

HARDING HIGHWAY, L.L.C. – HAMILTON TOWNSHIP MOUNT LAUREL LITIGATION  
SETTLEMENT AGREEMENT

EXHIBIT A

ORDINANCE NO. \_\_-2006

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 208, DEVELOPMENTAL ORDINANCE, OF THE CODE OF THE TOWNSHIP OF HAMILTON, ATLANTIC COUNTY, STATE OF NEW JERSEY, TO ESTABLISH A PLANNED VILLAGE DEVELOPMENT (PVD) ZONING DISTRICT AND AMEND THE TOWNSHIP ZONING MAP**

WHEREAS, the Mayor and Township Committee of the Township of Hamilton have determined that it is in the best interests of the residents of the Township to amend and supplement the Hamilton Township Developmental Ordinance to establish a Planned Community Development Zoning District in order to advance the Township's efforts to provide affordable housing as required by the NJ Council on Affordable Housing,

NOW, THEREFORE, BE IT ORDAINED by the Township of Hamilton, County of Atlantic, State of New Jersey, as follows:

1. Amend §203-5.F(4)(d)[1] to read:

[1] Any municipal variance approval which grants relief from the residential density or residential lot area requirements set forth in Table 7.1: Area and Bulk Requirements for the R-22, R-9, GA-L, GA-M, or GA-I Districts or from the requirements established for the VC and PVD Districts shall require that Pinelands Development Credits be used for all dwelling units or lots in excess of that otherwise permitted without the variance.

2. Amend §203-5.F.(4)(d)[3] to read:

[3] Any variance or other approval for a nonresidential use not otherwise permitted in the R-9, R-22, GA-L, GA-M, ~~or~~ GA-I or PVD Zones shall require that Pinelands development credits (PDCs) be used for 50% of the maximum rate permitted for PDCs use in the zone in which the nonresidential use will be located for parcels under 10 acres in size; for 75% of the maximum rate for parcels between 10 acres and 20 acres in size; and for 100% of the maximum rate for parcels over 20 acres in size. This requirement shall not apply to a variance or other approval which authorizes the expansion of or modifications to existing nonresidential uses in accordance with N.J.A.C. 7:50-5.2

3. Amend §203-11, Zoning districts enumerated, to include Planned Community Development in the list of zoning districts with a corresponding district symbol PVD.

Note: In Sections 1 through 6 of this ordinance, language to be omitted is indicated by double strike-through text (~~text~~) and language to be added is indicated by underlined bold text (**text**). Section 7 of this ordinance is to be inserted in its entirety.

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4. Amend the Zoning Maps listed in §203-12.B, District boundaries; Zoning Map, as needed to include Planned Village Development (PVD) on the list of Zoning Districts and to identify the PVC zone as being applicable to the following parcels, the boundaries of which are shown on the attached Figure 1.

Map ID #	BL/LOT
5	996/37
6	1134/1
7	1135.01/10.01 (part)

5. Amend §203-162.B.(4)(a) to read:

(a) Residential development of 50 or more units and any other development involving more than 100 parking spaces located in the R-22, R-9, GA-L, GA-M, GA-I, HC, DC, GC, VC, IBP, **PVD** or RD-RGD Zones;

6. Amend §203-171.G.(1) (a)' (b) and (c) as follows:

- 1) Pinelands development credits shall be used in the following manner:

(a) To permit development of parcels of land in the GA-L, GA-M, ~~and~~ GA-I **and PVD** Districts according to the density and lot area requirements set forth in Table 7.1.

(b) When a variance of residential density or minimum residential lot area requirements for the R-22, R-9, GA-L, GA-M, GA-I, ~~or~~ VC, **or PVD** Districts is granted, Pinelands development credits shall be required for all dwelling units or lots in excess of that otherwise permitted without the variance.

(c) When a variance or other approval for a nonresidential use not otherwise permitted in the R-9, R-22, GA-L, GA-M, ~~or~~ GA-I **or PVD** Zoning Districts is granted by the Township, Pinelands development credits shall be used at 50% of the maximum rate permitted for Pinelands development credits used in the zone in which the nonresidential use will be located for parcels under 10 acres in size; for 75% of the maximum rate for parcels between 10 acres and 20 acres in size; and for 100% of the maximum rate of parcels over 20 acres in size. The requirement shall not apply to a variance or other approval which authorizes the expansion of or changes to existing nonresidential uses in accordance with N.J.A.C. 7:50-5.2

7. Amend §203 by adding and inserting the following as a new Article XXIV, Planned Community Development:

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**ARTICLE XXIV Planned Village Development Zone**

