

Borough of Hamburg
15-2024

AN ORDINANCE AMENDING CHAPTER 215-ZONING-OF THE GENERAL CODE OF THE BOROUGH OF HAMBURG BASED UPON AND IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE 2018 MASTER PLAN RE-EXAMINATION REPORT PREPARED BY THE HAMBURG LAND USE BOARD

BE IT ORDAINED by the Mayor and Council of the Borough of Hamburg in the County of Sussex, State of New Jersey, that Chapter 215 – Zoning – of the Borough of Hamburg is hereby amended in accordance with the recommendations of the 2018 Master Plan Re-Examination Report prepared by the Hamburg Land Use Board.

1. Section 215-6- Effect of Zoning. Add: However, any legally non-conforming use or structure existing at the time of this ordinance may continue as is but may only be extended, enlarged or altered if the appropriate approvals or exemptions are obtained.

2. Section 215-7- Zoning Board of Adjustment. Amend in its entirety as follows: The Land Use Board shall act as the zoning Board of Adjustment and is established pursuant to N.J.S.A. 40:55D-69 et seq., as set forth in Chapter 28, Land Use Procedures, Article II, and shall have the powers and duties as set forth in Chapter 28 and as provided by the statute. Application for development within the jurisdiction of the Zoning Board of Adjustment shall be filed in accordance with the provisions of Chapter 28, state statute and the rules, regulations and instructions of the Zoning Board of Adjustment. Any reference in this Chapter to Zoning Board of Adjustment shall mean Land Use Board.

3. Section 215-8-Definitions: Add, Delete or Amend, as follows:

Airport: - Amend definition in its entirety to provide: The only aircraft operation allowed within the Borough are those associated with medical services and governmental aircraft.

Family: - Add: This definition also includes those living in a group home or similar facility.

Least Cost Housing: Delete in entirety.

Parking Spaces: - Amend 162 square feet to 9' x 18'

Word Usage: Add:

For any words or word usage not included in Article III hereof, a dictionary of common usage or, alternately, the New Illustrated Book of Development Dates Definitions by Moskowitz and Lindbloom may be used.

4. Section 215-10- Conformity of Area Regulations – Revise in entirety as follows: It shall be unlawful to locate, erect, construct or re-construct, enlarge or structurally alter any building or structure except in conformity with the regulations of the District in which such building or structure is located, except as provided in Section 215-6 herein
5. Section 215-11 – Conformity of Use – Revise in entirety as follows: It shall be unlawful to use any land or building for any purpose except in conformity with regulations of the District in which such building or structure is located, except as provided in Section 215-6 herein.
6. Section 215-16 – Appearance of Buildings – Revise reference to typical commercial and storefront designs as follows. Typical commercial and storefront designs are prohibited in residential districts.
7. Section 215-17 – Prohibited Uses: Add the following provision: In addition, Article XXVI provides several uses that are expressly prohibited, although the list is not intended to be comprehensive and does not include all exceptions that exist. For example, communication towers are prohibited in all zones, except for those located on municipal property. Furthermore, houses of worship, as another example, are prohibited in residential zones but any that exist in residential zones, as of the date of this ordinance, may continue and may or may not be allowed to expand, based on applicable legal and planning principles.
8. Section 215 -22.,1 A – Housing of Large Animals – No Change

9. Section 215-23 – Enumeration of Zoning Districts – Revise in its entirety as follows:
For the purpose of this Chapter, the Borough is divided into Zoning Districts as follows:

Symbol	Name
R-1*	Low Density Single Family Residential
R-2	Moderate Density Single Family Residential
RO	Residential / Office
P*	Public Use
PR	Planned Multi Family Residential
RPR	Restricted Planned Residential Development
PD	Planned Development – Mixed Use\
BC*	Borough Center
HC	Highway Commercial

LI*	Light Industrial
CR*	Conservation / Recreation

10. Section 215-24 – Zoning Map – Amend in its entirety to provide as follows: The boundaries of these zoned districts are hereby established as shown on a map entitled “Borough of Hamburg, Sussex County, New Jersey, Official Zoning Map,” as prepared by Mott, McDonald Engineers dated August 31, 2023 as amended when required, which map is hereby made a part of this chapter. The map is on file in the office of the Borough Clerk and is available for inspection and copies thereof are available to interested members of the public

11. Section 215-25 – Interpretation of Boundaries – Amend in its entirety as follows: Zone district boundary lines are intended to follow street center lines and/or lot or property lines as they existed on August 31, 2023, unless otherwise indicated by dimensions on the Zoning Map. The exact location of any disputed zone district boundary line shall be determined pursuant to N.J.S.A. 40:55D-70(b).

