

BOROUGH OF HOPATCONG
ORDINANCE No. 10-2014

AN ORDINANCE OF THE BOROUGH OF HOPATCONG, SUSSEX COUNTY, NEW JERSEY TO ADOPT A FORM BASED CODE AS AN OVERLAY DISTRICT AFFECTING PORTIONS OF THE B-1 AND R-1 ZONING DISTRICTS ALONG THE RIVER STYX CORRIDOR TO PROVIDE A ZONING OPTION FOR LAND USE STIPULATING HOW BUILDINGS WILL BE MASSED, HOW DEVELOPMENT WILL RELATE TO THE STREET, STREETScape STANDARDS AND FEATURES THAT WILL PROMOTE DEVELOPMENT. THE FORM BASED CODE OPTION PROVIDES A REGULATING PLAN, DESIGNATED BUILDING TYPES AND A STREET CORRIDOR PLAN. CHAPTER 242 ZONING OF CODE OF THE BOROUGH OF HOPATCONG IS AMENDED IN ARTICLE B ZONE REGULATIONS TO INCORPORATE A NEW SECTION TO BE DESIGNATED AS SECTION 242-49A TO CREATE AN OVERLAY ZONE.

BE IT ORDAINED by the Mayor and Council of the Borough of Hopatcong, County of Sussex, and State of New Jersey as follows:

SECTION I.

Chapter 242 Zoning Article V of the Zone Regulations is amended to insert a new section entitled, "Section 242-49A Land Use Overlay Zone, River Styx Corridor."

A. Properties included in the River Styx Corridor are as follows:

Block	Lot
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B. List of Districts and Affected Lots:

1. Mixed-Use 1 includes – Block 30707, Lot 2, 3, 4, 5, 6, 9 & 10; Block 30705, Lot 4, 6, 7 & 9; Block 30701, Lot 1, 2, 3, 4, 4 & 12
2. Mixed-Use 2 includes – Block 30601, Lot 21; Block 30707, Lot 11; Block 30703, Lot 11, 12 & 12.01; Block 31603, Lot 52 & 52.01
3. Mixed-Use 3 includes – Block 31605, Lot 14; Block 30606, Lot 20, 21, 27 & 28
4. Fringe Residential Include – Block 31606, Lot 21, 22 & 23
5. Waterfront District Includes – Block 30704, Lot 6, 8, 9, 10, 13 & 14
6. Parking – Block 30706, Lot 1; Block 30705, Lot 1

C. Description of Zone and list of permitted principal and accessory uses and parking requirements:

1. Mixed-Use 1 District

(a) Description:

This district is intended to encourage 3-story mixed use buildings that permit a variety of non-residential in addition to residential uses which are limited to upper stories only. Ground level non-residential uses should be oriented towards River Styx Road, and create an active window shopping atmosphere.

(b) Principal Permitted Uses:

1. Retail sales and services
2. Banks
3. Health Clubs
4. Professional Offices
5. Restaurants and eating places
6. Multi-family residences (upper floors only)

(c) Permitted Accessory Uses:

1. Off-street parking
2. Other uses customary and incidental to principal use

(d) Bulk Standards:

1. Minimum Front Yard - 0.5 feet
2. Maximum Front Yard – 10 feet
3. Minimum Rear Yard – 10 feet
4. Minimum Side Yard – 10 feet
5. Maximum Building Height – 3 stories/45 feet
6. Minimum Building Height – 2 stories/30 feet
7. Minimum Ground Floor Height – 10 feet
8. Maximum Ground Floor Height – 15 feet
9. Maximum Lot Coverage – 90%

(e) Parking Requirements:

1. Retail sales and services – 4 spaces/1,000 s.f.
2. Banks – 4 spaces/1,000 s.f.
3. Health Clubs 1 space/1,000 s.f.
4. Professional Offices – 3 spaces/1,000 s.f.
5. Restaurants – 1 space/3 seats
6. Multi-family residences – Compliance with minimum parking requirements specified in the New Jersey Residential Site Improvement Standards

2. Mixed-Use 2 District

(a) Description:

This district is similar in concept to the Mixed-Use 1 District, however within this district non-residential uses such as retail commercial stores are encouraged, but not required to be on the ground floor of the building. Ground level commercial uses should be oriented towards River Styx Road, and create an active window shopping atmosphere. Outdoor dining is to be encouraged. Building design shall take into consideration the creation of lake view corridors from municipal Right-Of-Ways.

(b) Principal Permitted Uses:

1. Retail stores/services
2. Banks
3. Health Clubs
4. Professional Offices
5. Restaurants and eating places
6. Multi-family residences
7. Bed & Breakfast or Boutique Hotel
8. Religious institutions and houses of worship

(c) Permitted Accessory Uses:

1. Off-street parking
2. Other uses customary and incidental to the principal use

(d) Public Lake Access:

Properties with commercial uses and lake access shall provide for public access to the lake. Public access may consist of a 16-foot-wide public access easement along the lake frontage to allow for the

construction of a public boardwalk. Alternatively, consideration may be given to constructing a public pier.