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**1 Purpose.**

It is the intent of this chapter to create a realistic opportunity for the construction of a portion of the low and moderate income housing obligation of the Township of Hamilton under New Jersey's Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the rules of the New Jersey Council on Affordable Housing, N.J.A.C. 5:93-1 et seq., and the *Mt. Laurel* doctrine, as well as to settle litigation entitled *Harding Highway, LLC v. Township of Hamilton, et. al.*, Docket No. ATL-L-155-04 (Mount Laurel). Furthermore, the purpose of a Planned Village Development (hereinafter PVD) is to facilitate the development of affordable housing for low and moderate income households within designated portions of the regional growth area while continuing to encourage innovations in residential development, and supportive public, quasi-public and neighborhood commercial uses that promote a sense of community for the benefit of the development's residents, minimize the proliferation of roadways, encourage functional open space and passive recreational facilities and, at the same time, encourage land development that is fiscally responsive to the community and yet environmentally sound.

**2 General provisions.**

- A) Because this Ordinance provides specialized regulations for housing types, land uses, subdivision improvements, street standards, site planning, and building design within the Planned Village Development Zoning District, the standards and requirements of this Ordinance supersede and replace all conflicting provisions in the Hamilton Township Developmental Ordinance and Zoning Ordinance. All ordinances of the Township of Hamilton that are inconsistent with the provisions of this ordinance are superseded by the provisions of this Ordinance
- B) Any tract of land developed as a PVD shall be held in common ownership or, in the case of multiple ownership or where contiguous parcels are owned, shall be developed according to a single plan with common authority and common responsibility. For the purposes of this section, properties separated only by an unimproved public right-of-way shall be considered contiguous
- C) A PVD shall include deed restricted affordable housing units that generate COAH credits, through actual dwelling units and/or rental bonuses or other credits. The affordable unit set aside determination shall be determined by Section 5.B of this Chapter.
- D) When a developer of a PVD opts to include age restricted housing as an element of the development said developer will be required to file deed restrictions on the age restricted units as established in §203-89.C of the Code of the Township of

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Hamilton. The developer shall submit, as a condition of final approval for a PVD, a draft of such declaration or deed to the Planning Board for its review and approval, which deed or declaration shall further contain satisfactory procedures for monitoring and enforcing such restrictions in the event of any violation thereof. The declaration or deed shall be recorded in the County Clerk's office prior to the issuance of any building permit.

**3 Definitions**

As used in this ordinance, the following terms shall have the meanings indicated and shall supplement or supercede the definitions in §203-18:

Affordable housing unit – a dwelling unit with a sales price or rent within the means of a low or moderate income household as defined in NJAC 5:94-7.

Age restricted unit – For the purpose of a PVD an age restricted unit shall mean an adult household as defined in subsections A and B of the definition of a Planned Adult Community found in §203-18.

Market rate unit – Dwelling units that are not restricted to low and moderate income households that may sell or rent at any price determined by a willing seller and a willing buyer.

Townhouse - For the purpose of a PVD a townhouse shall mean a dwelling unit in a residential structure of not more than three (3) stories or 40 feet containing not fewer than three (3) one-family dwelling units each with an entrance on the first floor and each being separated by a fire rated assembly and each intended for separate ownership or rental.

Stacked townhouse – For the purpose of a PVD a stacked townhouse shall mean a residential structure of not more than three (3) stories or 40 feet, consisting of a multi-story residential unit located on top of, in part or whole, either a single story residential unit (a.k.a. a flat unit) or another multi-story residential unit each with an entrance on the first floor, each separated by a fire-rated assembly, each intended for occupancy as separate living quarters for two (2) or more families, each located on a single lot if available for fee simple ownership, and each available for ownership in fee simple or as condominium, or for rental.

**4 Permitted uses.**

The following uses are permitted in a PVD

A) Residential development including:

1) Single-family detached dwellings

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- 2) Single-family attached dwellings
- 3) Townhouses, including stacked townhouses.
- 4) Apartment and/or condominium units including units located over commercial uses, units located over parking and freestanding apartment and/or condominium buildings.

B) Churches, schools or similar facilities, subject to the additional requirements of Article XV of this chapter.

C) Community buildings, pools, and similar recreation facilities designed as part of the PVD, subject to any pertinent special regulations.

D) Neighborhood commercial development as provided for in §6 of this article.

**5 Housing mix regulations.**

The mix of various uses is designed to encourage a mix of housing types to promote diversified population and housing.

A) Required housing mixes.

