

**ARTICLE IX  
ZONING DISTRICTS\***

**17-159 RESIDENTIAL: R-150, R-100, R-75, R-50, R-5 AND R-6.**

- a. *Purpose.* The purpose of this section is to recognize the existing pattern of detached dwellings, to preserve environmentally critical areas as identified in the adopted master plan and the natural resources inventory, and to allow the township to provide a variety of housing, including lower income housing in the identified areas. The selection of dwelling unit types in the R-5 District should provide a balance of housing choices attractive to all income and age segments of the community as part of the township's fair share of the regional housing needs. The criteria are intended to provide flexibility in the design of developments to aid in reducing housing costs, encouraging lower income housing, allowing construction to avoid environmentally critical areas, and removing residences from busy highways and other potential nuisances created by noise and visual blight.
- b. *Permitted Principal Uses.*
1. Residences. Single family dwellings and other dwellings, as provided in the sections relating to specific zoning districts, are permitted as principal uses. (For conversions, see section 17-145.)
  2. Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill and community residences for persons with head injuries shall be a permitted use in all residential districts of the township, and the requirements shall be the same as for single-family dwelling units located within such districts.
  3. Cemeteries; golf courses with accessory club house, eating facilities, tennis courts, swimming pools and similar usual accessory structures; public library, public parks and playgrounds; municipal buildings including school bus shelters; fire houses.
  4. Farm and agricultural uses including, as accessory uses, horse riding lessons and a farm stand offering facilities for seasonal sale of products or produce in accordance with the township's Right-to-Farm Ordinance. (Chapter 22 of the Township Code).

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\***Editor's Note:** Former subsection 17-3.2 a-m was renumbered as Article IX, sections 17-159-17-170. Sources contained herein include Ordinance Nos. 528, 551-80, 566-80, 576-80, 685-85, 686-85, §§ 17-29, 687-85, 690-85, § 1, 707-86, § 1, 723-86, §§ 14-29, 789-88, §§ 1-4, 6, 7, 791-88, §§ 2-7, 801-89, §§ 2, 4-7, 815-89, § 4, 90-837, § 2, 90-841, §§ 1-3, 90-851, § 1, 90-853, § 5, 90-857, § 1, 91-882, § 1, 91-894, § 1, 91-904, § 1, 92-910, §§ 2, 3, 92-916, §§ 2-5.

5. Model homes are permitted to be used as a sales office within a residential development only during the period necessary for the sale of new homes within that development. In addition to the model homes, the developer of a property with more than ten dwelling units may be permitted to use one trailer, or manufactured home, or modular building, or similar structure as a sales office. Where a development contains a mix of dwelling unit types (dwelling unit types are defined as single family homes, and/or townhouses, and/or apartments), the developer may be permitted one sales office, as described above, for each housing type as defined above provided there are more than ten dwelling units of each housing type, but in any event no more than three such sales offices shall be permitted in any one development regardless of how many dwelling unit types are in the development. Site plan review and approval shall be required for the sales operation area(s) in order to review parking, access, landscaping, the placement of the structures, and plans and guarantees to remove any temporary structures and/or pavement or parking areas upon completion of the sales operation.
- c. *Permitted Accessory Uses.*
1. Private garages, swimming pools, parking areas, tennis courts, trellises, fences, walls, lamp posts, storage structures and animal shelters and similar facilities, which in total occupy less than ten percent of the lot, are permitted provided they are accessory and subordinate to the principal use of the lot.
  2. One earth terminal antenna with an associated reflector (or dish) is permitted on a residential lot only if located either in the rear yard, or on the roof of a residence positioned below the ridge of the roof, both locations to be such as to have the antenna and reflector screened from view from the street. The dishes shall be an appropriate color to match the background. The setbacks shall conform to the setbacks for principal buildings for the zone in which it is located. If necessary to screen the antenna and reflector from the street, additional planting of shrubs, trees or other plants shall be required. Said plantings shall be of a type and be located so as to provide sufficient year-round foliage to provide the year-round screen. Servicing wires and cables shall be installed underground. The main reflector shall not exceed a diameter of eight feet and the overall height of the reflector, the base, and other associated installation equipment shall not exceed ten feet.
  3. Home Occupation. Structures in which not more than 25 percent of the net floor area of the structure is used in the conduct of the home occupation; there is no change in the exterior appearance of the structure or premises as a dwelling and no external visible evidence of the conduct of the occupation; no sales may be made at the premises; no part of the home occupation may be conducted in any accessory building; no person may be employed who is not both a member of the family of the person conducting the occupation and an actual resident of the

dwelling; no traffic may be generated by the occupation beyond that normally generated by the use of the premises as a single family dwelling; no machinery, equipment or process may be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable at the property lines or which causes any interference with radio or television reception by neighboring residences or fluctuation in line voltages beyond the premises.

4. Tennis Courts. One tennis court is permitted as an accessory use on a single family dwelling subject to the following restrictions:
  - (a) To be constructed only on a lot with a minimum area of 60,000 square feet containing a single family dwelling.
  - (b) The allowable maximum percentage of lot coverage may be increased only by the area of the tennis court, provided, however, said increase does not impact any public stormwater management system.
  - (c) Fencing around the tennis courts is permitted and shall not exceed 12 feet in height.
  - (d) Site plan approval by the planning board is required for construction of any tennis court in front of the principal structure.
  - (e) No tennis court, fencing, or lighting may be constructed within the setback requirements.
  - (f) Illumination of any tennis court shall be prohibited except under the following conditions:
    - (1) The lot area shall be at least five acres.
    - (2) Lighting fixtures shall be full cutoff.
    - (3) Lighting fixture height shall not exceed 20 feet, and shall be located on the side of the court 30 feet from the centerline.
    - (4) Average maintained horizontal illumination on grade shall not exceed 50 fc. Maximum to minimum uniformity ratio shall not exceed 4:1.
    - (5) No light trespass shall be generated from any fixture used to illuminate the tennis court. Contribution to vertical illuminance at any point along all property lines shall be zero at grade and all points above.
    - (6) Lighting fixtures must be turned off between the hours of 10:00 p.m. and 7:00 a.m.
5. Family day care homes providing child care services to no less than three and no more than five children at any one time, exclusive of family members, for no less than 15 hours a week, and registered as a family day care home pursuant to the

"Family Day Care Provider Registration Act," shall be permitted as an accessory use to a single family dwelling unit. The zoning requirements shall be the same as for a single family dwelling unit.