(e) Bulk Standards:

1. Minimum Front Yard – 5 feet
2. Maximum Front Yard – 10 feet
3. Minimum Rear Yard – 20 feet
4. Minimum Side Yard – 10 feet
5. Maximum Building Height
(mixed use building) - 2.5 stories/35 feet
6. Minimum Building Height – 2 stories/30 feet
7. Minimum Ground Floor Height – 10 feet
8. Maximum Ground Floor Height – 15 feet
9. Maximum Lot Coverage – 90%

(f) Parking Requirements

1. Retail sales and services – 4 spaces/1,000 s.f.
2. Banks – 5 spaces/1,000 s.f.
3. Health Clubs 1 space/1,000 s.f.
4. Offices – 3 spaces/1,000 s.f.
5. Multi-family residences – Compliance with minimum parking requirements specified in the New Jersey Residential Site Improvement Standards
6. B&B – 1 space/room
7. No parking is permitted between the front building line and the street.

3. Mixed-Use 3 District

(a) Description:

This district is intended to encourage the development of mixed use structures on the east side of the River Styx Bridge. Ground level non-residential uses are encouraged, but not required. Commercial uses should be oriented towards the public street.

Building design shall take into consideration the creation of lake view corridors from municipal Right-of-Ways.

Properties with commercial uses and lake access shall provide for public access to the lake. Public access may consist of a 16-foot-wide public access easement along the lake frontage to allow for the construction of a public boardwalk. Alternatively, consideration may be given to constructing a public pier.

Building Types in the Mixed-Use 3 District shall be substantially identical to the building types in the Mixed-Use 2 District.

(b) Principal Permitted Uses:

1. Retail sales and services
2. Banks
3. Health Clubs
4. Professional Offices
5. Restaurants and eating places
6. Multi-family residences

(c) Permitted Accessory Uses:

1. Off-street parking

2. Other uses customary and incidental to the principal use

(d) Bulk Standards:

1. Minimum Front Yard – 10 feet
2. Minimum Rear Yard – 15 feet
3. Minimum Side Yard – 10 feet
4. Maximum Building Height – 2.5 stories/35 feet
5. Minimum Ground Floor Height – 10 feet
6. Maximum Ground Floor Height – 15 feet
7. Maximum Lot Coverage – 65%

(e) Parking Requirements:

1. Retail sales and services – 4 spaces/1,000 s.f.
2. Banks – 4 spaces/1,000 s.f.
3. Health Clubs – 1 space/1,000 s.f.
4. Offices – 3 spaces/1,000 s.f.
5. Restaurants – 1 space/3 seats
6. Multi-family residences – Compliance with minimum parking requirements specified in the New Jersey Residential Site Improvement Standards.

4. Residential District

(a) Description:

The purpose of this district is to permit the construction of attached, single family residential dwelling units in a traditional townhouse architectural design, to complement the mixed-use development in the remainder of the District.

(b) Principal Permitted Uses:

1. Attached single family residential dwelling units

(c) Permitted Accessory Uses:

1. Off-street parking
2. Other uses customary and incidental to the principal use

(d) Bulk Standards:

1. Minimum Public ROW setback – 25 feet
2. Minimum Perimeter setback - 50 feet
3. Maximum Building Height – 2.5 stories/35 feet
4. Maximum Lot Coverage – 65%
5. Maximum Density – 2.5 unites/acre
6. Maximum number of units per building – 6 units/building

(e) Parking Requirements

1. Compliance with minimum parking requirements specified in the New Jersey Residential Site Improvement Standards
2. Parking may be permitted in a garage in the front façade of the building. However, no greater than 50% of the width of the building may be devoted to the garage door.
3. Rear loaded garages in lieu of front loaded garages are encouraged.

4. A minimum distance of 20 feet shall be maintained between the face of a garage door and the edge of the sidewalk or pedestrian path.

5. Waterfront District

(a) Description:

The intent of this district is to create public access near the Lake Hopatcong waterfront that allows for open views of the Lake and the boats in the marina, from River Styx Road. Outdoor dining is encouraged. In this district the Lake, rather than River Styx Road, shall serve as the principal frontage for buildings. The building wall shall be oriented towards the Lake. Building design shall take into consideration the creation of lake view corridors from municipal Right-of-Ways.

No garages are to be permitted in this district.

No parking shall be permitted between the building and the Lake frontage walkway.

(b) Principal Permitted Uses:

1. Retail sales and services
2. Restaurants and eating places
3. Marinas
4. Community Recreation such as paddle boats
5. Pavilion
6. Residences (upper floors only) - subject to no on-site boat storage to assure residential parking is accommodated.