- 1) No more than 30% of all dwelling units may consist of two-story apartments over retail space such as would be found in a traditional main street area.
- 2) A minimum of 40% of all dwelling units shall consist of one or more of the following: single-family detached, single-family attached (duplex), townhouses or stacked townhouses, provided that the number of market rate non-age restricted single family detached units is a minimum of 20% of total units.
- 3) No more than 25% of all dwelling units may consist of age restricted housing in three-story buildings constructed over parking.

B) Affordable housing set asides.

- 1) 20% of the total units developed in a PVD shall be set aside for occupancy by low and moderate income households ("affordable housing") if the affordable units are offered for sale, or
- 2) 15% of the total units developed in a PVD shall be set aside for occupancy by low and moderate income households if the affordable housing units are offered for rent.

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- 3) Affordable housing units may be age-restricted; provided that the number of age restricted affordable units does not exceed one-third (33.34%) of the total affordable units in the PVD.
- 4) Affordable units shall comply with the New Jersey Barrier Free Subcode accessibility requirements, N.J.A.C. 5:23-7, as required by the state Fair Housing Act, as amended by P.L.2005, c.350.
- 5) The affordable housing shall be developed and sold or rented in accordance with the current applicable COAH rules, including requirements on: split between low and moderate income housing, bedroom distribution, range of affordability, pricing and rents of units, affirmative marketing, affordability controls, and construction phasing with the market-rate units developed on the tract.

C) Pinelands Development Credits (PDC's)

- 1) Pinelands Development Credits shall be acquired and redeemed at a rate of one right (0.25 credit) for every four non-income restricted housing unit (i.e. 25% of all market rate residential units, including age restricted units) developed in a PVD.
- 2) Pinelands Development Credits shall be purchased in proportion to the number of units in each phase of the project pursuant to the provisions of § 203-171.C. (4).
- 3) No PDC's shall be required to be purchased with respect to any affordable units constructed in an inclusionary project.
- 4) No PDC's shall be required with respect to the nonresidential components of a PVD provided that any commercial development complies with provisions of § 6.A.

D) Age-restricted units

- 1) The maximum number of age restricted units in a PVD shall not exceed one-third (33.34%) of the total units developed.

**6 Neighborhood Commercial development regulations**

Neighborhood Commercial (NC) uses, as established in §203-58, are permitted in a PVD with the intent being to encourage development of mixed commercial/residential structures (e.g. apartments/condominiums over commercial space) in a traditional main street configuration, subject to the following provision.

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- A) Up to a maximum of 15% of the land area in a PVD may be used for commercial purposes provided that no more than 5% of the land area is occupied by commercial uses without a residential component.
- B) The commercial area shall be integrated into the internal circulation system of the PVD (roads, bikeways and walkways) to encourage and promote activity and usage by the residents of the PVD and adjacent development.

7 **Open space requirements.**

Open space shall be designed as an integral part of all PVD projects and shall provide a range of opportunities for active and passive recreation as well as protect and preserve the natural environment.

- A) The minimum area of total open space in a PVD shall be 40% of the developable land within the site. For the purpose of this calculation, total open space shall consist of all areas not covered by buildings or impervious surfaces including, but not limited to, perimeter buffers, yard areas of single family and townhouse units, recreation areas, parking lot areas and islands that are landscaped or unpaved, etc.
- B) Active recreational facilities shall be provided in accordance with § 203-158 as appropriate in relation to the number of dwelling units proposed in the project.
- C) Except as provided for in subsection 1 (below) the developer shall be permitted to buy out of the active recreation obligation only in accordance with § 203-158.I, however, recreation fees applicable to affordable units shall be 50% of the amount required by that section.
  - 1) The recreation fees applicable to Block 1134 Lot 1 shall be as follows:  
market rate units - \$2,500/unit, affordable units - \$1,250/unit.
- D) The distribution of developed and undeveloped common open space shall be designed to the maximum extent practicable to coincide with the orientation of the housing units and the user population in a manner that provides uninterrupted and easy access.
- E) Linkage of developed open space shall, to the maximum extent practicable, be provided as a system of pathways (walkways, bikeways, etc.) which connect developed open spaces.
- F) Development in the vicinity of undeveloped open space shall be designed to protect the site's natural resources, animal habitat, flood-prone areas, etc. The undeveloped open space shall be utilized to provide protection for critical ecosystems within the project site and to preserve in perpetuity the natural

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assets of the project area.

- G) All open space shall be recorded in the master deed for each project to reflect its permanency for such space. Such document shall be submitted to the Planning Board prior to final approval.