12. Article VI – RR Residential Zone Regulations amended as follows :R-1 and R-2 Residential Zone Regulations.

13. Section 215-26 Principal Permitted Uses. Statement of uses amended as follows: These two zones are designated primarily for single family detached residences in accordance with the requirements herein set forth.
 - A. Single-family detached dwellings.
 - B. Residential cluster developments subject to the applicable requirements of Article IX related to single-family detached dwellings only.
 - C. Home professional office and home occupations in the single-family detached dwellings:
 1. The office of professional persons are permitted, provided such professional person resides on the premises. Not more than two persons, other than the resident of the premises, may be employed by such professional person and not more than ½ of the floor area of one story of the dwelling unit shall be devoted to such use. No use permitted by this section shall result in any permitted professional use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of said use visible from the exterior of the building so used. The Zoning Officer shall determine if a site plan approval is required based on parking demand and the impact on the neighborhood.

2. Home occupations and home businesses are permitted, provided that not more than ½ of the floor area of one story or the basement shall be devoted to such use or, if conducted in an accessory building, the area of such use shall be limited to not more than ½ of the floor area of the principal structure. No merchandise or materials, either assembled or unassembled, shall be received into the residence or accessory structure for the purpose of merely storing and/or reselling. No machinery or equipment shall be used except machinery or equipment which is usually found in the home and which will not cause electrical or other interference with radio and/or television reception other communication devices. No use permitted by this section shall result in any use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of said use visible from the exterior of the building so used. No employees, other than those residing in the home shall be permitted to engage in any business activity. No visitors or clients shall be permitted on the premises. All such uses shall require a Zoning Permit but not a site plan approval.

14. Section 215-27 – Other Permitted Uses: Amend to retitle as Other Permitted Uses.

Accessory uses customarily incident to the above uses shall be permitted, provided that they do not include any activity commonly conducted for profit. Accessory uses specifically permitted are:

A. Commercial and oversized vehicles, such as but not limited to motor homes and boats, in accordance with the provisions of Article XXII.

B. Signs as permitted by Article XXIV.

C. Sheds, swimming pools, fences and similar features and physical improvements.

D. Temporary storage containers, provided they are located on the property for not more than 90 days within a 12-month period. A Zoning Permit is required for all such storage containers and no container shall be located within a street ROW.

E. Home Office – An activity carried on for gain by a resident in a dwelling unit, and which is not subject to the provisions of 215-26 herein, shall be a permitted accessory use in this zone, provided that the use is limited solely to office use and adheres to the following restrictions:

(1) The use is operated by or employs in the residence only a resident or residents who are permitted full-time residents of the dwelling unit, and no other persons;

(2) No nonresident employees, customers, or business invitees or guests shall visit the dwelling unit for business purposes;

(3) The use shall be located in only one room of the dwelling unit, which shall not be served by an entrance separate from the household;

(4) Interior storage of materials shall only consist of supplies;

(5) There shall be no change to the exterior of buildings or structures because of the use, and no outside appearance of a business use, including, but not limited to, parking, storage, signs or lights;

(6) The use operates no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with telephone, radio or television reception, detectable by neighboring residents;

(7) The use does not require any increased or enhanced electrical or water supply;

(8) The quantity and type of solid waste disposal is the same as other residential uses in the zone district;

(9) The capacity and quality of effluent is typical of normal residential use, and creates no potential or actual detriment to the sanitary sewer system or its components;

(10) Delivery trucks shall be limited to U.S. Postal Service, United Parcel Service, Federal Express, and other delivery services providing regular service to residential uses in the zone district;

(11) All vehicular traffic to and from the home office use shall be limited in volume, type and frequency to what is normally associated with other residential uses in the zone district..

15. Section 215-27 E. (2) Home Business to permitted use .- Add at end: No employee other than those residing at the home shall be permitted to engage in any business activity. No visitor or client shall be permitted on the premises. Such uses shall require a zoning permit but not a site plan approval.

16. Section 215-28 – Conditional uses. Add: new subsection C. Houses of worship existing at the date of this ordinance. Add: new subsection D. Bed and Bath accommodations and similar facilities.

