

**HAMPTON TOWNSHIP  
ORDINANCE #2020-03**

**AN ORDINANCE TO AMEND CHAPTER 85, ENTITLED “SITE PLAN REVIEW”, CHAPTER 91, ENTITLED “SUBDIVISION OF LAND”, AND CHAPTER 108, ENTITLED “ZONING”, OF THE CODE OF HAMPTON TOWNSHIP, SUSSEX COUNTY, NEW JERSEY.**

**BE IT ORDAINED** by the Township Committee of the Township of Hampton, County of Sussex, State of New Jersey, that Chapter 85, entitled “Site Plan Review”, Chapter 91, entitled “Subdivision of Land”, and Chapter 108, entitled “Zoning”, of the Code of Hampton Township are hereby amended as follows:

Section 1. Section 85-16, entitled “Incorporation by reference” of Chapter 85, entitled “Site Plan Review”, is hereby revised to read as follows:

Section 85-16. Incorporation by reference.

Sections 108-23, 108-26 and 108-27 are incorporated by reference herein. All provisions in Chapter 108 that are authorized by the MLUL for inclusion in site plan review ordinances, including but not limited to engineering and construction design standards relating to the construction of such items of infrastructure as drainage, lighting, streets, utilities, on-site traffic circulation and the like, shall be deemed to be incorporated by reference herein except to the extent any such provision is a zoning regulation pursuant to section 108-6.1(A).

Section 2. Section 91-21, entitled “Construal of provisions”, of Chapter 91, entitled “Subdivision of Land”, is hereby revised to read as follows:

Section 91-21. Construal of provisions.

This chapter shall be construed in pari materia with the Land Use Procedures Ordinance of the Township of Hampton, which it complements, and shall be liberally construed to effectuate the purposes thereof. All provisions in Chapter 108 that are authorized by the MLUL for inclusion in subdivision ordinances, including but not limited to engineering and construction design standards relating to the construction of such items of infrastructure as drainage, lighting, streets, utilities, on-site traffic circulation and the like, shall be deemed to be incorporated by reference herein except to the extent any such provision is a zoning regulation pursuant to section 108-6.1(A).

Section 3. The title “Word Usage and Definitions”, of Article II of Chapter 108, entitled “Zoning”, is amended and restated to read: “Article II: Word Usage; Construction and Application; Definitions”.

Section 4. Article II, now entitled “Word Usage; Construction and Application; Definitions”, is amended to add Section 108-6.1, entitled “Construction and application”, which reads as follows:

#### Section 108-6.1 Construction and application

- A. All provisions in Chapter 108, regardless of designation or location within Chapter 108, that are authorized by the Municipal Land Use Law (“MLUL”) to be included in a zoning ordinance, including but not limited to the regulation of uses (including accessory uses and structures), bulk area and yard requirements, buffers, density, distance between buildings, off-street parking, floor area ratio, height, the number, placement and dimensions of signs, and other dimensional requirements governing the intensity of land use, shall be deemed to be zoning regulations. A deviation from a zoning regulation will require a variance pursuant to N.J.S.A. 40:55D-70.
- B. All provisions in Chapter 108 that are authorized by the MLUL for inclusion in site plan and/or subdivision ordinances, including but not limited to engineering and construction design standards relating to the construction of such items of infrastructure as drainage, lighting, streets, utilities, on-site traffic circulation and the like, shall be deemed to be incorporated by reference in Chapter 85, Site Plan Review, and Chapter 91, Subdivision of Land, except to the extent any such provision is a zoning regulation pursuant to section 108-6.1(A). Exceptions to provisions within Chapter 108 that are design standards and not zoning regulations may be granted pursuant to N.J.S.A. 40:55D-51.
- C. In the event of any ambiguity as to whether a provision in Chapter 108 is governed by subsection (A) or (B) of this Section 108-6.1, the provisions of subsection (A) of Section 108-6.1 shall control, and such provision shall be considered to be a zoning regulation.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

Section 6. All ordinances or parts of ordinances inconsistent with or contrary to the provisions of this Ordinance are hereby repealed to the extent of such inconsistency or contrariness.

Section 7. This Ordinance shall take effect immediately on its final passage and publication as required by law.

#### **CERTIFICATION**

I hereby certify that Ordinance #2020-03 was adopted by the Hampton Township Committee at their regular meeting held on February 25, 2020 at the Hampton Township Municipal Building, Baleville, Sussex County, New Jersey.

Date: \_\_\_\_\_

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Kathleen Armstrong, RMC  
Township Clerk

## **NOTICE**

**NOTICE IS HEREBY GIVEN** that the attached Ordinance #2020-03 was introduced at a regular meeting of the Township Committee of the Township of Hampton, Sussex County, New Jersey, held on the 28th day of January, 2020, and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Township Committee to be held on the 25th day of February, 2020 at the Municipal Building, One Rumsey Way, in the Township of Hampton, at 7:00 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

## **NOTICE**

**NOTICE IS HEREBY GIVEN** that ordinance #2020-03 was adopted at final reading at a regular meeting of the Township Committee of the Township of Hampton held Tuesday, February 25, 2020, at the Hampton Township Municipal Building, Baleville, Sussex County, NJ 07860

Kathleen Armstrong, RMC

Township Clerk