**8 Density.**

- A) The maximum residential density shall be 5.45 dwelling units per gross acre, provided that the net density shall not exceed 6.5 dwelling units per acre.
- B) Residential density shall be calculated using the total gross area of the site, including areas used for neighborhood commercial development.
- C) Net density shall be as defined in Section 203-18.

**9 Area and bulk requirements.**

- A) The minimum buffer between any residential lot and adjacent roadway shall be 75 feet from an existing off-site arterial roadway and 50 feet from an existing off site local or collector street or road.
- B) No principal or accessory building shall be located within 40 feet of the property line of the site proposed for PVD development, or within 40 feet of an internal collector street connecting to an off site collector or arterial roadway.
- C) Commercial structures, including mixed commercial residential structures, shall be set back a minimum of 50 feet from an existing off-site arterial roadway and 40 feet from an existing off site local or collector roadway.
- D) The minimum lot area, minimum lot widths, minimum yard dimensions, minimum privacy yard areas and maximum lot coverage specified in Table 1 shall apply to all residential development in a PVD.

**10 Spacing between buildings.**

- A) The minimum distance between residential buildings of a similar type shall be as specified in Table 2.
- B) Building spacing for nonresidential structures, such as community buildings, etc., shall be no closer than:
- 1) Fifty feet to any residential structure.
  - 2) Twenty-five feet to any street curb or property line, except as otherwise

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stipulated herein.

**11 Height.**

- A) Except as provided in subsections B – E (below), the height of principal buildings shall not exceed 3 stories and 40 feet; provided, however, that three-story buildings containing 2 stories of apartments over a retail level shall be permitted as an element of a traditional main street design.
- B) The height of accessory uses shall not exceed one story and 15 feet.
- C) Buildings containing age restricted multifamily housing with parking on the ground level with 3 residential stories above shall not to exceed 45 feet from grade on the front façade and shall not exceed 55 feet from grade on the rear façade, where the rear façade grade is lower than that front façade grade to permit parking entrances and exits.
- D) Mechanical equipment may exceed building height by 5 feet and shall be shielded from view to the maximum extent possible.
- E) The height of ornamental architectural structures that are not intended for occupancy and are located in a common area of the PVD (e.g. clock towers, etc.) shall not exceed 40 ft.

**12 Off-street and on-site parking.**

The following parking standards shall be required for the specified uses listed in a planned residential development:

- A) Parking for the residential component of a PVD shall be regulated by New Jersey Residential Site Improvement Standards
- B) See § 203-60 for on-site parking requirements applicable to commercial and mixed commercial/residential uses.
- C) Off-street on-site parking facilities shall be limited to passenger vehicles of permanent residents. Storage of trucks, boats, trailers, etc., in multifamily projects shall be prohibited.
- D) Design controls applicable for off-street parking facilities are set forth in the site plan and subdivision regulations of this chapter.
- E) Parking for community buildings, if any, shall be based upon one off-street on-site space per 120 square feet of building area.

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- F) Bike racks permanently in place shall be provided at all recreational facilities based upon estimated user demand.
- G) Parking for recreational facilities shall be provided based upon the need generated by individual facilities.

**13 Landscaping.**

All planned residential developments are required to submit a detailed landscaping plan, prepared by a professional landscape architect, pursuant to requirements established in Article XIV, Environmental Review and Site Analysis.

- A) Landscaping objectives and uses of plants. Landscape design is an important element in creating a well-conceived planned residential development; accordingly, in site design it has a role greater than just screening and aesthetic function. Thus, the following elements are set forth to identify the areas of landscaping design required as part of any planned residential development.
  - 1) Architectural uses. Plants, singly or in groups, form walks, canopies or floors of varying heights and densities creating walls of privacy, plant canopies, plant floors, etc.
  - 2) Engineering uses. Engineers are concerned with such items as glare, traffic, noise control, soil erosion, etc. Utilizing well-chosen and properly placed plant material, noise, soil erosion, glare, etc. can be reduced.
  - 3) Climate control uses. Shade trees, windbreak trees and snowfence plants are examples of plants used for climate control.
  - 4) Aesthetic uses. Plants can be used to blend together various unrelated elements such as buildings, utility structures or inharmonious land uses. Landscaping can be very effectively used to improve a building design by complementing a building's design through color, texture, seasonal configurations, highlighting areas of interest using landscaping creatively with lighting and signage, etc.
  - 5) Water as landscape. Water areas can be a handsome and often functional addition to a site design by utilizing detention basins, serving engineering purposes, as part of the landscaping element. Through creative engineering and good landscape design, such areas can add substantially to the quality of any planned residential development.
  - 6) Wildlife habitat. Wildlife habitat is an important element in large tract development where large areas of open space are to remain undisturbed. Designs must inventory this habitat and assure its continuity, either

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through supplementing habitat, preserving it or both. Accordingly, the design for development must address such concerns with concrete alternatives.