- d. *Permitted Conditional Uses.* The following uses are permitted as a conditional use:
1. **Low and Moderate Income Housing Project.** In addition, in any R-5 or R-100 District, a low and moderate income housing development approved prior to the effective date of this section\* erected by a nonprofit, limited-profit, or for-profit sponsor is permitted in accordance with, but not limited to programs administered by State, Federal, and/or other governmental programs conditioned on the following: The project shall comply with all applicable building design, construction, and other requirements and guidelines of the sponsoring governmental agency or, if the sponsoring agency has no building design and construction requirements or guidelines, then the project shall follow those in effect at the New Jersey Housing and Mortgage Finance Agency ("NJ HMFA") as certified to the approving authority by the project architect; no project contains more than 150 units; all the units are dedicated to occupancy by qualifying low and moderate income households, except one on-site manager's or superintendent's apartment unit is permitted; the minimum period of affordability shall be 40 years instead of 30 years set forth in section 17-92c,2; public water supply and public sanitary sewer service are required; the density shall not exceed 16 units per gross acre for developments exclusively for residents age 62 and over, or for developments exclusively for residents age 62 and over, but where not more than 20 percent of the units may be for non-age restricted, handicapped persons as "handicapped" is defined under State and/or Federal programs; and the density shall not exceed ten units per gross acre for other, non-age restricted developments. Other design criteria shall meet the bulk and design requirements of section 17-92d.
  2. **Pumping stations, transformers and similar utility facilities** which are needed in order to provide utility services directly to the consumer, but not repair facilities, offices, open storage, work areas or other aspects of utility operations. Such facilities shall be landscaped and screened to be appropriately integrated into a residential neighborhood in accordance with section 17-89 and, where safety dictates, shall be enclosed with landscaped fencing. Communications and

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\***Editor's Note:** Ordinance No. 02-1268, codified herein was adopted on December 19, 2002.

wireless telecommunications towers, antennas, facilities and equipment are not included as a conditional use herein, and are specifically governed by section 17-148 of this chapter.

3. Conversion of Existing Accessory Buildings to Residences. In an effort to preserve the existing character of these rural areas and to preserve old farm buildings and old materials, accessory buildings existing as of July 1, 1986 in the MRC, VRC, and R-150 Districts may be converted to a residence, with or without subdividing the lot so as to create a separate lot for each dwelling provided the following conditions are met:
  - (a) The maximum number of dwelling units allowed in a converted building shall be one so that the maximum number of dwelling units on a lot as a result of the conversion shall be two, e.g. the original principal dwelling unit plus the conversion. Any further conversions of additional accessory buildings shall be permitted only following an approved subdivision that places each additional residence on a separate lot.
  - (b) The original lot on which both buildings are located shall be at least twice the minimum lot size required for the district in which it is located to assure the conversion does not exceed the maximum density of the development permitted under the zoning provisions.
  - (c) If the converted building is not subdivided into a separate lot, the original dwelling shall be occupied by the owner of the tract.
  - (d) Because original farm accessory buildings may not have been spaced to meet current setback requirements, any subdivision that will place these structures on a separate lot may be approved provided the minimum front, side or rear yards, individually or in some combination, are not less than half the setback distance required for the zone in which the property is located, except that in any event no building shall be converted that is either closer than 25 feet to a street right-of-way or another building on the site, or within a required sight triangle, whether being subdivided on a separate lot or not.
  - (e) No building intended for conversion shall be in the 100-year flood plain and the building being converted shall be located in an area where slopes and other physical conditions permit proper access to the site, where there is proper sight distance at the driveway intersection with the street right-of-way, and where there is sufficient area for adequate off-street parking.
  - (f) The converted building shall be designed to meet the definition of a dwelling unit, including all area, space, health and construction requirements set forth in other codes and ordinances.

- (g) The converted building shall have an approved well and septic system prior to a certificate of occupancy.
4. A nursery outlet offering facilities for the sale of farm products from trees and ornamental shrubs provided the nursery is on a parcel used for agricultural purposes and meets the minimum requirements of subsection 17-159g. (standards for an agricultural lot).
  5. Public and private nonprofit schools and churches shall be permitted provided such uses have access from a primary local, collector, secondary arterial, or primary arterial road as identified on the adopted circulation plan or, if constructed on a new street system not shown on the circulation plan, shall have access from a road having design standards meeting one of these road classifications. Such uses shall be permitted only when the site can be designed so the recreational facilities, parking areas, and other yard spaces which would be used for groups of people or cars shall be buffered from adjoining residences via environmental conditions, topography, densely landscaped areas, distance, or similar design criteria to protect adjoining residential neighborhoods, meeting at least the minimum requirements of subsection 17-159g. and section 17-89. Primary access to these uses shall not be through local streets in residential neighborhoods.
  6. Resident professional offices in which not more than 25 percent of the net floor area of the structure is used for office purposes and there is no alteration visible from the street or adjacent property lines, and not more than one person may be employed at one time in addition to residents of the dwelling and members of the family of the resident professional.
  7. Nonresidential Services in the R-6 District. In the R-6 District, the development of nonresidential uses shall be conditioned on: (a) a conceptual plan being prepared and submitted for the entire development, including all business, market housing, affordable housing, and other uses, including accessory uses; (b) all subsequent preliminary and final plans being consistent with the approved concept plan, as it may be amended, whether or not the development will be constructed at one time or in phases; (c) the business portion of the site abutting a primary arterial or secondary arterial road as set forth in the Circulation Plan of the Master Plan but being designed so that no driveway serving any individual use (residential or nonresidential) shall directly access the abutting arterial road(s); (d) any nursery school or day care center being located adjacent to, and with access to, an on-site service road that provides access to the abutting arterial road; (e) having not more than 30 percent of the overall development tract acreage (residential and nonresidential) devoted to nonresidential uses which are limited to either a nursery school or day care center and providing a mix of the following convenience services such as, but not limited to, banking,

professional offices, restaurant and retail sale of food, pharmaceuticals, and general merchandise. The provision for nonresidential uses in the development shall be conditioned on receiving subdivision and site plan approval, which approval(s) shall require the execution of a developer's agreement and appropriate restrictions on the nonresidential lots and all remaining land in order to reasonably guarantee the actual construction and the phasing in of the low and moderate income housing obligation in accordance with section 17-92 as an integral part of the requirements of this zoning district; and, because any permitted nonresidential use is located on property that is permitted to be used for residential density as well as the nonresidential floor area, the nonresidential development shall be conditioned on the nonresidential portion of the development being obligated to pay the required affordable housing fee as set forth in the development fee ordinance, section 10-7c. Any nursery school or day care center shall be conditioned on meeting the licensing requirements of the State of New Jersey.

The development of any nonresidential uses in the R-6 District shall conform to the following zoning standards which shall be considered general bulk standards for the R-6 District, not specific standards or "conditions" for a conditional use:

Min. Lot Size	2 acres
Min. Lot Width	275 ft.
Min. Lot Depth	300 ft.
Min. Front Yard	100 ft. from Rt. 31
	50 ft. from interior streets
Min. Side Yard	50 ft.
Min. Rear Yard	50 ft.
Min. Distance between Bldgs.	20 ft.
Max. Building Height	2 stories, 35 ft.
Max. Lot Coverage	65%
Max. Floor Area Ratio	0.2
Min. Off-Street Parking	See § 17-95j.
Min. Landscaped Buffer along Rt. 31	25 ft.