17. New Section 215-29A – Dimensional Standards. The following requirements shall be met in the R-1 Residential Zone.

A. Minimum lot area. The minimum lot area shall be at least 20,000 square feet and must be measured within 100 feet of the front right-of-way line.

B. Minimum lot width. The minimum lot width at the street line shall be 80 feet measured along the street line and the minimum lot width at the building setback line shall be 100 feet. Where a lot is on a curve at the end of a permanent cul-de-sac, the minimum lot width shall be 45 feet measured along the subtended chord of the arc at the street line and the minimum lot width at the building setback line shall be 65 feet. Lots

fronting on such a curve shall be exempt from the depth provisions of Subsection A above.

C. Front yard. There shall be a front yard of not less than 40 feet.

D. Side yards. There shall be two side yards, totaling 25 feet and provided that no side yard shall be less than 15 feet.

E. Rear yard. There shall be a rear yard of not less than 50 feet.

F. Height. The height of the principal structure shall not exceed 35 feet or 2 ½ stories, whichever is less.

G. Minimum floor area. Every principal structure erected shall have a minimum first-floor area of 650 square feet plus an additional minimum of 150 square feet for each bedroom.

H. Total impervious coverage. The maximum land area to be covered by all impervious surfaces shall not exceed 50% of the total lot area.

I. Building coverage. The maximum land area to be covered by the principal building shall not exceed 20% of the total lot area.

J. Accessory structures. All accessory structures shall meet the following requirements:

(1) Height. The height of an accessory structure shall not exceed 15 feet.

(2) Side yard. An accessory structure shall not be located closer than 5 feet to the side lot line

(3) Rear yard. An accessory structure shall not be located closer than 10 feet to the rear yard line.

(4) Front yard. All accessory structures are prohibited in the space between the front of the principal structure and the street.

K. Parking as required by Article XXIII and consistent with the RSIS requirements.

18. New Section 215-29 – Dimensional Standards. The following requirements shall be met in the R-2 Residential Zone:

A. Minimum lot area. The minimum lot area shall be at least 10,000 square feet and must be measured within 100 feet of the front right-of-way line.

B. Minimum lot width. The minimum lot width at the street line shall be 50 feet measured along the street line and the minimum lot width at the building setback line shall be 75 feet. Where a lot is on a curve at the end of a permanent cul-de-sac, the minimum lot width shall be 45 feet measured along the subtended chord of the arc at the street line and the minimum lot width at the building setback line shall be 65 feet. Lots fronting on such a curve shall be exempt from the depth provisions of Subsection A above.

C. Front yard. There shall be a front yard of not less than 30 feet.

D. Side yards. There shall be two side yards, totaling 25 feet and provided that no side yard shall be less than 10 feet.

E. Rear yard. There shall be a rear yard of not less than 40 feet.

F. Height. The height of the principal structure shall not exceed 35 feet or 2 ½ stories, whichever is less.

G. Minimum floor area. Every principal structure erected shall have a minimum first-floor area of 650 square feet plus an additional minimum of 150 square feet for each bedroom.

H. Total impervious coverage. The maximum land area to be covered by all impervious surfaces shall not exceed 50% of the total lot area.

I. Building coverage. The maximum land area to be covered by the principal building shall not exceed 20% of the total lot area.

J. Accessory structures. All accessory structures shall meet the following requirements:

(1) Height. The height of an accessory structure shall not exceed 15 feet.

(2) Side yard. An accessory structure shall not be located closer than 5 feet to the side lot line.

(3) Rear yard. An accessory structure shall not be located closer than 10 feet to the rear yard line.

(4) Front yard. All accessory structures are prohibited in the space between the front of the principal structure and the street.

K. Parking as required by Article XXIII. And consistent with the RSIS requirements.

19. Section 215-30 Revised in entirety as follows: Reserved for Future Use.

Article VII – Residential / Office Regulations – Revised as follows:

20. Section 215-31 –Retitle and Revise in its entirety. Principal Permitted Uses. This zone is designed for single-family and multifamily residential uses, limited retail uses and professional offices in accordance with the requirements hereinafter set forth.

A. Single-family detached dwellings.

B. Two-family to four family structures.

C. Professional offices.

D. Any combination of the uses allowed in A,B or C shall be permitted in the same structure or any accessory structure.

E. In single-family detached dwellings:

(1) The office of professional persons. No uses permitted by this section shall result in any permitted professional use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of said uses visible from the exterior of the building so used.