- 7) Preservation of existing vegetation. Site and landscape designs shall comply with the provisions of §203-182, Tree Preservation.
- B) Planting requirements. All areas not covered by roadways, pedestrian walkways, parking areas, etc., shall be landscaped with natural materials according to a landscaping plan submitted as part of the site plan application process. The minimum number of trees planted in lots as buffers or in parking areas shall be as follows:
  - 1) Canopy trees. There shall be a minimum number of five canopy trees, three inches in caliper measured six inches from the top of the root ball, per each proposed residential unit. Clump or flowering trees incapable of being measured six inches from the top of the root ball shall be at least 12 feet high at the time of planting.)
  - 2) Shrubs and ornamental planting. (NOTE: The developer shall select all plant material in this category from approved Pinelands plant material. To assure variation, plant material shall include at least four distinct categories of plants. Such plant material shall be at least 40% mature at the time of planting.) The minimum number of this type of plant material shall be 20 plants per dwelling unit for townhouses and single-family housing types and 15 plants per unit for garden apartments. The intent, however, is to assure the proper uses of understory plant material along the edges of buildings, walkways, bases of signs, bases of streetlights, creation of plant walls, highlighting entranceways, restricting entry to certain areas, basic ornamental planting, etc.
- C) Special landscaping emphasis. The following standards shall be supplemental to those requirements of Subsection B above in cases where the Board determines that such requirements have not been met through the minimum standards set forth in Subsection B.
  - 1) Parking lots. All parking lots in a planned unit development shall be landscaped in the following fashion:
    - (a) At a minimum, every tenth parking space shall be interrupted with a canopy tree three inches in caliper measured six inches from the top of the root ball. Such tree shall be planted at least four feet into an island perpendicular to the curb so that it is clear of vehicle overhang and opening doors. The tree shall be so positioned and the island designed so

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that the landscaping will not interfere with pedestrian circulation.

- (b) All overhang areas shall be designed with a hard surface from the outside edge of the wheel bumper (head of parking stall to a distance of three feet beyond that point).
- 2) Dwelling unit to edge of parking. The area extending between the wall of a dwelling unit to the edge of any parking area shall be landscaped to achieve a visual separation with a combination of hedges, shrubs, bollards or other similar techniques.
- 3) Dwelling unit to edge of street. The area extending between any dwelling unit and street edge shall be landscaped with screen, buffer or ornamental planting as required to provide an appropriate transition between the two elements.
- 4) Privacy areas. The patio and similar areas designated for privacy shall be landscaped with screen, canopy and ornamental planting.
- 5) Maintenance, storage and refuse collection areas. These areas shall be landscaped with buffer and screen plantings to provide visual physical separation of such elements from contiguous areas.
- 6) Landscaping for energy conservation. Landscape planting generally throughout the site shall be utilized to provide buildings with summer shade canopies, maximum winter exposure to sun, windbreaks, etc.
- 7) Wildlife habitat. The utilization of landscape planting to promote the creation and/or preservation of wildlife habitat must take form at two levels. The first effort is required in the areas referred to as "developed common open space." These include parks, playgrounds, backyards, walkways, etc., in which plant material selected to satisfy the needs of the human population can also have food and shelter value for bird and small game species. The second effort lies in the protection of the habitat value of the undeveloped open space and augmenting such habitat with plant material that further promotes food and shelter values.
- 8) Developed common open spaces. The developed open spaces throughout any project area shall be landscaped according to an overall plan incorporating existing plant material and supplementing it.
- 9) Utility fixtures, such as transformers, heat pumps, etc., throughout the site shall be screened with a combination of fencing and landscaping.

10) The rear yard and first floor of the rear outside wall of any single-family

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dwelling, attached or detached, must be buffered/screened from the view of any street classified as a collector, arterial, freeway or expressway.

D) Maintenance of landscaped areas.

- 1) All landscaped areas shall be maintained in a neat and professional manner throughout the life of the project, to include the replacement of plant material as required.
- 2) The agency, office or person charged with such responsibility shall be designated. All areas of the site plan to be under a common association responsibility shall be designated on the site plan.
- 3) Retention of native plant material. All efforts shall be made to retain natural plant material as required by §203-182. Clearing shall be limited to roadways and building sites; and other areas essential for the development pursuant to those sections relating to fire management and vegetation as provided for on the approved grading and soil erosion & sediment control plans.
- 4) Substitutions of existing plant material for required landscaping. Subsequent to construction of each project phase, the developer may request the Planning Board to verify the acceptability of existing native plant material and its suitability as a substitute for any proposed landscape plan.
- 5) Location of landscape material. All landscape material shall be located so as not to obstruct vision in parking areas, along roadways or in other areas accessible to motorized vehicles.
- 6) In the Pinelands Area, landscaping plans shall incorporate the elements set forth in § 203-185A(4).

