

TOWNSHIP OF HAMILTON
ATLANTIC COUNTY, NEW JERSEY
ORDINANCE # 1799-2015

AN ORDINANCE AMENDING ORDINANCE 1785-2015 AND SECTION 203 OF THE
CODE OF THE TOWNSHIP OF HAMILTON REGARDING REGULATION OF
HISTORIC DISTRICTS WITHIN THE TOWNSHIP.

WHEREAS, on April 6, 2015 the Township Committee of the Township of Hamilton adopted Ordinance 1785-2015, which repealed and replaces Section 203-10 (Historic Preservation Commission) and Section 203-208 (Historic District) of the Township Code; and

WHEREAS, as required by NJAC 7:50-3.45, a copy of Ordinance 1785-2015 was forwarded to the New Jersey Pinelands Commission for review and certification of conformance with the Pinelands Comprehensive Management Plan (NJAC 7:50 et.seq.); and

WHEREAS, the Pinelands Commission staff has identified the need for technical changes relating to demolition that need to be made in order to maintain consistency with the CMP; and

WHEREAS, there is also the need to revise the Historic District sign standards in order to be consistent with the recommendations made by the Planning Board in 2014.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hamilton, in the County of Atlantic and State of New Jersey, that Ordinance 1785-2015 and Chapter 203, Land Use and Development, of the Code of the Township of Hamilton shall be amended as follows:

Section 1. Amend Section 203-211, Certificate of Appropriateness, Subsection D.3) as follows:

D. Procedures.

- 3) Each application for a Certificate of Appropriateness or for a determination of non-necessity shall be accompanied by sketches, drawing, photographs, descriptions or other information to show the proposed alterations, additions, changes or new construction. Applications for demolition shall include current and historical photographs of the interior and exterior of the building and a report demonstrating that restoration of the structure is economically infeasible. If located in a Pinelands Area, applications for new construction or demolition shall be accompanied by a Certificate of Filing from the New Jersey Pinelands Commission. The Commission may require the subsequent submission of such additional materials as it reasonably requires to make an informed decision. Any such request shall not affect the time within which the Commission must make a decision pursuant to Subparagraph D.5) (below). To further assist the community there is a copy of the Township of Hamilton Historic District standards guide and a Fencing guide in the Zoning Office at the Township Hall.

Section 2. Amend Section 203-212, Standards and Criteria, Section G, Signs in historic areas, by inserting the following as new subsection 11:

- 11) A maximum one-foot (1') by two-foot (2') sign which displays the word "OPEN" is permitted within the historic district. Such sign shall be white lettering on a black background and shall be backlit if illumination is required.

Section 3. Amend Section 203-213, Demolitions and Relocations, subsection B.1) as follows:

B. Procedure.

- 1) Where Demolition is denied. In the event of a denial of an application for a Certificate of Appropriateness to demolish an Historic Landmark or a building, structure, site, object or improvement located in an Historic District, the owner shall, nevertheless, as a matter of right, be entitled to the issuance of a Certificate of Appropriateness to raze or demolish same provided that all of the following requirements have been fully met:

- a) Appeal to Zoning Board of Adjustment. The owner has applied for the necessary Certificate of Appropriateness and has received notice of denial of same from the Zoning Official based on the report from the Planning Board or the Historic Preservation Commission if so authorized and has appealed to the Zoning Board of Adjustment, which has affirmed such denial.
- b) Sale for Fair Market Value. The owner has prior to seeking demolition for a period of a least one hundred and eighty (180) days (the “offer period”), and at a price reasonable related to its fair market value, made a bona fide offer to sell such building, structure, site, object or improvement and the land pertaining thereto to any person, entity, organization, government or political subdivision thereof which gives reasonable assurance that it is willing to preserve the building, structure, site, object or improvement and the land pertaining thereto.
- c) Demolition Notice Posted & Publication. Notice of any proposed demolition shall be posted on the exterior premises of the building, structure, site, object or improvement throughout the Notice Period in a location such that it is clearly readable. In addition, the applicant shall cause to be published in the official newspaper of the Township a notice setting forth the following:
 - (1) The applicant’s intent to demolish, including a description of the subject property (by Block and Lot as well as by physical location) and a description of the building, structure, site, object or improvement to demolished; and
 - (2) The applicant’s proposed use of the property following demolition; and
 - (3) The anticipated time frame(s) associated with the demolition; and
 - (4) A statement indicating that the applicant shall consider any and all bona fide offers to sell the property to any person who wishes to preserve the building, structure, site, object or improvement; and
 - (5) The applicant’s name and address, along with a telephone number where the applicant may be reached during normal business hours by any interested person who wishes to discuss the proposed demolition and/or to make an offer to purchase the property as set forth above. The notice shall be published as follows:
 - i At least once within the first (10) days of the Notice Period; and
 - ii At least once within the period of time that is not less than ten (10) nor more than fifteen (15) days prior to the expiration of the Notice Period; and
 - iii At least once each twenty (20) days between the above first and last notifications.
 - iv At the conclusion of the Notice Period, if the applicant still wishes to demolish the subject building, structure, site, object or improvement, it shall, prior to performing the demolition, perform the following:
 - v Advise the Commission in writing of its intention to proceed with the demolition; and
 - vi Certify in writing to its compliance with the provisions of Subparagraph (b) above relating to the 180-day “offer period”; and
 - vii Provide the Commission with a copy of the notice that appeared in the official newspaper of the Township and a listing of all dates on which the said notice appeared in the newspaper, and
 - viii Advise the Commission in writing as to whether any interested persons submitted an offer or offers to purchase the property, whether during the 180-day “offer period” or following the newspaper noticing referenced above, and set forth the terms and conditions relating to said offer(s) and the results of any negotiations pertaining thereto; and
 - ix File copies of the affidavits of publication relating to the newspaper noticing with the Commission.
- d) Pinelands area. If the structure is located in a Pineland Area the applicant shall have received correspondence from the New Jersey Pinelands Commission concurring that preservation in place is economically infeasible and that recordation of the resource is an appropriate treatment.

- e) Notice Period. The period of time during which notice must be given in manner hereinbefore set forth shall be known as the "Notice Period" which shall commence on the tenth day following the date of the notice of denial of the appeal from the Zoning board of Adjustment and such Notice Period shall run for a period of time of sixty (60) days.

Section 4. Repealer. All Ordinances and parts of Ordinances of Hamilton Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. Severability. If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance, or other ordinance enacted together with this Ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance, and of the ordinances enacted together with this Ordinance, are hereby declared to be severable.

Section 6. Effective date. This Ordinance shall take effect upon final passage, adoption & publication and certification by the New Jersey Pinelands Commission in the manner prescribed by law.

ATTEST

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

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

ROGER SILVA, MAYOR

ORDINANCE NO. 1799-2015 INTRODUCED AND PASSED FIRST READING ON
SEPTEMBER 21, 2015