- (2) House occupation provided that no more than ½ of the floor area of one story or the basement shall be devoted to such use or if conducted in an accessory building, the area of such use shall be limited to not more than ½ of the floor area of the principal structure. No merchandise or materials, either assembled or unassembled, shall be received into the residence or accessory structure for the purpose of merely storing and/or reselling. No machinery or equipment shall be used except machinery or equipment which is usually found in the home and which will not cause electrical or other interference with radio and/or television reception. No use permitted by this section shall result in any use operating in this zone in other than a building strictly residential in appearance. Except for permitted signs, there shall be no physical evidence of said use visible from the exterior of the building so used.

21. Section 215-32 –Retitle and Revise in its entirety - Permitted Accessory Uses.

Accessory uses customarily incident to the above uses shall be permitted, provided that they do not include any activity commonly conducted for profit. Accessory uses specifically permitted are:

- A. Commercial and oversized vehicles, such as but not limited to motor homes and boats, in accordance with the provisions of Article XXII.
- B. Signs as permitted by Article XXIV.
- C. Sheds, swimming pools, fences and similar features and physical improvements.
- D. Temporary storage containers, provided they are located on the property for no more than 30 days within any 12-month period.
- E. Home office – An activity carried on for gain by a resident in a dwelling unit, shall be a permitted accessory used in this zone, provided that the use is limited solely to office use and adheres to the following restrictions:
 - (1) The use is operated by or employs in the residence only a resident or residents who are permanent full-time residents of the dwelling unit, and no other persons;
 - (2) No nonresident employees, customers, or business invitees or guests shall visit the dwelling unit for business purposes;
 - (3) The use shall be located in only one room of the dwelling unit, which shall not be served by an entrance separate from the household;
 - (4) Interior storage materials shall only consist of supplies;
 - (5) There shall be no change to the exterior of buildings or structures because of the use, and no outside appearance of a business use, including, but not limited to, parking, storage, signs or lights;

- (6) The use operates no equipment or process that creates noise, vibration, glare, fumes, odors, or electrical or electronic interference, including interference with telephone, radio or television reception, detectable by neighboring residents.
- (7) The use does not require any increased or enhanced electrical or water supply;
- (8) The quantity and type of solid waste disposal is the same as other residential uses in the zone district;
- (9) The capacity and quality of effluent is typical of normal residential use, and creates no potential or actual detriment to the sanitary sewer system or its components;
- (10) Delivery trucks shall be limited to U.S. Postal Service, United Parcel Service, Federal Express, and other delivery services providing regular service to residential uses in the zone district;
- (11) All vehicular traffic to and from the home office use shall be limited in volume, type and frequency to what is normally associated with other residential uses in the zone district.

22. Section 215-33. Conditional uses. Revise in entirety as follows: The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Article XXV:

- A. All municipal structures and uses.
- B. Houses of worship.
- C. Public utility uses.
- D. B&B accommodations and similar facilities but Airbnb rentals are expressly prohibited.
- E. The sale of antiques, arts and crafts and similar retail uses, provided that no displays of same shall be set up beyond the perimeter of the dwelling.

23. Section 215-34. Retitle and Revise in its entirety. Dimensional Standards. The following requirements shall be met in the RO Residential/Office Zone:

- A. Minimum lot area. The minimum lot width at the street line shall be 80 feet measured along the street line and the minimum lot width at the building setback line shall be 100 feet.
- B. Minimum lot width. The minimum lot width at the street line shall be 80 feet measured along the street line and the minimum lot width at the building setback line shall be 100 feet.
- C. Front yard. There shall be a front yard of not less than 20 feet.
- D. Side yard. There shall be two side yards, totaling 25 feet, provided that no side yard shall be less than 10 feet.
- E. Rear yard. There shall be a rear yard of not less than 30 feet.

- F. Height. The height of the principal structure shall not exceed 35 feet or 2 -1/2 stories, whichever is lesser.
- G. Minimum floor area:
 - (1) Minimum residential floor area. Every principal structure erected shall have a minimum first floor area of 650 square feet plus an additional minimum of 150 square feet for each bedroom, per dwelling unit.
 - (2) Side yard. An accessory structure shall not be located closer than 10 feet to the side lot line.
- H. Total impervious coverage. The maximum land area to be covered by all impervious surfaces shall not exceed 70% of the total lot area.
- I. Building coverage. The maximum land area to be covered by the principal building shall not exceed 30% of the total lot area.
- J. Accessory structure. All accessory structures shall meet the following requirements:
 - (1) Height. The height of an accessory structure shall not exceed 15 feet.
 - (2) Side yard. An accessory structure shall not be located closer than 10 feet to the side lot line.
 - (3) Rear yard. An accessory structure shall not be located closer than 10 feet to the rear yard line.
 - (4) (4) All accessory structures are prohibited in front yard areas
- K. Parking. As required by Article XXIII.