**14 Signs.**

Signs permitted in a PVD are identified in Article XIII, Signs, of this chapter. All signs utilized in a PVD shall, at a minimum, be consistent with the above section, as well as:

- A) Be constructed of natural materials in architectural character with the project.
- B) Be landscaped at their base in a manner to highlight the immediate area around the base of the sign.

**15 Lighting.**

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- A) A lighting plan shall be required for a PVD, which adheres to the submission standards in Article XIV, Environmental Review and Site Analysis.
- B) At a minimum, lighting shall be provided for the following functions and areas within a planned residential project. Types of lighting required:
- 1) Streetlighting along all project streets.
    - (a) Cutoff luminaire: not to exceed 25 feet in height. Such luminaires are to be limited to the collector streets in project areas.
    - (b) No-cutoff luminaire: not to exceed 15 feet in height. Such luminaires are to be limited to minor or local streets.
    - (c) Luminaire with less than 90% cutoff: not to exceed 25 feet in height.
    - (d) The average maintained illumination measured at the pavement shall be 1.2 footcandles.
  - 2) Pedestrian lighting shall be provided along all walkways and areas frequented by pedestrian traffic that are not adequately reached by other lighting sources. Pedestrian lighting shall:
    - (a) Not exceed three feet in height.
    - (b) Be vandal proof and relatively maintenance free.
    - (c) Be in architectural character with building design.
    - (d) Be embodied into an overall landscape design whenever possible.
  - 3) Security lighting shall be provided throughout the site which shall:
    - (a) Light all security-sensitive areas, such as but not limited to areas between buildings, community buildings, pool areas, recreational areas, etc., when not in use.
    - (b) Light portions of bikepaths not lighted by other sources.
    - (c) Light addresses for individual buildings.
    - (d) Light any areas deemed to require lighting for unforeseen security purposes as recommended upon inspection of site plans by the Hamilton Township Police Department.

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- 4) Ornamental lighting shall be provided to highlight key areas of projects such as but not limited to entry points, landscape clusters, etc.
- 5) Recreational area lighting shall be provided for all recreational facilities incorporated as part of the recreational plan for any project. Such lighting, at a minimum, shall be installed to provide adequate illumination by which each designated recreational activity can be safely carried out. In such cases, luminaires may extend to a height of 50 feet as an exception to any regulations stated herein.
- 6) All luminaires provided shall be vandal-proof and be oriented in such a fashion to preclude glare upon surrounding properties or roadways, both in and contiguous to the site.

**16 Fences.**

Fences permitted in a planned village Development are identified in § 203-173, Maximum height requirements for fences, walls and hedges.

**17 Waiver of density provisions.**

In the event that an applicant is unable to achieve the densities set forth in § 8.A of this article because of the requirements of the section relating to wetlands protection, the Planning Board shall waive or vary such requirements of this article regarding distances between buildings and the required housing mixes as are necessary to allow the developer to achieve the densities authorized in § 8.A. In administering this provision, the applicant shall have the burden of demonstrating that the assigned densities are not achievable, and the Planning Board shall have discretion to determine which requirements of this section shall be waived or modified.

**18 Development Review.**

- A) Planned development: A development in the PVD zone district shall be considered a type of "planned development" and "planned unit development" and shall be reviewed by the Planning Board in accordance with the procedures specified in the Municipal Land Use Law for a "planned development" at N.J.S.A. 40:55D-39.c., -43, and -45.
- B) General development plan: General development plan approval, with vesting for twenty (20) years, shall be available for a development in the PVD zone district.
- C) General development plan - land use plan: The land use plan in the general development plan application shall identify any area(s) that may change in use from all residential to non-residential or mixed residential and non-residential.

Note: In Sections 1 through 6 of this ordinance, language to be omitted is indicated by double strike-through text (~~text~~) and language to be added is indicated by underlined bold text (**text**). Section 7 of this ordinance is to be inserted in its entirety. 15

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- D) General development plan - housing plan: The housing plan in the general development plan application shall address the general locations of affordable housing units and how the construction phasing requirements of applicable COAH rules will be met.