(c) Permitted Accessory Uses:

1. Off-street parking
2. Other uses customary and incidental to the principal use

(d) Public Lake Access:

Properties with commercial uses and lake access shall provide provisions to allow public access to the lake. Public access may consist of a 16-foot-wide public access easement along the lake frontage to allow for the construction of a public boardwalk. Alternatively, consideration may be given to constructing a public pier.

(e) Bulk Standards:

1. Minimum Rear Yard (from Lake) – 20 feet
2. Maximum Building Height – 2.5 stories/35 feet
3. Minimum Side Yard – 10 feet
4. Minimum Front Yard – 10 feet
5. Maximum Lot Coverage – 90%

(f) Parking Requirements:

1. Retail stores/services – 4 spaces/1,000 s.f.
2. Restaurants – 1 space/3 seats
3. Marinas – 1 space/3 boat slips
4. Community Recreation – 5 spaces/1,000 s.f.
5. Offices – 3 spaces/1,000 s.f.
6. Residences – 2 spaces/dwelling unit

6. Parking District

(a) Description:

1. The intent of this district is to provide additional parking capacity to meet the general needs of the entire River Styx Road mixed use commercial corridor.
2. In order to achieve the desired densities specified in this code, developers may be required to secure off-site parking to meet the specific needs of the proposed development. Developers are encouraged to work with other property owners in order to achieve the required parking requirements. Developers not meeting the on-site requirements will be required to reduce the on-site density accordingly.
3. Surface parking lots shall be set back from the street a minimum of 5 feet.
4. Parking lots shall be suitably landscaped.

(b) Principal Permitted Uses:

1. Off-street parking

7. Design Standards for Construction

These design standards shall be considered site plan standards. Deviations from any design standard shall require a design waiver.

(a) General Design Standards:

1. The primary orientation of a building shall be towards River Styx Road or the public street on which the property fronts.
2. Buildings located at corners, intersections, or other prominent locations shall be designed to be oriented toward the corner with architectural and design features giving greater emphasis to the corner.
3. Gateway areas, in particular those at the bridge, shall be designed so as to serve as a way to distinguish one area from another.
4. The type, shape, pitch, texture and color of roof surfaces visible from the sides of the building shall be architecturally compatible with the building style, material, colors and details.
5. All pedestrian entryways and/or lobbies shall be prominent and well-lit.
6. Each individual use on the ground level of the building must have its own individual entrance.

(b) Architectural Standards:

1. Materials and Colors
 - a. Natural earth colors are encouraged.
 - b. Wood, local stone and brickwork are encouraged as primary building materials. Vinyl siding and EIFS shall be discouraged.
2. External Building Walls
 - a. The exterior walls of buildings shall not have large blank or featureless expanses.
 - b. Trim elements and visible window framing shall be painted or sealed.

- c. Fireplace enclosures and chimneys attached to the building face shall extend to the ground.
 - d. Detailing such as detailed cornice moldings shall be encouraged, particularly along River Styx Road.
 - e. Buildings shall have each level distinctly articulated through its architectural design features.
3. Retail Fenestration
 - a. A minimum of 60% of the ground floor façade surface area of any building used for retail shall be glazed.
 - b. The sill is required to be a maximum of 3 feet above the sidewalk grade for non-residential uses.
 4. Roofs
 - a. All hipped or gabled roofs must have eaves.
 - b. Eaves shall be continuous unless overhanging a balcony or porch.
 - c. Eaves shall extend a minimum of 2 feet from the building face.
 - d. The minimum pitch for sloped roofs shall be 8:12.
 - e. Enclosure of rooftop areas, terraces, or balconies is not permitted; however, rooftop planters, fences below the height of the parapets or railings, canvas terrace awnings and outdoor furniture are allowed.
 - f. Rooftop appurtenances, including architectural features such as spires, cupolas, domes and belfries are permitted, as long as their highest points are no more than 10 feet above the maximum overall height of the building. Architectural features that extend beyond the permitted height of the building shall not be habitable spaces.
 5. Stoops, Porches, Roofs and Balconies
 - a. The foundation walls of stoops and porches must be consistent with the foundation treatment of the building.
 - b. Awnings, canopies and/or balconies are permitted and shall only extend a maximum of 3 feet from the exterior wall into an established setback.
 - c. Balconies shall be structurally supported by decorative brackets or beams when facing public streets.
 - d. Porches and stoops must be a minimum of 12 inches above the sidewalk grade.
 6. Residential Windows and Doors
 - a. If exterior shutters are used, they shall be sized and mounted appropriately to fit their window.
 - b. Doors, except garage doors, shall be or appear to be constructed of planks or raised panels (not flush with applied trim).
 - c. Window sills shall project a minimum of 2 inches from the building face.
 - d. All lintels shall extend a minimum of 4 inches beyond the edge of the opening.
 7. Mechanical Equipment and Utilities
 - a. Rooftop mechanical equipment shall be screened from public view.
 - b. Air conditioning units shall not be placed into windows or any other openings visible from the street.
 - c. Every effort shall be made to make utilities as visually unobtrusive as possible.
 - d. Meters and access panels shall be integrated with street and building design.
 8. Parking and Loading Standards
 - a. Parking in the front yard facing River Styx Road shall be prohibited.
 - b. Parking shall include decorative lighting that is consistent with other site lighting.