8. Airport Hazard Area. In recognition of the existing airports located adjacent to the Pennington-Lawrenceville Road in the VRC District and the Mercer County Airport off Scotch Road in Ewing Township, these existing airports shall be considered a permitted use in accordance with N.J.A.C. 16:62-2.1(e). Additional buildings, additions to existing buildings, runway extensions, additions to parking areas and other improvements serving to increase the capacity of these airports with respect to the number of aircraft able to be parked at the airports, or the number of take-offs and landings resulting from the increased number of aircraft, shall be permitted as a conditional use. The conditions for approval of any airport operations located in Hopewell Township shall be as follows:

- (a) No building located within the runway subzone and the runway end subzone shall have a building height higher than permitted under the "Air Safety and Hazardous Zoning Act." In addition, no building may have a building height higher than 40 feet, or one foot of vertical height for each seven feet of horizontal distance when measured from any property line, whichever is lower.
- (b) The end of the runway shall be no closer than 400 feet to the property line of the airport.
- (c) For each aircraft parking space, there shall be at least one off-street parking space for a motor vehicle. Said vehicular parking spaces shall be located at least 100 feet from the property line.
- (d) Additional structures for the purpose of mechanical repairs may be approved provided they are located at least 400 feet from any property line.
- (e) Take-offs and landings shall be limited to daylight hours and no beacons, runway lights or other lighting in support of night flying shall be permitted.
- (f) Development Limitations in Airport Hazard Areas. In recognition of the existing airport located adjacent to Pennington-Lawrenceville Road in the VRC District and the portion of the airport hazard area extending into Hopewell Township from the Mercer County Airport located in Ewing Township, and in accordance with the requirements of N.J.A.C. 16:62 et seq., notwithstanding the permitted uses, building heights, and other area, yard and bulk requirements permitted in this section, development in the airport hazard area surrounding the airport shall be as follows:
  - (1) The "airport hazard area" is any area of land or water, or both which may create a dangerous condition for persons or property in or about an airport or aircraft during landing or take-off at an airport. It consists of the following areas surrounding the airport runway:
    - [a] The "runway subzone" is that rectangular area along both sides of the runway extending 1,175 feet from the centerline along both sides of the runway. No structures, buildings or trees within this area shall be so high as to penetrate a plane having a slope that rises from the side of the runway at a slope of seven feet horizontal to one foot vertical. The beginning point shall be 125 feet off the side of, and parallel to, the centerline of the runway. The beginning elevation shall be the elevation of the runway.
    - [b] The "runway end subzone" is that trapezoid area at both ends of the runway. Its length shall be 3,000 feet from the end of the runway measured in a straight line along an extension of the

centerline of the runway. Its width at the end of the runway shall be equal to the width of the runway subzone as described above, and then narrows uniformly to a width of 850 feet at the far end located 3,000 feet from the runway. No structures, buildings or trees within this area shall be so high as to penetrate the lower elevation of either of the following two planes. The elevations shall be measured from the elevation of the runway and should be measured from, or along the extension of, the centerline of the runway: (i) a plane rising along both sides of the extension of the runway centerline having a slope that rises one foot vertically for each seven feet moved horizontally moving away from one side of the extended centerline of the runway. The beginning point shall be 125 feet off to the side of, and parallel to, the centerline of the runway; (ii) a plane that rises from the end of the runway that widens as the distance from the end of the runway increases. The slope of this plane follows the extended centerline of the runway and rises one foot vertically for each 20 feet moved horizontally up to a maximum height of 150 feet located at the end of the "runway end subzone." This plane shall begin with a width of 250 feet at the end of the runway (125 feet on either side of the centerline of the runway) and widen uniformly to 850 feet at the end of the "runway end subzone."

- [c] The "clear zone" is that trapezoid area at both ends of the runway. Its length shall be 1,000 feet from the end of the runway measured in a straight line along an extension of the centerline of the runway. Its width at the end of the runway shall be 250 feet, then widens uniformly to 450 feet at the end of the clear zone located 1,000 feet from the end of the runway. Half its width shall be on either side of the extension of the centerline of the runway.
- (2) Notwithstanding the permitted uses allowed within the affected VRC, R-100 and R-5 Districts, uses permitted within the "clear zone" of the airport hazard area shall be limited to the yard areas of the permitted uses, highways, open spaces and agriculture. Uses permitted in the airport hazard area (but outside the clear zone) shall be residences on lots of at least three acres, yard areas of permitted uses, highways, open spaces and agriculture. Applications submitted for permitted uses in the applicable zoning district that are other than those noted above shall be reviewed in the interest of eliminating, or at worst minimizing, the intrusion into the airport hazard area through the use

TOWNSHIP OF HOPEWELL ORDINANCES

of cluster zoning or similar design techniques. For locating highways, they shall be considered developments with vertical heights as follows: interstate highways, 17 feet; other public roads, 15 feet; private roads, ten feet; and railroads, 23 feet. Where the permitted development can only be achieved with an intrusion into the airport hazard area, the township shall grant only conditional approval, conditioned on the applicant applying for and receiving a permit from the Commissioner of the Department of Transportation in accordance with the procedures of N.J.A.C. 16:62 et seq. If the commissioner denies the request, the township's conditional approval shall be void and the application shall have been considered to have been denied.

- 9. Child Care Centers. Child care centers serving six or more children at any one time shall be permitted as a conditional use in the MRC, VRC, R-150, R-100, R-75, R-50, and R-5 residential districts conditioned on the facility being licensed by the State Department of Human Services, Division of Youth and Family Services; the use being a principal use on the lot and not part of a residential property; the use having no more than 100 children at any one time; the minimum lot area being the smaller of either six acres or two times the minimum lot size required in the zoning district in which the property is located; and the property shall have access from either an arterial or collector street. The matters in paragraphs (a) and (b) below shall be normal zoning and design issues and are not conditions for the conditional use.

(a) The lot requirements shall be:

Min. Lot Width:	250 ft.
Min. Lot Depth:	200 ft.
Min. Front Yd:	75 ft (Bldgs and recreation areas)
Min. Side Yd:	75 ft (Bldgs)
Min. Rear Yd:	75 ft (Bldgs)
Max. Building Hgt:	35 ft; 2 story
Max. Floor Area Ratio:	0.05
Max. Lot Coverage (Bldg. & Paving):	15%
Min. Setback for driveways and parking areas from any lot line	40 ft
Min. Setback for recreation areas	50 ft from side and rear lot lines None permitted in front yard

- (b) Drop-Off Area. Each child care center shall designate at least six parking spaces as "No Parking: Student Drop-Off and Pick Up Only". No drop-off area shall be located so it requires students to cross a street, driveway or aisle to get to the sidewalk entering the building. Each space shall be located adjacent to the sidewalk in front of the facility so a child may exit or enter the vehicle either directly to or from the sidewalk, such as from parallel parking spaces, or to or from the space between vehicles in angled parking spaces.
- (c) The space between the recreation area and the abutting lot lines shall be planted with evergreen material spaced so as to provide a dense visual screen. The recreation area shall be enclosed with a fence at least five feet high. Access to the recreation area from the building shall not require the children to cross a street, driveway, aisle, or loading area.
- e. *Commercial Vehicle Parking in Residential Districts.* No motor vehicle bearing commercial registration plates shall be parked upon any lot located in a residential district unless the following conditions are met:
1. Only one commercial vehicle per dwelling unit may be parked in the open. Any additional commercial vehicles, or any trailers, parked at the site shall be parked in a fully enclosed, permanent garage; and
  2. Parked commercial vehicles and trailers cannot be parked closer to a street or other lot line than the minimum setback requirements for the principal building; and
  3. No commercial vehicle shall exceed 3/4 ton capacity.
  4. Commercial vehicle(s) and any trailers shall be registered to or used by a resident of the premises upon which it is parked and the commercial vehicle(s) shall be the customary means of transportation to and from work. No residential property shall be used as a parking lot for commercial vehicles or trailers that are used by employees other than the resident of the lot; and
  5. Commercial vehicles shall not create a nuisance by reason of noise, fumes, dust or otherwise; and
  6. In the event the owner or resident of the lot constructs a garage, or extends a driveway, or adds a parking area to accommodate commercial vehicles and/or trailers, the maximum permitted lot coverage (buildings and paving, including compacted stone areas) shall not be exceeded; and
  7. No body work or painting of commercial vehicles and trailers is permitted. If oil changes and routine maintenance work is to be performed on-site, it is only permitted if done in an enclosed garage; and