**19 Unnecessary Cost-Generating Features**

The Planning Board shall conduct its review of any development application in PVD district in accordance with the fast-tracking requirements of COAH rules, currently codified at N.J.A.C. 5:94-8

The applicant for a development application in the PVD Zone shall be entitled to invoke any rights conferred by COAH rules, including the right to request relief from cost-generating application requirements and development standards that are not essential to protect the public health and safety and reasonable variances and waivers necessary to construct the inclusionary development, in accordance with N.J.A.C. 5:94-8. These waiver and variance provisions shall not apply to development standards adopted by the Township that were established by the NJ Pinelands Commission pursuant to NJAC 7:50-6 and the requirements for the purchase of PDC's.

**8. Inconsistency Repealer**

Because this Ordinance provides specialized regulations for housing types, land uses, subdivision improvements, street standards, site planning, and building design within the Mixed Use Zone District, the standards and requirements of this Ordinance supersede and replace all conflicting provisions in the Hamilton Township Developmental Ordinance and Zoning Ordinance. All ordinances of the Township of Hamilton that are inconsistent with the provisions of this ordinance are superceded by the provisions of this Ordinance.

**9. Savings Provision**

If any section, subsection, sentence, clause or phase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

**10. Effective Date**

This ordinance shall take effect upon final passage, approval, filing with the Atlantic County Planning Board, approval by the Pinelands Commission, and publication as required by law.

HARDING HIGHWAY, L.L.C. – HAMILTON TOWNSHIP MOUNT LAUREL LITIGATION  
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EXHIBIT A

TOWNSHIP OF HAMILTON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY

ATTEST:

TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC, NJ

\_\_\_\_\_  
JOAN I. ANDERSON, R.M.C.  
TOWNSHIP CLERK

\_\_\_\_\_  
THOMAS PALMENTIERI, MAYOR

ROLL CALL: GIORDANO  
MATTLE  
PRITCHARD  
SACCHINELLI  
PALMENTIERI

ORDINANCE # \_\_\_\_-2006 INTRODUCED AND PASSED FIRST READING  
\_\_\_\_\_.

ORDINANCE # \_\_\_\_-2006 ADOPTED \_\_\_\_\_

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EXHIBIT A

Figure 1  
Recommended  
Planned Village  
Development Sites  
Township of Hamilton  
Atlantic County, NJ



Legend

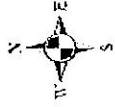
- zoning
- wetlands
- streams
- lot lines
- State OS

Approved Development Site

Proposed  
PVD Sites

Notes:  
1. The numbers shown in the proposed PVD sites is the map ID number from Table 3 of the 1st & 2nd Round Compliance Plan.  
2. As indicated on this figure, 92 acres of the Race Track property (255+ total acres) are to be rezoned for Planned Village Development

August 16, 2006



THIS DOCUMENT IS THE PROPERTY OF THE TOWNSHIP OF HAMILTON, NEW JERSEY. IT IS TO BE USED ONLY FOR THE PURPOSES FOR WHICH IT WAS PREPARED. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE TOWNSHIP OF HAMILTON, NEW JERSEY.