- c. The relationship between truck delivery, vehicular traffic and pedestrian circulation shall be considered when designing service entries, roadways, walkways and pedestrian entries.
 - d. Off-street parking may be permitted on the ground level underneath the building if screened from public view.
 - e. No loading or service areas shall be permitted along the River Styx Road corridor.
 - f. Off-street parking requirements may be met off site, provided that the parking is within 500 feet of the property and meets other requirements of this section.
 - g. Drive Aisles shall be a minimum of 24 feet in width.
 - h. A buffer of a minimum of 5 feet in width shall be placed around the perimeter of any surface parking lots.
 - i. Tree islands shall be provided within surface parking lots. At least one tree per 10 spaces shall be provided on these tree islands.
9. Additional Design Standards
- a. In residential developments outside storage of materials and personal belongings of residents shall be prohibited.
 - b. All storage of refuse and recyclable materials shall be maintained within the confines of an enclosed building or structure and shall be reasonably accessible for vehicular collection on the site.
 - c. Chain link fences are not permitted as fencing materials.
 - d. Exterior security grates are prohibited.
10. Streetscape Standards
- a. Street furniture is encouraged and shall be designed and located to provide a visual unity and elegance to the streetscape.
 - b. Benches are encouraged in appropriate locations on all streets.
 - c. Trash receptacles and recycling receptacles shall be located in appropriate locations on River Styx Road.
 - d. Bicycle racks shall be placed in locations as determined during site plan review and shall be placed so as not to interfere with pedestrian circulation.
 - e. Bollards and planters may be used as activity separators. Permanent bollards shall be lit whenever possible.
 - f. Street lights shall comply with Municipal Standards.
11. Outdoor Dining Standards
- a. Public sidewalk dining is permitted in front of all dining establishments. Furniture for outdoor dining shall be consistent with the established design theme and shall be located so as not to interfere with pedestrian circulation.
 - b. No outdoor dining may be set up in such a manner that any vehicular circulation or loading areas are blocked by any tables or chairs.
 - c. Tables, chairs, umbrellas and containers for the disposal of recyclable materials and waste are the only items that shall be permitted as a part of outdoor dining. All features shall be secure after business hours. Plastic or similar, light-weight street features shall not be permitted.
 - d. Restaurants must provide for their own disposal of waste materials and recyclables. Public receptacles shall not be used for outdoor dining.
 - e. All food preparation shall be done in the regular kitchen of the restaurant.
 - f. All outdoor dining tables and furniture shall be placed in front of the establishment providing service. No restaurant may encroach upon the sidewalk frontage of another establishment.
 - g. Outdoor dining must maintain a minimum of 5-foot public access.
12. Signage Standards

- a. Signage for all properties within the Form Based Zone shall be as per the Borough's Ordinance, Chapter 242-29.

8. Street Corridor Plan

River Styx Road is intended to be transformed into a "Complete Street," which means that the corridor will be made more accessible for multiple modes of transportation such as walking and bicycling. There are several improvements to the existing 50' wide right-of-way which can help reduce vehicular speed along the corridor, provide adequate sidewalk space and allow room for bicycles to safely use the streets. The configuration of River Styx Road can be seen in the Street Corridor Plan. Exhibit _

(a) Proposed River Styx Road Section

1. Minimum 5'-6' sidewalks on each side of the street.
2. 8' parallel parking area on southbound side.
3. 12' shared bicycle/vehicular travel lane in each direction.
4. 4' shoulder on the northbound side.
5. Planter strip buffering utility corridor on both sides immediately adjacent to curbing.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Hopatcong held on May 7, 2014 at 7:30 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on May 21, 2014 at 7:30 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 111 River Styx Road, Hopatcong, New Jersey 07843, at which time all persons interested may appear for or against the passage of said Ordinance.

Robert Elia
Acting Borough Clerk

CERTIFICATION

I, Catherine Gleason, Clerk of the Borough of Hopatcong, do hereby certify that the Borough of Hopatcong Council duly adopted the foregoing Ordinance on the 21st day of May, 2014.

Robert Elia, Acting Municipal Clerk
Borough of Hopatcong