity with this chapter. No land area shall be disturbed for development by any person, partnership, corporation, municipal corporation or other public agency within this Township unless a plan to provide for soil erosion and sedimentation control has been approved by the United States Department of Agriculture Natural Resources Conservation Service and all other development regulations in this chapter have been complied with. Proof of such approval by the United States Natural Resources Conservation Service must be presented to the Township Engineer and Township Planner prior to commencing any such activity.

.....

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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§ 550-77 CC Community Commercial District.

In a CC Community Commercial District, the following shall apply:

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B. Principal permitted uses on the land and in buildings. (Note: Convenience stores are permitted in the HC Highway Commercial and GC General Commercial Zones only; see § 550-78B(55).)

(1) All uses permitted in the NC Neighborhood Commercial Zone, subject to the requirements of the CC Community Commercial Zone.

.....

(15) Parcel package shipping store or mailing center.

(16) Massage, bodywork and somatic therapy establishments subject to the provisions of Chapter 296, Massage and/or Somatic Establishments.

.....

§ 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 or professional services.

.....

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

(t) Massage, bodywork and somatic therapy establishments subject to the provisions of Chapter 296, Massage and/or Somatic Establishments.

.....

**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.

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§ 550-113 Stormwater management.

A. Purpose. Development often changes the hydrologic and hydraulic regime of the watersheds in which it is effected. Increased flooding, increased erosion of channels and increased pollutant loadings are some of the problems associated with uncontrolled development. The objectives, therefore, of this section of the Code of the Township of Hamilton, Mercer County, New Jersey, are:

.....
D. Submission requirements.

(1) The principles and standards stipulated in this section shall be applicable to all developments which are subject to review and approval by the Township of Hamilton. The stormwater management report to be submitted shall include, at a minimum, the following:

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(2) In order to provide general guidelines for the many types of development covered by this section, the following categorizations are made:

(a) Category No. 1: development that concurrently contains mostly impervious area and where additional development and/or site modifications will cause no increase in runoff and/or impervious area. Stormwater management reports for this type of development shall address water quality control as the dominant concern. However, if the area is known to have persistent flooding problems, a detention basin or some other kind of storage or flood mitigation shall be required.

(b) Category No. 2: development not covered in Category No. 1 and where the site is less than 10 acres in total area. Stormwater management reports shall require both water quality control and flood mitigation measures. [Either the Modified Rational Method or the United States Department of Agriculture (USDA) TR-55 Method may be used to generate the hydrographs for predevelopment and post-development conditions.] Calculations shall be performed in accordance with the current NJDEP Standards.

(c) Category No. 3: development not covered under either of the two categories above. Stormwater management reports shall require both water quality control and flood mitigation measures. [The USDA TR-55 Method shall be used to generate the hydrographs for predevelopment and post-development conditions.] Calculations shall be performed in accordance with the current NJDEP Standards.

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

A. Landscaping.

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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.

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(3) Handicapped parking spaces.

(a) [Where parking lots are provided, designated parking spaces for handicapped persons shall be required as follows:] Where parking lots are provided, designated parking spaces for handicapped persons shall be required as per current Federal Requirements in the ADA Standards for Accessible Design.

[Total Number of Parking Spaces in Lot]	[Required Number of Accessible Spaces]
[Up to 50]	[1]
[51 to 200]	[2]
[Over 200]	[1% of total spaces in lot (to nearest whole number)]

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**Article X
Supplementary Regulations and General Modifications; Exceptions
and Additions**

§ 550-311 Interpretation and application of regulations generally.

In interpreting and applying these regulations, the requirements contained in this chapter are declared to be the minimum requirements necessary to carry out the purpose of these regulations. Except as hereinafter provided, these regulations shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever any easements, covenants or other agreements between parties. Whenever the provisions of these regulations impose greater restrictions upon the use of land or buildings or upon the height of buildings, or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations or permits or any easements, covenants or other agreements between parties, the provisions of these regulations shall govern.

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§ 550-312 Use regulations.

A. Effect of zoning.

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G. Parking, loading and vehicular access.

(1) Off-street parking and loading regulations. No building shall be erected or structurally altered except in conformity with the off-street parking and loading regulations specified in this chapter.

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(3) Parking of commercial vehicles in residential zones and on residential properties in any zone. One commercial vehicle [not having more than four wheels,] owned or used by a resident of the premises, shall be permitted to be parked on a public street or parked or garaged on a lot as an accessory use in accordance with the Code of the Township of Hamilton. The provisions of this chapter must be met on the single lot for which the use is accessory to the main use of the premises. The provisions shall not be deemed to limit the number of commercial trucks or cars used upon an active farm for agricultural purposes or construction equipment which is used on the site for construction purposes.

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§ 550-313 Area and yard regulations.

A. Area.

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F. Site Plan.

Any addition or alteration to an existing conforming, nonresidential structure which does not exceed 2,000 square feet of enclosed and roofed area; which does not involve any variance nor waiver request; which involves a site which previously received formal site plan approval; which, in opinion of the Administrative Officer, meets parking and other applicable requirements of the requested construction may be approved by the Administrative Officer through application for an Administrative Waiver of Site Plan Review.

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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" PAPERIO, JR.							PASQUALE "PAT" PAPERIO, 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 _____

JEFFREY S. MARTIN, MAYOR

DATE

APPROVED _____

RECONSIDERED BY COUNCIL _____ OVERRIDE VOTE AYE _____ NAY _____

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