- 8. Farm vehicles may be parked on farms.
- f. *Recreational Vehicles.* Defined as boats, boat trailers; self-propelled vehicles containing sleeping accommodations; nonself-propelled vehicles containing sleeping accommodations which are less than 35 feet long and bear current vehicle registration and are ready for highway use; camper-mounted bodies for pick-up trucks, when not installed on a pick-up truck; other trailers, and other similar vehicles may not be stored (October 16 through April 14) between the street and front line of a building nor within one-half of the required minimum side yard or rear yard, with the following exceptions and conditions:
  - 1. Vehicles which are 35 feet long or longer shall be considered as structures and not as recreational vehicles;
  - 2. Pick-up trucks with camper-mounted bodies, vans and motor homes shall be considered as passenger vehicles and not as recreational vehicles so long as they are not more than 25 feet long or 11 feet high;
  - 3. Not more than one boat, with or without trailer, and one other recreational vehicle may be stored on any lot unless the additional vehicles are stored within a totally-enclosed and roofed structure;
  - 4. In R-50, R-75 and R-100 zones, recreational vehicles may be stored closer to a side or rear property line than provided above so long as the angle measured from predominant ground level at the property line to the top of the vehicle is no greater than 45 degrees.
  - 5. If there is no residence on the property, no recreational vehicle may be stored within any required yard setback area.
- g. *Lot, Yard, Height and Coverage Requirements for Nonresidential Uses.*

<i>Uses</i>	<u>Minimum Lot</u>			<u>Minimum Yard</u>			<u>Maximum</u>	
	<i>Area</i>	<i>Width</i>	<i>Depth</i>	<i>Front</i>	<i>Each Side</i>	<i>Rear</i>	<i>Bldg. Hgt.</i>	<i>Lot Cover</i>
Agriculture	5 ac.	N.A.	N.A.	N.A.	N.A.	N.A.	60'	N.A.
Cemetery	3 ac.	250'	250'	20'	20'	20'	20'	N.A.
Church	3 ac.	250'	250'	100'	50'	50'	35'	25%
School	15 ac.	400'	400'	100'	100'	100'	35'	20%
Golf Course	75 ac.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Home Occupation	------(Same as detached dwelling)-----							
Library	3 ac.	250'	250'	100'	50'	50'	35'	40%
Resident Professional Office	------(Same as detached dwelling)-----							
Utility Service	20,000 sq. ft.	100'	125'	45'	25'	40'	35'	20%

h. *Setback and Height Requirements for Accessory Structures on Residential and Nonresidential Lots.*

	<u>Minimum Distance to</u>			
	<i>Front Lot Line</i>	<i>Side Lot Line</i>	<i>Rear Lot Line</i>	<i>Max. Hgt.<sup>2</sup></i>
Barn, Silo,				
Animal Shelter	100'	100'	100'	60'
Farm Stand	20'	100'	N.A.	14'
Nursery Outlet	65'	100'	N.A.	14'
Swimming Pool	Note 1	20' (10' in the R-5 District)	20'	N.A.
Tennis Court:				
Unlighted	Note 1	20'	20'	N.A.
Lighted	Note 1	40'	40'	N.A.
Garage	Note 1	20'	20'	18'
Tool Shed	Note 1	10'	10'	14'
Pro Shop, Club House				
Restaurant	400'	400'	400'	35'

Note 1. Same as the front yard setback for the principal building.

Note 2. Any development located in an airport hazard area shall be limited to such lower height as required in an airport hazard area. The maximum height allowed shall be dependent on the distance of the structure or tree from the side or the end of the runway and shall be limited in height as defined in section 17-159d,8.

For other detached accessory structures to residences, the side and rear line requirements shall be one-half those specified for the principal structure and the front line requirement shall be the same as the principal structure.

i. *R-150 District: Residential Uses.* Only single-family detached dwellings and conversions (section 17-145) are permitted as residential uses in this district. The minimum requirements shall be:

<u>R-150</u>	<i>Non-Cluster Design</i>	<i>Cluster Design (Section 17-79)</i>
Minimum Lot Area	60,000 sf	40,000 sf
Minimum Lot Width	200 ft.	150 ft.
Minimum Lot Depth	200 ft <sup>1</sup>	200 ft <sup>1</sup>
Minimum Front Yard	75 ft.	75 ft.

TOWNSHIP OF HOPEWELL ORDINANCES

<u>R-150</u>	<i>Non-Cluster Design</i>	<i>Cluster Design (Section 17-79)</i>
Minimum Side Yard	50 ft. ea.	40 ft. ea.
Minimum Rear Yard	50 ft.	50 ft.
Maximum Building Ht.	35 ft <sup>2</sup>	35 ft <sup>2</sup>
Maximum Lot Coverage	15%	15%
Minimum Open Space	—	25% <sup>3</sup>

Note: 1. All lots requiring reverse frontage along arterial and collector streets have an additional 25 feet of depth to allow for the establishment of the buffers outlined in subsection 17-89j.

Note: 2. Any developer located in an airport hazard area shall be limited to such lower height as required in an airport hazard area. The maximum height allowed shall be dependent on the distance of the structure or tree for the side or the end of the runway and shall be limited in height as defined in section 17-159d,8.

Note: 3. The open space requirement is only applicable to cluster designs.