24. Section 215-35. Reserve for future use.

Article VIII – P – Public Use Zone Regulations

25. Section 215-36. Retitle. Principal Permitted Uses. This zone is created in order to delineate those areas in the municipality devoted exclusively to municipal and other public purpose uses hereinafter set forth:
- A. Public schools.
 - B. Municipal offices.
 - C. Fire departments (including volunteer fire departments).
 - D. Police departments.
 - E. Municipal garages.
 - F. Rescue and/or first aid squads.
 - G. Utilities – Infrastructure elements, including but not limited to gas, electric and other sources of energy regulated by the State of New Jersey but not including private cell towers and antennas.

26. Section 215-37. Other Permitted Uses. Revise in entirety. The following uses are also permitted:
- : A. Such other public purpose uses, as determined by the governing body, provided they are consistent with the neighborhood development pattern and will not adversely affect the residents of the neighborhood.
 - B. ?
27. Section 215-38. Retitle and Revise in its entirety. Dimensional Standards. For any public use the minimum lot size and setbacks of the neighborhood shall be taken into consideration as well as how any impacts can be mitigated through landscaping, noise control and other methods.
28. Article IX – PR – Planned Residential Zone Regulations – Revise as follows:
29. Section 215-39. Retitle - Principal Permitted Uses
30. Section 215-40. Other Permitted Uses – Delete this subsection in its entirety and reserve 215-40 for future.
- .
31. Section 215-42 Accessory Uses – Delete existing 215-42B in its entirety and replace it with the following: Section 215-42B – Signs as permitted by Article XXIV. Add: Section 215-41C – All accessory uses as permitted in this ordinance for single family detached residences.
32. Section 215-43. Retitle - Dimensional Requirements.
33. Article IXA – SFPR – Single Family Planned Residential Zone Regulations – No Changes.
34. Article XI – BC – Borough Center Zone Regulations – Amend as follows:
35. Section 215-66.. Retitle - Principal Permitted Uses. Amend in its entirety as follows: This zone is designed primarily to provide a central market place in the Borough by providing for a variety of shops and retain stores and offices. The goal is to preserve the character of the existing town center but allow for a variety of commercial and residential growth, where appropriate, and in accordance with the requirements hereafter set forth.
- A. Retail stores providing there is no fabrication, manufacturing, converting, altering, finishing or assembly, except on a limited basis in conjunction with the principal permitted use.

- B. Service activities such as, but not limited to, banks, barbershops, beauty salons, photographers' studios, tailors, shoe repair, dry cleaners (except that no work is permitted on the premises).
- C. Business and governmental offices.
- D. Restaurants, breweries, and similar businesses.
- E. Any building containing a retail store, service establishment, office or restaurant upon the first floor may be constructed so that on the second floor there may be apartment units with a minimum floor area as prescribed below.

Type Square Feet

Efficiency	550
One-bedroom	700
Two-bedrooms	850
Three-bedroom	1,000
Four-bedroom	1,150

- F. Senior Citizen / age restricted housing provided that each unit has a minimum of 500 square feet and at least one bedroom.
- G. Mixed use buildings containing any of the permitted uses of the BC Zone.

36. Section 215-67 Accessory Uses. Accessory uses permitted by the BC Borough Center Zone shall be as follows:

- A. Garages for the storage of vehicles used in the conduct of the principal use..
- B. Signs as permitted by Article XXIV..

37. Section 215-68. Conditional uses. Amend in its entirety as follows:. The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Article XXV.

- A. All municipal structures and uses.
- B. Houses of worship.
- C. Public utility uses.
- D. D. B&B accommodations and similar facilities.

38. Section 215-69 Revise in its entirety as follows: Dimensional Standards. The following requirements shall be met in the BC Borough Center Zone:

- A. Minimum lot area. 5,000 sq. ft. except for Main Street properties where no minimum lot area is required.
- B. Front yard. There shall be a front yard setback of not less than 10 feet except on Main Street where there may be a 0' setback. Off-street parking is permitted in the front yard area, except on Main Street where it is prohibited.