CONCEPTUAL SITE PLAN  
**WOODS EDGE**  
 HAMILTON TOWNSHIP, ATLANTIC COUNTY



Scale 1" = 100'  
 Date 5-10-00  
**SK-3**

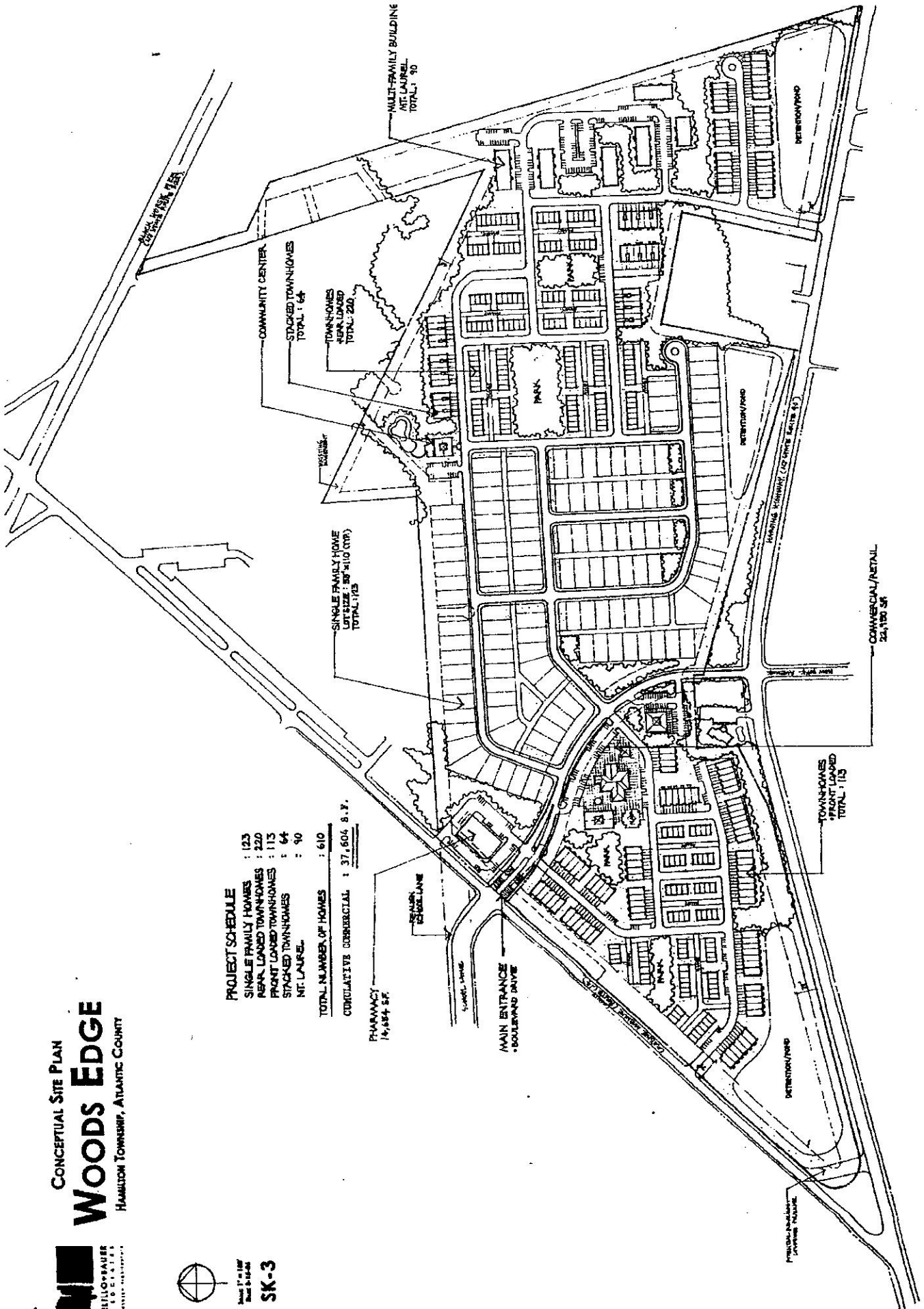
**PROJECT SCHEDULE**

SINGLE FAMILY HOMES : 123  
 FRONT LOADED TOWNHOMES : 220  
 FRONT LOADED TOWNHOMES : 113  
 STACKED TOWNHOMES : 64  
 NET LAUREL : 90

TOTAL NUMBER OF HOMES : 610

CUMULATIVE COMMERCIAL : 37,604 S.F.

PHARMACY  
 14,684 S.F.



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EXHIBIT A

**Table 2. Building, Spacing, Length and Units in Planned Village Development**

Type	Townhouse	Apartment/Condominium Buildings including 3 Story age restricted over parking and 2 Story over first level of nonresidential
	Distance (feet)	
Spacing <sup>1</sup>		
Other wall to other wall	20	30
Window wall to window wall with a vegetated area consisting of natural pine or oak trees. <sup>2</sup>	60	70
Window wall to window wall (other) <sup>3</sup>	70	80
Window wall to other wall with a vegetated area consisting of natural pine or oak trees. <sup>2</sup>	50	60
Window wall to other wall (other) <sup>3</sup>	55	65
Building face to parking edge (excluding units with garages)	20	10
Building face to street curb	20	25
Length		
Maximum building length	230	
Maximum square dimensions <sup>4</sup>	—	300
Maximum wall length on a single plane without a minimum 5 ft setback/bumpout in the building line	120	100
Maximum units per building <sup>5</sup>	10	36

NOTES:

<sup>1</sup> "Window wall" shall be defined as the elevation in townhouses or apartments containing access to the privacy yard or balcony.  
Window wall to window wall measurements shall be perpendicular to the building face.

<sup>2</sup> Where a minimum 20 ft wide vegetated area consisting of pine and/or oak trees with a predominant canopy height of thirty-feet is preserved between buildings.

<sup>3</sup> Where open areas, including streets and parking, are located.

<sup>4</sup> Computed by taking the longest running dimension of a building and creating a square in which the building is to be located.

<sup>5</sup> Should a townhouse be stacked where there is more than one unit vertically, the maximum units shall be increased to 16.

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