The maximum density of units per gross acre of land in the R-150 District shall be 0.6 unit per acre.

j. *R-100 District: Residential Uses.*

1. Single family detached dwellings are permitted in this district.
2. Maximum Number of Dwelling Units. The maximum number of dwelling units permitted on a lot shall be calculated as specified in the following table:

*R-100 District  
With Sanitary Sewer and Water  
Distribution Systems*

	<i>Cluster</i>	<i>Conventional Development</i>	<i>With Wells and/or Septic</i>
<i>Minimum</i>			
Lot Area	7,000 s.f.	20,000 s.f.	80,000 s.f.
Lot Width	70 ft.	100 ft.	150 ft.
Lot Depth <sup>1</sup>	100 ft.	125 ft.	200 ft.
Front Yard <sup>2</sup>	30 ft.	45 ft.	75 ft.
Side Yard	10 ft. ea.	20 ft. ea.	40 ft. ea.
Rear Yard	25 ft.	40 ft.	50 ft.
Open Space	55%	N/A	N/A

*R-100 District  
With Sanitary Sewer and Water  
Distribution Systems*

	<i>Cluster</i>	<i>Conventional Development</i>	<i>With Wells and/or Septic</i>
<i>Maximum</i>			
Building Height <sup>3</sup>	35 ft. and 2 sty.	35 ft. and 2 sty.	35 ft. and 2 sty.
Lot Coverage	30%	20%	15%
Density:			
Single Family	2.0/acre <sup>4</sup>	2.0/acre <sup>4</sup>	0.5/acre

NOTES:

- Note 1. All lots requiring reverse frontage along arterial and collector streets shall have an additional 25 feet of depth to allow for the establishment of the buffers outlined in section 17-89j.
- Note 2. Whenever a pattern of existing building setbacks or front yards, involving four or more dwellings adjacent to and located on each side of the proposed structure are established at less than the minimum front yard required above, a new structure may be built no closer to the street line than the average setbacks of such existing buildings.
- Note 3. Any development located in an airport hazard area shall be limited to such lower height as required in an airport hazard area. The maximum height allowed shall be dependent on the distance of the structure or tree from the side or the end of the runway and shall be limited in height as defined in section 17-159d,8.
- Note 4. Any development in the R-100 District exceeding a density of 1.0 unit/acre shall be permitted only when the property is served by both water and sewer and when the developer contributes to the township's lower income housing fund established to assist the development of lower income housing. For each additional detached single family dwelling unit in excess of 1.0 unit/acre, the developer shall make a payment to the lower income housing fund in the amount and manner set forth in Chapter X.

In residential developments with sewer service from ELSA, or the Stony Brook system serving Hopewell Borough or Pennington Borough, where at least 50 percent of the tract being served is set aside in wetlands, wetland buffers, or other permanent open space (public or private and which open space area may include detention basins), the maximum lot coverage on any individual lot shall be 30 percent of the lot area provided (1) the maximum size of any lot used for calculation purposes is 50,000 square feet including easements, and (2) that the maximum average lot coverage among all lots in the development shall be 20 percent of the total lot area, using a maximum area of 50,000 square feet for any single lot, including easements.

3. Adult Housing. Higher density single family homes, apartments, townhouses or similar forms of multi-family housing are permitted in the R-100 District conditioned on the overall development as well as each unit within the development having a deed restriction limiting the units to occupancy by at least one person 55 years of age or older per unit and prohibiting children under age 18. The development shall also be conditioned on a maximum density of six units per acre and the following zoning standards:

	<i>Adult Housing</i>	<i>Convenience Businesses</i>
Min. Lot Width	300 ft.	275 ft.
Min. Lot Depth	300 ft.	300 ft.
Min. Front Yard	50 ft.	100 ft.
Min. Side Yard	25 ft.	50 ft.
Min. Rear Yard	25 ft.	50 ft.
Distances Between Buildings	30 ft.	30 ft.
Maximum Building Height	2 story, 30 ft.	1 story, 20 ft.
Maximum Lot Coverage	55%	65%
Maximum Floor Area Ratio	none	0.20
Minimum Off-Street Parking		See sec- tion 17-95

The development shall be conditioned further on the site abutting a primary arterial or secondary arterial road as set forth in the Circulation Plan of the Master Plan but being designed so that no driveway serving any individual use (residential or nonresidential) shall directly access the abutting arterial road(s): having both public water and sanitary sewer services; having a minimum tract size of seven contiguous acres if the development is all residential, or at least 15 contiguous acres if containing any permitted business uses; and having ten percent of the units in the development restricted to households of moderate income as set forth in section 17-92. An adult housing development may have up to 15 percent of the area of the lot devoted to businesses which are limited to providing convenience services such as, but not limited to, banking, professional offices, restaurant and the retail sale of food, pharmaceuticals, and general merchandise provided the minimum lot area devoted to businesses is two acres and the maximum lot area is five acres and conditioned further on the businesses being designed as an integral part of an adult housing development; the businesses being located along the abutting arterial road(s) both with their driveway access intersecting the main entrance road to the adult housing development and not intersecting the abutting arterial road; and with the acreage devoted to business uses, including parking, loading, and setbacks, being

deducted from the area of the total tract so the residential density is based on the remaining acreage of the tract.

k. *R-75 and R-50 Districts: Residential Uses.*

1. Only single-family detached dwellings are permitted as residential uses in these districts.

The minimum requirements shall be:

	<i>R-75</i>	<i>R-50</i>
Minimum Lot Area	11,250 sf	6,250 sf
Minimum Lot Width	75 ft.	50 ft.
Minimum Lot Depth	125 ft.	125 ft.
Minimum Front Yard	40 ft.	40 ft.
Minimum Side Yard	10 ft. ea.	10 ft.
Minimum Rear Yard	25 ft.	25 ft.
Maximum Building Height	35 ft. and 2 sty.	35 ft. and 2 sty.
Maximum Lot Coverage	25%	40%
Maximum Density	3.0 units/acre	5.5 units/acre

2. Minimum Front Yard. Whenever a pattern of existing building setbacks or front yards, within 200 feet of a lot on the side of the street, is established at less than the minimum front yard required by section 17-159k,1, above, a new structure may be built no closer to the street line than the average setbacks of such existing buildings.

l. *R-5 District: Residential Use.*

1. The purpose of this district is to create a district with reasonable access to major highways and utility services in which the density can be increased sufficiently to provide for the construction of low and moderate income housing.
2. The permitted uses, design standards, density and other requirements shall be as set forth in section 17-92, Lower Income Housing.

m. *R-6 District: Residential Use.*

1. The purpose of this district is to provide for an expansion of age-restricted housing under the provisions of the Fair Housing Act limiting the units to occupancy by at least one person 55 years of age or older per unit and prohibiting children under the age of 18. The exception to the age restriction is the requirement for affordable housing units constructed after January 1998 which shall be non-age restricted rental units.
2. The permitted housing types are limited to higher density apartments, townhouses, quadplexes or similar forms of multi-family housing conditioned on each unit within the development, other than the low and moderate income units

constructed after January 1998, having a deed restriction limiting the units to occupancy by at least one person 55 years of age or older per unit and prohibiting children under the age of 18.

3. The housing development shall meet the following zoning standards:

Min. Lot Width	300 ft.
Min. Lot Depth	300 ft.
Min. Setback from the Perimeter of the Tract	50 ft.
Min. Front Yard	50 ft.
Min. Side Yard	25 ft.
Min. Rear Yard	25 ft.
Min. Distance between Bldgs.	30 ft. or a distance equivalent to the height of the taller building, whichever is greater, except that where the facades of two buildings are opposite one another for a distance greater than 75 feet, the distance between buildings shall be at least 50 feet.
Max. Building Height	3 stories; 35 ft.
Max. Lot Coverage	55%
Max. Floor Area Ratio	None
Max. Density	6 units/gross acre <sup>1</sup>

Note 1: Where the development contains business uses, the business uses shall conform to the conditional use provisions in section 17-159d,7 but the acreage devoted to the business uses may also be used in calculating the number of housing units allowed in the overall development. The maximum density of six units/acre shall apply to the total of all residential and nonresidential acreage combined. The housing generated by the nonresidential acreage shall be transferred to the residential portion of the development so that the density on the net residential portion of the development is increased above six units/acre to accommodate the units generated from the nonresidential acreage.