- C. Side yard. There is no side yard requirement except that where a side yard abuts a residential zone, there shall be a side yard of at least 15 feet. Buildings may be attached or may abut. In the event, however, that buildings are not attached or do not abut, there shall be a minimum separation of 10 feet. Such area shall be kept open, shall be lighted, and kept free of debris. Such area may be used as pedestrian access. Off street parking shall not be permitted within a side yard.
- D. Rear yard. There shall be a rear yard of at least 10 feet except that where a rear yard abuts a residential zone, there shall be a rear yard of at least 15 feet. Off-street parking shall be permitted in the rear yard.
- E. Height. The height of the principal structure shall not exceed 35 feet in height.
- F. Minimum floor area. Every principal structure erected shall have a minimum first floor area of 400 square feet.
- G. Land coverage. The total impervious cover of any site shall not exceed 70% of the total site area unless adequate subsurface recharge is provided.

H. Accessory structures. All accessory structures shall meet the following Requirements:

(1) Height. The height of an accessory structure shall not exceed 25 feet.

(2) Side yard and rear yard. The requirements for principal structures shall be met.

(3) All accessory structures are prohibited in front yard.

1. Parking as required by Article XXIII, However, the parking strategy for any Main Street property can consider on street parking availability as well as off-site parking arrangements.

J. Buffers. In side and rear yard areas, adjoining residential zones, buffering shall be required pursuant to Chapter 171, Suite Plan Review.

39. Section 215-70 – delete – Reserve for future use.

Article XII – HC – Highway Commercial Zone Regulations –

40 Section 215-71 Retitle: . Principal Permitted Uses. – Amend in its entirety to provide as follows: The zone is designated primarily for retail and service commercial uses normally requiring a larger area and generating a greater intensity of traffic and usage

serving the needs of the immediate community and the larger region in accordance with the requirements hereinafter set forth:

- A. Banks, business, professional, executive and governmental offices.
- B. Music, dancing, act and photographic studios.
- C. Funeral homes and mortuaries.
- D. Hotels and motels.
- E. Retail stores and service establishments.
- F. Restaurants, eating and drinking places.
- G. Indoor theaters, bowling alleys, health and recreation facilities.
- H. Commercial printing plants and publishing houses.
- I. Service stations and mechanical repair garages.
- J. Lumber and building material yards.
- K. Professional and business offices.
- L. Designed shopping complex. A building or a group of abutting buildings designed to be utilized by more than one permitted use where such building or group of abutting buildings is constructed at one time. The area and yard requirements shall be applied to the one building or group of abutting buildings as one structure.
- M. Townhouses, garden apartments and multifamily residences as permitted in and in accordance with the requirements of Article IX, PR Planned Residential Zone Regulations.
- N. One residential dwelling unit shall be permitted in the same building housing a primary intended use in the Highway Commercial Zone.
- O. Senior citizen housing provided that each unit has a minimum of 500 square feet and at least one bedroom.
- P. Number of principal uses. There may be more than one principal use on a site provided that there is additional parking, paving, lighting, curbing and buffering, to provide for the additional traffic that will be caused by the additional use.
- Q. Mixed use buildings containing any of the permitted uses of the HC Zone.

41. Section 215-72. Retitle: Accessory uses and amend as follows: Accessory uses permitted in the HC Highway Commercial Zone shall be as follows: garages for the storage of vehicles used in the conduct of the principal use.

- A. Signs as permitted by Article XXIV.
- B. Convenience store in conjunction with a service station.

42. Section 215-73 – Conditional uses. Amend in its entirety as follows: The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Article XXV: public utility uses.

- A. All municipal structures and uses.

- B.. Houses of worship.
- C. Public utility uses..
- D. B&B accommodations and similar facilities.

43. Section 215-74. Revise - Retail Dimensional Requirement. – Amend in its entirety as follows: The following requirements shall be met in the HC Highway Commercial Zone:

