

**AN ORDINANCE AMENDING CHAPTER 142 OF THE CODE OF THE
TOWNSHIP OF ROBBINSVILLE ENTITLED "LAND USE"**

BE IT ORDAINED by the Township Council of the Township of Robbinsville in the County of Mercer, State of New Jersey that Chapter 142 of the Code of the Township of Robbinsville, entitled Land Use, is hereby amended as follows [added portion is underlined; deleted portion has strikethrough]:

SECTION 1.

Chapter 142 – Land Use.

§ 142-7 Definitions; word usage.

A. Word usage. For the purposes of this chapter, certain phrases and words are herein defined as follows: words used in the present tense include the future; words used in the singular number include the plural number and vice versa; the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased" or "intended to be used"; the word "lot" includes the words "plot," "premises" and "tract"; the word "building" includes the words "structure," "dwelling" or "residence"; the word "shall" is mandatory and not discretionary; and the word "may" indicates a permissive action. Any word or term not defined herein shall be used with a meaning of standard usage. Moreover, whenever a term is used in this chapter which is defined in N.J.S.A. 40:55D-1 et seq., such term is intended to have the meaning as defined in N.J.S.A. 40:55D-1 et seq., unless specifically defined otherwise in this chapter.

B. When used in this chapter, the following terms shall have the meanings herein ascribed to them:

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HOTEL

A facility designed to and offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities. "Hotel" does not include a transient accommodation as defined by this chapter.

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MOTEL

A building or group of buildings consisting of 20 or more individual sleeping units designed for transient travelers and not for permanent residency. A restaurant or coffee shop may be considered an accessory use to a motel. "Motel" does not include a transient accommodation as defined by this chapter.

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NURSERY

An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawn mowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

OBTAINED THROUGH A TRANSIENT SPACE MARKETPLACE

As defined in N.J.S.A. 40:48E-2, the payment for the accommodation as made through a means provided by a transient space marketplace or travel agency, either directly or indirectly, regardless of which person or entity receives the payment, and where the contracting for the accommodation is made through a transient space marketplace or travel agency.

OFFICE

A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

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PRINCIPAL BUILDING

See “building, principal.”

PROFESSIONALLY MANAGED UNIT

As defined in N.J.S.A. 40:48E-2, a room, group of rooms, or other living or sleeping space for the lodging of occupants in the Township, that is offered for rent as a rental unit that does not share any living or sleeping space with any other rental unit, and that is directly or indirectly owned or controlled by a person offering for rent two or more other units during the calendar year. “Professionally managed unit” does not include a hotel, motel, or rooming house.

PUBLIC IMPROVEMENT

Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs, such as vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

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ROOMING HOUSE

A dwelling where lodging is provided, for compensation, for from four to 10 persons, who are not members of a family occupying that dwelling unit and who do not occupy the dwelling as a single housekeeping unit. “Rooming house” does not include a transient accommodation as defined by this chapter.

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TRANSCRIPT

A typed or printed verbatim record of the proceedings before a municipal agency, or reproduction thereof.

TRANSIENT ACCOMMODATION

As defined in N.J.S.A. 40:48E-2, a room, group of rooms, or other living or sleeping space for the lodging of occupants, including but not limited to residences or buildings used as residences, that is obtained through a transient space marketplace or is a professionally managed unit. "Transient accommodation" does not include: a hotel or hotel room; a room, group of rooms, or other living or sleeping space used as a place of assembly; a dormitory or other similar residential facility of an elementary or secondary school or a college or university; a hospital, nursing home, or other similar residential facility of a provider of services for the care, support and treatment of individuals that is licensed by the State; a campsite, cabin, lean-to, or other similar residential facility of a campground or an adult or youth camp; a furnished or unfurnished private residential property, including but not limited to condominiums, bungalows, single-family homes and similar living units, where no maid service, room service, linen changing service or other common hotel services are made available by the lessor and where the keys to the furnished or unfurnished private residential property, whether a physical key, access to a keyless locking mechanism, or other means of physical ingress to the furnished or unfurnished private residential property, are provided to the lessee at the location of an offsite real estate broker licensed by the New Jersey Real Estate Commission pursuant to N.J.S.A. 45:15-1 et seq.; or leases of real property with a term of at least 90 consecutive days.

TRANSIENT SPACE MARKETPLACE

As defined in N.J.S.A. 40:48E-2, a marketplace or travel agency through which a person may offer transient accommodations to customers and through which customers may arrange for occupancies of transient accommodations. "Transient space marketplace" does not include a marketplace or travel agency that exclusively offers transient accommodations in the State owned by the owner of the marketplace or travel agency.

TREE

A large, wood plant having one or several self-supporting stems or trunks and numerous branches that reach a height of at least 20 feet at maturity.

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§ 142-12 General principles.

A. No building shall hereafter be used, erected, altered, converted, enlarged, added to, moved or reduced, wholly or in part, nor shall any land be designed, used or physically altered for any purpose or in any manner, except in conformity with this chapter. Where a lot is formed from part of a lot already occupied by a building, such subdivision shall be effected in such a manner as not to impair any of the requirements of this chapter with respect to the existing building and all yards and other open space in connection therewith and so that all resulting lots have adequate dimensions consistent with the requirements of the zoning district in which they are located and so that all lots have frontage on a street.

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E. The provisions of Subsection C shall not apply to the TC Town Center District. The affordable housing requirements for this zone shall be governed by the requirements in § 142-19 of the Land Use Code for Township of Robbinsville.

F. Transient accommodations shall be a prohibited use in all zoning districts designated pursuant to § 142-8.

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SECTION 2.

At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 3.

This ordinance shall take effect upon final passage and publication according to law.

SECTION 4.

The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

SECTION 5.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be

deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

PASSED: 11/14/19

ADOPTED:

Michele Seigfried, Municipal Clerk

David Fried, Mayor