4. The housing development shall be required to provide at least 15 percent of the units as affordable housing units (half low income and half moderate income) consistent with the provisions of section 17-92. Each of these units constructed after January 1998 shall be rental units and be non-age restricted. Each of the low and moderate income units constructed before January 1998 shall remain as they were approved, i.e., owner-occupied and age-restricted as set forth in paragraph m.1 above. Any rental credits permitted under NJ COAH's\* rules and generated as a result of the construction of rental units after January 1998 shall

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\*Editor's Note: New Jersey Council on Affordable Housing.

be credited against the Township's affordable housing obligation, not the developer's obligation.

5. The development shall be conditioned on receiving subdivision and site plan approval, which approval(s) shall require the execution of a developer's agreement and appropriate restrictions on the entire tract in order to reasonably guarantee the actual construction and the phasing in of the low and moderate income housing obligation in accordance with section 17-92 as an integral part of the requirements of this zoning district.

(Ord. #94-971; Ord. #94-978, §§ 4, 5; Ord. #94-1009, § 3; Ord. #94-995; Ord. #96-1044, § 1; Ord. #96-1048, §§ 2-4; Ord. #97-1078; Ord. #97-1084, §§ 1, 3; Ord. #98-1095; Ord. #00-1155, §§ 2, 3, 5; Ord. #00-1156, § 1; Ord. #00-1162, § 3; Ord. #00-1164, § 1; Ord. #00-1170, § 1; Ord. #01-1206, § 9; Ord. #01-1218, §§ 1, 2; Ord. #02-1268; Ord. #03-1297, § 2; Ord. #04-1325, §§ 3-7)

#### **17-160 MOUNTAIN RESOURCE CONSERVATION (MRC) AND VALLEY RESOURCE CONSERVATION (VRC) DISTRICTS.**

- a. *Purpose.* The purpose of these districts is to implement the goals, objectives and principles of the 2002 Master Plan relative to protecting environmentally sensitive areas, recognizing development capacity limitations established by natural resource capabilities, maintaining the rural character and providing for sustainable development. These districts have been designed to comprehensively address the interrelated goals of protecting groundwater quantity and quality, maintaining surface water resources, conserving the scenic rural character, addressing limiting soil conditions and promoting continued agricultural use opportunities, while also providing a range of development opportunities that offer alternatives for the landowner.
- b. *Permitted Principal Uses.*
  1. Single-family dwellings and conversions (for conversions, see section 17-145), including housing for low and moderate income households.
  2. All permitted principal uses in section 17-159b,2 to 5.
- c. *Permitted Accessory Uses.* Any accessory use permitted in section 17-159c is permitted in the VRC and MRC Districts.

- d. *Permitted Conditional Uses.* Conditional uses permitted in section 17-159d,2 to 6, 8 and 9.
- e. Commercial vehicle parking in accordance with the standards of section 17-159e.
- f. Recreation vehicles in accordance with the standards of section 17-159f.
- g. The lot, yard, height and coverage requirements for nonresidential uses as specified in section 17-159g shall govern nonresidential uses in the VRC and MRC Districts.
- h. The setback and height requirements for accessory structures on residential and non-residential lots as specified in section 17-159h. shall govern accessory structures in the VRC and MRC Districts.
- i. *Development Standards for Conventional Subdivisions, Lot Averaging, Cluster and Open Lands Designs.* The minimum requirements are as follows:

	<u>VRC</u>		<u>MRC</u>	
	<i>Conventional Subdivision</i>	<i>Lot Averaging, Cluster or Open Lands Design</i>	<i>Conventional Subdivision</i>	<i>Lot Averaging, Cluster or Open Lands Design</i>
Minimum lot area	6 acres	80,000 sf	14 acres	80,000 sf
Minimum lot width	300 ft.	200 ft.	400 ft.	200 ft.
Minimum lot depth	400 ft. <sup>1</sup>	200 ft. <sup>1</sup>	500 ft. <sup>1</sup>	200 ft. <sup>1</sup>
Minimum front yard <sup>2</sup>	100 ft.	75 ft.	150 ft.	75 ft.
Minimum side yard	60 ft. ea.	50 ft. ea.	75 ft. ea.	50 ft. ea.
Minimum rear yard	60 ft.	50 ft.	75 ft.	50 ft.
Maximum building ht.	35 ft. <sup>3</sup>	35 ft. <sup>3</sup>	35 ft.	35 ft.
Maximum lot coverage	10%	15%	6%	15%
Minimum open space	—	60% <sup>4</sup>	—	75% <sup>4</sup>

Note 1. All lots requiring reverse frontage along arterial and collector streets shall have an additional 25 feet of depth to allow for the establishment of the buffers outlined in subsection 17-89j.

Note 2. Lots fronting on Route 31 shall have a minimum front yard setback of 200 feet.

Note 3. Any developer located in an airport hazard area shall be limited to such lower height as required in an airport hazard area. The maximum height allowed shall be dependent on the distance of the structure or tree for the side or the end of the runway and shall be limited in height as defined in section 17-159d,8.

- Note 4. The open space requirement is only applicable to cluster designs. See section 17-160i,2, 3, 4 and 5 for additional standards relating to open lands, clustering, lot averaging and conventional subdivision designs.

1. The maximum density of units per gross acre of land in the VRC District shall be 0.17 unit per acre, and in the MRC District shall be 0.075 unit per acre.
2. Open lands subdivisions are permitted on tracts of 18 acres or more in the VRC District and 40 acres or more in the MRC District. This option is intended to promote the retention of large contiguous wooded tracts and large farm tracts, and to promote the aggregation of smaller wooded and farm parcels. It is also intended to encourage and promote flexibility, economy and environmental soundness in subdivision layout and design. The following standards shall apply to open lands subdivisions.
  - (a) The open lands development plan shall not result in a greater dwelling unit yield than if the property in question were developed as a conventional subdivision. In order to determine the maximum number of lots for an open lands subdivision, a conforming plan of a conventional subdivision shall be submitted, based on minimum lot areas of 5.9 acres in the VRC District and 13.3 acres in the MRC District. The concept plan shall be in sufficient detail to permit the planning board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the planning board as a conventional subdivision without the need for any lot area or lot dimension variances or exceptions to subdivision design standards. The number of lots on the concept plan shall be the maximum number of lots permitted under an open lands subdivision.
  - (b) At least 60 percent of the tract, if located in the VRC District, and 75 percent of the tract, if located in the MRC District, shall be designated as "open lands" and shall, as a condition of approval of the development, be deed restricted for agricultural or conservation use. Lots qualifying as open lands shall be permitted a primary residence and other accessory building or uses as provided in this section.
  - (c) At least 60 percent of designated "open lands" shall be some combination of unconstrained land area, or prime soils or soils of statewide importance, or prime forested area. On tracts in areas which are predominantly active agricultural lands or consist of prime agricultural soils or soils of statewide importance, the preservation of agricultural lands and soils shall take precedence. On tracts in areas which are predominantly prime forested areas, the preservation of forested areas shall take precedence.
  - (d) For tracts of 100 acres or less, the open lands shall be contained in one deed-restricted contiguous parcel; for tracts greater than 100 acres, the open lands may be composed of noncontiguous parcels, provided that each open lands area shall contain at least 50 contiguous acres.