- A. Minimum lot area. There shall be a minimum lot area of at least 15,000 square feet.
- B. Minimum lot width. There shall be a minimum lot width of 100 feet at the street line.
- C. Front yard. There shall be a front yard of not less than 40 feet.
- D. Side yard. There shall be two side yards, totaling 40 feet, provided that no side yard is less than 15 feet.
- E. Rear yard. There shall be a rear yard of not less than 40 feet.
- F. Height. The height of the principal structure shall not exceed 35 feet or 2 ½ stories in height, whichever is lesser.
- G. Minimum floor area. Every principal structure or separate permitted use shall have a minimum heated floor area of 800 square feet.
- H. Minimum residential floor area. Motel and hotel units shall have a minimum gross floor area of 400 square feet.
- I. Service stations and public garages dispensing gasoline may have gasoline pumps and/or service islands closer to the street line than the building setback line but in no event closer than 25 feet to the street line.
- J. Land coverage, Building coverage shall not exceed 30%. The total impervious cover of any site shall not exceed 60 feet of the total site area unless adequate surface recharge is provided.
- K. Parking as required by Article XXIII.
- L. Buffers. In side and rear yard areas, adjoining residential zones, buffering shall be required pursuant to Chapter 171, Site Plan Review.

44 Section 215-75 – Delete and Reserve for future use.

45. Article XIII – Planned Commercial Zone Regulations – delete all provisions of this Article and reserve for future use.

46. Article XIV – I – Light Industrial Zone Regulations – delete all provisions of this Article and reserve for future use.

47. Article XV – CR – Conservation / Recreation Zone Regulations - ?

48. Section 215-85. Retitle – Principal Permitted Uses and Amend in its entirety as follows: This zone is designated for year-round public or private recreational facilities in accordance with the requirements hereinafter set forth:

- A. Trails for bicycling and hiking.
- B. Picnic grounds.
- C. Boating.
- D. Fishing.
- E. Tennis.
- F. Ballfields.
- G. Golf facilities.
- H. Swimming facilities.
- I. Horseback-riding facilities.

49. Section 215-86. Delete and reserve for future use.

50. Section 215-87. Conditional uses. The following uses shall be permitted as conditional uses subject to the conditions and procedures set forth in Article XXV; public utility uses..

51. Section 215-88. Accessory Use. – Amend in its entirety and substitute: Accessory uses specifically permitted are:

A. Buildings for the storage of vehicles and/or equipment utilized in connection with permitted uses.

B. The storage, outside the confines of a building, of equipment utilized in connection with permitted uses so long as proper facilities for such storage are provided, and further provided that such equipment continues to be actively used in connection with the permitted use.

C. Buildings and/or structures normally used and incidental to any permitted use.

D. Restaurants, luncheonettes, snack bars.

52. Section 215-89 Dimensional Requirements:

A. Minimum lot area. The minimum lot size shall be at least three acres.

B. Minimum lot width. The minimum lot width at the street line shall be 300 feet.

C. Minimum lot depth. The minimum lot depth shall be 300 feet.

D. Front yard. There shall be a front yard of not less than 60 feet.

E. Side yard. There shall be two side yards, 50 feet each.

F. Rear yard. There shall be a rear yard of not less than 50 feet.

G. Height. The height of the principal structure shall not exceed 35 feet or 2 ½ stories, whichever is lesser.

H. Minimum floor area. There shall be no minimum floor area requirement for principal and accessory structures except that any restaurant, luncheonette or snack bar shall have a minimum floor area of 400 square feet.

I. Land coverage. Maximum lot coverage of principal and accessory buildings shall not exceed 25% of the total lot area.

J. Accessory structures. All accessory structures shall meet the following requirements:

(1) Height. The height of an accessory structure shall not exceed 25 feet.

(2) Front yard. An accessory structure shall not be located closer than 60 feet to the street line.

(3) Side yard. An accessory structure shall have two side yards, 50 feet each.

(4) Rear yard. An accessory structure shall not be located closer than 50 feet to the rear yard line.

K. In connection with any golf driving range, adequate fencing shall be provided to contain the driven balls on the subject property and to prevent the driven balls from entering areas of other permitted activities. The fencing requirements as set forth in Article XVIII shall not apply to this fencing. Said fencing shall be at least 10 feet from any property boundary and shall be a minimum of 12 feet in height and a maximum of 30 feet in height.

L. Parking The provisions for adequate parking shall be reviewed by the Land Use Board in connection with its review of the site plan. Consistent with providing safe and adequate parking for those utilizing the facilities provided, parking areas should be designated to minimize their environmental impact and should be so designed and constructed so as to harmonize with the natural surroundings. Surfacing should be limited to that which is necessary to provide stabilization and which minimizes rain water runoff, in accordance with recommendations of the Municipal Engineer.

M. Buffer. In side yard and rear yard areas, adjoining residential zones, buffering shall be required pursuant to Chapter 171, Site Plan Review.