When noncontiguous parcels of at least 50 acres are provided, each parcel may have a residence, provided that the total density is not exceeded.

- (e) All lots created under this subdivision option shall be deed restricted against further subdivision for the purpose of creating an additional lot or lots.
  - (f) The design of the development utilizing this option shall foster the following objectives: retention of large contiguous farmland areas; retention of large contiguous prime forested areas; stream corridor and wetlands preservation; aquifer recharge protection; steep slope protection; overall site design; reduction of impervious coverage; traffic circulation; and, sensitivity to the site's natural features, topography and relationship to open lands on neighboring parcels.
  - (g) In forested areas, the design of the development shall include a 200 foot buffer along existing roads, which shall either maintain existing woodlands or establish new forested areas for those areas that are disturbed during site development or are currently cleared. The intent of this provision is to maintain the scenic roadside views in the township.
  - (h) Development on hillsides shall be located at an appropriate point in the foreground to midground of the hill so that the development does not create a barrier visible from the existing road.
  - (i) Natural features such as trees, hilltops and views, natural terrain, open waters and natural drainage ridge lines shall be preserved wherever possible in designing any development containing such features. As part of the subdivision or site plan review process, development should be designed to preserve scenic vistas and views of cultural/historic landmarks and of unique geologic and topographic features. On hillsides, development should be sited below the ridgeline and the height and location of development should protect unobstructed views of the ridges from public roadways.
  - (j) The applicant is advised to submit a concept plan of the open lands subdivision for review and comment in accordance with this chapter.
3. Cluster subdivisions on tracts of 18 acres or more in the VRC District and 40 acres or more in the MRC District are permitted in accordance with the following standards:
- (a) The cluster subdivision development plan shall not result in a greater dwelling unit yield than if the property in question were developed as a conventional subdivision. In order to determine the maximum number of lots for a cluster subdivision, a conforming plan of a conventional

subdivision shall be submitted, based on minimum lot areas of 5.9 acres in the VRC District and 13.3 acres in the MRC District. The concept plan shall be in sufficient detail to permit the planning board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the planning board as a conventional subdivision without the need for any lot area or lot dimension variances or exceptions to subdivision design standards. The number of lots on the concept plan shall be the maximum number of lots permitted under a cluster subdivision.

- (b) The minimum open space shall be 60 percent of the total tract in the VRC District, and 75 percent of the total tract in the MRC District.
- (c) Areas reserved as permanent open space shall have a minimum contiguous area of not less than five acres and no portion thereof shall be less than 50 feet in width. At least 50 percent of the open space shall be unconstrained lands. The open space area(s) shall be contiguous to open space on adjoining parcels, where applicable, and shall include areas identified in the township's open space and recreation or conservation plans, if any, including greenways.
- (d) On tracts in areas which are predominantly active agricultural lands or consist of prime agricultural soils or soils of statewide importance, the preservation of agricultural lands and soils shall take precedence. On tracts in areas which are predominantly prime forested areas, the preservation of forested areas shall take precedence.
- (e) The open space shall be reserved in perpetuity either by dedication for public use or for use by the residents of the development by private covenant or deed restriction for one of the following purposes:
  - (1) Undeveloped open space.
  - (2) Public or private recreational facilities.
  - (3) Conservation of environmentally sensitive features including, but not limited to, steep slopes, wetlands, aquifer recharge areas, floodplains and wooded areas.
  - (4) Agricultural use.
- (f) The proposed development shall comply with the standards contained in sections 17-160i,2(f), (g), (h) and (i).
- (g) Provision shall be made to ensure suitable maintenance of any area to be reserved by private covenant or deed restriction by the establishment of a property owners' association or other appropriate organization.

- (h) Nothing contained herein shall be construed to require the planning board to approve any subdivision employing clustering if said subdivision is in conflict with any provision of the Hopewell Township Master Plan or if said subdivision will, in any way, result in a land use pattern that will adversely affect that portion of the township in which it lies.
  - (i) The applicant is advised to submit a concept plan of the cluster subdivision for review and comment in accordance with the ordinance.
4. Lot averaging subdivisions are permitted on tracts of 18 acres or less in the VRC District and 40 acres or less in the MRC District in accordance with the following standards:
- (a) The lot averaging development plan shall not result in greater dwelling unit yield than if the property in question were developed as a conventional subdivision. In order to determine the maximum number of lots for a lot averaging subdivision, a conforming plan of a conventional subdivision shall be submitted, based on a minimum lot size of 5.9 acres in the VRC District and 13.3 acres in the MRC District. The concept plan shall be in sufficient detail to permit the planning board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the planning board as a conventional subdivision without the need for any lot area or lot dimension variances or exceptions to subdivision design standards. The number of lots on the concept plan shall be the maximum number of lots permitted under a lot averaging subdivision.
  - (b) A lot averaging subdivision may be permitted when the applicant proposes a distribution of lot areas within the subdivision that results in at least 60 percent of the lots having a minimum lot area between 80,000 square feet and 120,000 square feet, except in the case of a two lot subdivision, in which case one of the two lots shall be 80,000 square feet to 120,000 square feet.
  - (c) The site design of lot averaging subdivisions should shift the more intensive development toward those lands that can best support the installation of the dwelling, well, septic system and associated site improvements. Similarly, lot averaging should seek to preserve those areas which exhibit sensitive environmental features (i.e., water bodies, floodplains, steep slopes, shallow bedrock, aquifer recharge areas, seasonal high water table, etc.) or which contain active or prime agricultural lands or prime forested areas.
  - (d) On tracts in areas which are predominantly active agricultural lands or consist of prime agricultural soils or soils of statewide importance, the preservation of agricultural lands and soils shall take precedence.

On tracts in areas which are predominantly prime forested areas, the preservation of forested areas shall take precedence.

- (e) The proposed development shall comply with the standards contained in sections 17-160i,2(f), (g), (h) and (i).
  - (f) The deed for any lot created by lot averaging shall contain a restriction against its further subdivision for the purpose of creating an additional lot or lots.
  - (g) The applicant is advised to submit a concept plan of the lot averaging subdivision for review and comment in accordance with the ordinance.
5. Conventional subdivisions shall comply with the standards contained in sections 17-160i,2(f), (g), (h) and (i). Lots in conventional subdivisions shall front on local streets.
- j. *Noncontiguous Cluster Development in the MRC and VRC Districts.*
- 1. Purpose. The purpose of this subsection is to provide a mechanism for the transfer of development potential from properties in the MRC and VRC Districts to municipally designated hamlets in the VRC District. The intent of this provision is to provide an opportunity to create an alternative development opportunity that furthers the goals of resource conservation in the township, while also providing a development form that supports the goals and policies of the master plan.
  - 2. Allocation of Standards for the Transfer of Development Potential.
    - (a) Land in the MRC District is allocated one dwelling unit per 7 acres for the transfer of development to a municipality designated hamlet.
    - (b) Land in the VRC District is allocated one dwelling unit per 3 acres for the transfer of development to a municipally designated hamlet.
  - 3. Limitations on the Use of Development Transfers. The owner of the land from which development potential has been obtained shall deed restrict the use of the land in perpetuity to those resource conservation uses authorized and enumerated in the sale or conveyance of the development potential.
- k. *Standards for the Municipal Designation of Hamlets in the VRC District.*
- 1. Hamlets in the VRC District shall be municipally designated and located in accordance with the following criteria:
    - (a) The hamlet shall be located on a county road as shown on the circulation plan element in order to provide appropriate transportation linkages.

- (b) The hamlet shall be located in proximity to existing residential development and community facilities, so that the area can form a neighborhood and utilize these community resources.
  - (c) The hamlet shall be located where suitable soils for on-site wastewater disposal exist so that a community wastewater system can be developed. The wastewater treatment system shall incorporate the best available technology as approved by the N.J. Department of Environmental Protection; avoid the discharge of untreated wastewater to the groundwater; and be operated by a licensed and franchised utility regulated by the Board of Public Utility Commissioners.
  - (d) The hamlet shall be located on a tract with a mix of woodland and open fields, so that the site design can take advantage of these features and the development can be attractively designed and shielded/screened.
  - (e) The hamlet shall be located where the Stockton/Passaic formations underlie the site.
  - (f) The hamlet is permitted only in the VRC District, although development may be transferred to the hamlet from the MRC District as well as the VRC District.
  - (g) The hamlet shall be located in an area where aquifer testing demonstrates that sufficient water supplies are available to sustain the proposed development, in accordance with township ordinances or where public water supply provided by a water utility regulated by the Board of Public Utilities is available.
2. The hamlet shall be designated only when contiguous and/or noncontiguous parcels are preserved from development through the transfer of development potential.
  3. The hamlet shall be designated by the planning board upon the approval of a planned development incorporating the above features and meeting the standards of section 17-160/ below.
1. *Development Standards for Hamlets in the VRC District.*
    1. Tract Size. The hamlet shall have a minimum size of 60 acres and a maximum size of 85 acres.
    2. Density. The minimum density shall be 2.5 units per acre and the maximum density shall be 3 units per acre.
    3. Minimum Lot Size and Lot Development Standards for Residential Uses. The minimum lot size for single family residential lots shall be 7,500 square feet,

with a minimum frontage and width of 50 feet, a minimum front yard of 20 feet, minimum side yards of 10 feet, minimum rear yard of 25 feet, maximum building height of 35 feet and a maximum lot coverage of 35 percent. Atrium homes, patio homes, townhouses, duplexes and quadplexes are permitted in accordance with the standards in section 17-92d,3.

4. Office and Retail Commercial Development. The hamlet shall include nonresidential uses consisting of retail shops for the convenience of the residents and/or offices for professionals and telecommuters, which may include residential uses in combination with the nonresidential uses. The nonresidential development shall be provided at a maximum ratio of 75 square feet of commercial/office space per residential unit. The design of nonresidential development shall respond to the specific location and needs of the planned community. In some cases the appropriate location for nonresidential development is the interior of the hamlet, so that pedestrian linkages are increased and motor vehicle movements reduced. In other cases the nonresidential development should be located at the edge of the hamlet in order to provide services to the surrounding community. A design that integrates both functions may be the most appropriate in certain locations.

The minimum lot size for nonresidential lots, or lots with a mix of nonresidential and residential uses, shall be 20,000 square feet, with a minimum frontage and width of 90 feet, a minimum front yard of 30 feet, minimum side yards of 15 feet, minimum rear yard of 35 feet, maximum building height of 35 feet and a maximum lot coverage of 60 percent.

5. Public and Quasi-Public Uses. The hamlet shall include at least 40 percent of the tract in open space and parks, including a greenbelt around the hamlet, and may include public uses such as community buildings and quasi-public uses such as a house of worship.
- m. *"Grandfathering" of Nonconforming Properties in the MRC and VRC Districts.*
1. A single family detached dwelling located in the MRC and VRC Districts, which has received a certificate of occupancy or temporary certificate of occupancy prior to September 20, 2001, may be enlarged without an appeal to the approving authority, even though the dwelling may be on a nonconforming lot, provided that:
    - (a) For properties located in the MRC District:
      - (1) The proposed enlargement conforms with the use, area, yard, building height and lot coverage requirements of the former R-250 Zoning District; and

TOWNSHIP OF HOPEWELL ORDINANCES

- (2) The proposed enlargement does not increase the nonconformity of any dimensional setback violations existing prior to September 20, 2001; or
- (b) For properties located in the VRC District:
  - (1) The proposed enlargement conforms with the use, area, yard, building height and lot coverage requirements of the former R-200 Zoning district; and
  - (2) The proposed enlargement does not increase the nonconformity of any dimensional setback violations existing prior to September 20, 2001;
- (c) The area, yard, building height and lot coverage requirements for the former R-250 and R-200 Zoning Districts are as follows:

	<i>R-250 District</i>	<i>R-200 District</i>
Minimum Lot area	3 acres	80,000 sf
Minimum lot width	250 ft.	200 ft.
Minimum lot depth	300 ft.	200 ft.
Minimum front yard	100 ft.	100 ft.
Minimum side yard	60 ft. each	50 ft. each
Minimum rear yard	60 ft.	50 ft.
Maximum building height	35 ft.	35 ft.
Maximum lot coverage	10%	10%

- 2. Accessory buildings or structures may be added to single family detached dwellings on nonconforming lots located in the MRC or VRC Zoning District, without an appeal to the approving authority, provided that:
  - (a) The dwelling received a certificate of occupancy or temporary certificate of occupancy prior to September 20, 2001; and
  - (b) If the property is located in the MRC Zoning District, then:
    - (1) The accessory building or structure, by itself, conforms with all requirements of the former R-250 Zoning District; or
  - (c) If the property is located in the VRC Zoning District, then:
    - (1) The accessory building or structure, by itself, conforms with all requirements of the former R-200 Zoning District.

3. A lot located in the MRC or VRC Zoning Districts may be developed with a single-family dwelling without an appeal to the approving authority, provided that:
  - (a) For properties located in the MRC District, the lot is an existing isolated vacant lot with an area measuring at least three acres and the setbacks and other requirements of the former R-250 Zoning District can be satisfied; or
  - (b) For properties located in the VRC District, the lot is an existing isolated vacant lot with an area measuring at least 80,000 square feet and the setbacks and other requirements of the former R-200 Zoning District can be satisfied; or
- (c) The lot had received final subdivision approval from the planning board prior to September 20, 2001.

Any lot that qualifies for development in accordance with the standards of this section 17-160m,3 shall also be entitled to receive the benefits referenced in section 17-160m,1 and 2, as set forth above.

(Ord. #02-1268 § 6; Ord. #03-1282, § 1; Ord. #04-1325, §§ 8-14; Ord. #04-1329, § 1)