Article XVI - LI Limited Industrial Zone Regulations – Amend and Re-title: Light Industrial Zone.

53. Section 215-90:

- A. through F – no changes.
- G. Manufacturing subject to the performance standards in this ordinance.
- H. Brew pubs and similar uses.
- I. Public utilities.
- J. Vehicle storage area.

54. Section 215-91 - delete in its entirety and Reserve for Future Use.

55. Section 215-92 – Accessory Uses – add following subsection:

C.-Signs as permitted by Article XXIV.

Article XXV. Non-Conforming Uses.

56. Section 215-114 – Add: Subsection E:

E. Notwithstanding any other provision of this Article, any house of worship existing in a residential zone, as of the date of this ordinance, may be altered, modified and / or expanded without the requirement of a “d” variance, provided any such change does not exceed 10% of the existing floor area.

57. Section 215-119 – Add to Subsection A:

5. Notwithstanding any of the provisions in this Article, the following shall apply to the parking of commercial vehicles in residential zones:

(a) The on-street parking and on site, driveway parking of commercial vehicles, regardless of ownership, shall be permitted between the hours of 8 am and 5 pm.

(b) In addition to the provision of Section 5 (a) herein, the on-site, driveway parking of a commercial vehicle associated with the resident of the property in question, shall be permitted between the hours of 5 pm and 8am, Mondays through Sunday. However, the on-street parking of these vehicles during these hours is prohibited.

58. Section 215-120 – add following sentence: The Residential Site Improvement Standards (RSIS) shall supersede the Borough Regulations where applicable.

59. Section 215-121 – Off Street Parking; Non-Residential Zones and Uses: add:

<u>Use</u>	<u>Required Parking Spaces</u>
Bed and breakfast facilities –	1 for each sleeping room.

Subsection C amend Planning Board to Land Use Board. – Add: new subsection D. the requirement for any use or a combination of uses not listed in subsection A. may be determined by consulting the applicable industry standard.

60. Section 215-140 – Conformance with Procedures and Criteria Required. Add: the following: All conditional uses are intended to be compatible with the neighborhoods where they are located in terms of traffic, noise, lighting, visual impact, intensity of use and any other factors that will have an effect on the aforementioned compatibility. The evaluation of all conditional uses shall be guided by this general goal, as well as the specific conditions set forth herein.

61. Section 215-143 – Issuance of Permit. Amend Subsection in entirety as follows: Is an allowed conditional use in the applicable zone district. Add: New Subsections:

E. If any of the conditions are not met, than an approval can only be granted if the requirement of a variance are met..

F. Is consistent with the master plan and there are no unanticipated extenuating circumstances which renders the conditional use inappropriate for the zone district on a neighborhood.

62. Section 215-146 (NEW) Bed & Breakfast (B&B) Facilities – Where allowed as a conditional use the B&B operation shall be limited to a total of six bedrooms. The owner shall reside on the premises, unless a resident manager is employed by the owner. On-site parking shall be sufficient as per ARTICLE XXIII herein. The intensity of use and the appearance of the structure shall be consistent with the neighborhood in which it is located. The residential character of the structure shall be maintained and signage shall be limited to the requirements of the zone in which the use is located. Short term Airbnb rentals are not permitted.

63. Section 215-147 – Aircraft only in connection with airport. ADD: Exception: Operations associated with medevac and governmental aircraft.


64. Any and all Ordinances or parts thereof inconsistent with the terms of this ordinance are hereby repealed.

65. In the event any provision of this Ordinance is deemed invalid by a Court of competent jurisdiction, the rest and remainder shall remain in full force and effect.

66. This Ordinance shall take effect upon passage and publication as provided by law.

CERTIFICATION

NOTICE is hereby given that the above ordinance was introduce and passed on first reading of a meeting of the Mayor and Council of the Borough of Hamburg, held on Monday, August 5, 2024 at 7 p.m. and will be considered for a final passage at a regular meeting of the Mayor and Council to be held on Monday October 7, 2024 at 7 p.m. or as soon thereafter as same can be considered, in the Municipal Building, 16 Wallkill Avenue, Hamburg, New Jersey at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. A copy of said Ordinance is on file in the Office of the Borough Clerk, Municipal Building, 16 Wallkill Avenue, Hamburg, New Jersey and is available for public inspection during regular business hours. During the week prior and up to the time of public hearing, copies of said Ordinance will be available to the member of the general public who request the same.


Beth Martin
Acting Municipal Clerk

