

12-3.6. HC - Highway Commercial District. [Amended by Ord. No. 2003-2; Ord. No. 2010-3; 2-20-2024 by Ord. No. 2024-01]

- a. Purpose. The purpose of the Highway Commercial zoning district is to permit appropriate commercial development consistent with the rural character of Southampton Township while discouraging development that degrades the environment and/or does not meet the goals and objectives of the Township Master Plan.
- b. Permitted uses.
 1. Retail commercial establishment.
 2. Personal and professional establishment such as, but not limited to office buildings for physicians, dentists, lawyers, planners, architects and landscape architects, engineers, musicians, artists, teachers, optometrists, photographers and other recognized professionals.
 3. Department stores and all uses normally associated with department stores, including the sale and installation of auto accessories in the main building or in a separate building, but nothing herein contained is intended to permit the sale of gasoline, lubrication of motor vehicles or the performance of any other auto repairs, painting or body work.
 4. Banks and other financial uses.
 5. General services for sale and repair of watches, clocks, jewelry, radio, television, home appliances and other similar services.
 6. Electrical, plumbing and other singular supply stores.
 7. Public utilities and utility collection offices.
 8. Quasi-public, social, fraternal, union, civic organizations.
 9. Public recreational and community center buildings and grounds.
 10. Public libraries, museums and art galleries.
 11. Buildings used exclusively by the Federal, State, County or local municipal government for public purposes, but not including workshops, warehouses, or storage yards.
 12. Medical clinics.
 13. Mortuaries, funeral homes.
 14. Day care center, preschool and day nursery schools, subject to providing a fenced outdoor play space in accordance with Subsection 12-5.6.
 15. Nursing homes, rest home or home for the aged.
 16. Churches, synagogues and similar places of religious assembly including residences for caretakers and clergy, meeting halls, schools and offices.

17. Facilities for the warehousing, sales, repair, and service of agricultural equipment, vehicles, feed or supplies.
 18. Other uses that have similar characteristics as those referenced above.
 19. Restaurants. **[Added 11-17-2020 by Ord. No. 2020-09]**
- c. Accessory uses permitted.
1. Off-street parking. (See Subsection 12-5.10)
 2. Fences and walls. (See Subsection 12-5.6)
 3. Signs. (See Subsection 12-5.15)
 4. Garages, storage buildings and toolsheds.
 5. Storage containers shall be permitted as an accessory use according to the standards established in Subsection 12-4.1(e). Storage containers sited and existing at the time of adoption of these provisions shall be permitted as preexisting, nonconforming uses subject to the provisions of Subsection 12-3.4.
- d. Conditional uses.
1. Service stations and repair garages: provided that the issuance of a permit shall first be approved by the Land Development Board, after public notice and public hearing, on the basis of the following standards:
 - (a) No service station shall be located within 1,000 feet of any other service station along the same side of the street, which distance shall be measured along a straight line from the nearest boundary line of the existing station to the nearest boundary line of the proposed new station.
 - (b) No service station shall be located within 500 feet of any public or private school, hospital, church, library, theater or other place of public assembly seating more than 50 persons, which distance shall be measured along a straight line from the nearest boundary line of the proposed new station.
 - (c) The proposed use shall not be detrimental to the health, safety or general welfare of the Township, and it shall not result in a depression of any established property values in the general area.
 - (d) Service pumps shall be setback a minimum of 40 feet from the front property and street line, except canopy structures may be located as close as 25 feet to the street line. A minimum of 25 feet shall exist between any two islands and between any island and the service station, auto repair or auto body building.
 - (e) All pits, lifts and working areas shall be within an enclosed building. All lubrication, repair or similar activities shall be performed in an enclosed building; however, minor repair work may be performed at an island or pump location. All storage areas and trash facilities shall be enclosed with a fence or similar permanent structure and shall be screened from public view. Nothing herein shall

be deemed to prohibit temporary road service on an inoperative motor vehicle.

- (f) No automobile or motor vehicle which is unregistered or any motor vehicle, whether registered or not, that is in a junked, inoperable or other condition such that it is unfit for use on any public highway, shall be stored on the premises of any service station or repair garage for a period in excess of 90 days. All such vehicles stored overnight on the premises outside the main building shall be screened from public view by a fence or other permanent structure or a landscaped buffer approved by the Land Development Board, as the case may be, in accordance with the landscaping buffer requirements specified in Subsection 12-5.2 of this chapter.
 - (g) A twenty-foot wide landscaped strip across the entire frontage, exclusive of drive aisle, shall be provided and shall be landscaped with grass or ground cover, as well as low-growing buffering shrubbery and plants and shade trees in accordance with Subsection 12-5.7.
 - (h) No sale or rental of cars, vehicles, trucks or trailers shall be permitted.
 - (i) The entire area of a site traversed by motor vehicles shall be constructed with a dust free surface and drained onto a public street or public drainage system.
2. Hotels and motels subject to the following:
- (a) Minimum lot size: five acres.
 - (b) Number of rooms: 50 maximum.
 - (c) Each hotel and motel dwelling unit shall provide a minimum 250 square feet of net habitable floor area for each unit containing one sleeping room and one bathroom, and 350 square feet of net habitable floor area for each unit containing one sleeping room, one bathroom and cooking facilities. There shall be a residency limitation on all guests of 30 days, provided that the residency limitation shall not apply to a permanent on-site superintendent's apartment.
3. New and used auto, mobile home and recreation vehicle sales subject to the standards specified in Chapter 4 entitled "General Licensing," § 4-2 and the following:
- (a) All signs shall conform to all provisions and regulations of Subsection 12-5.15.
 - (b) Direct and indirect glare shall be in accordance with requirements as set forth under Subsection 12-5.8.
 - (c) A ten-foot wide strip across the entire frontage, with the exception of exit and entrance driveways, shall be landscaped with grass or ground cover and attractively planted with low-growing shrubbery and plants.
 - (d) When a new or used car lot abuts residences, a planted screen, as defined in Subsection 12-5.2 shall be installed and maintained at all times in a proper manner.
 - (e) Driveway opening approval shall be required of the agency having jurisdiction of the roadway upon which the lot fronts.

- (f) All lot areas used by motor vehicles shall be provided with a dust free surface and drained onto a public street or public drainage system with provisions for an oil trap.
 - (g) Sufficient off-street parking shall be provided, as established in Subsection 12-5.10.
 - (h) No new or used cars held for sale shall be parked on a public street or right-of-way.
 - (i) Any new or used sales facility or site associated with any new or used car sales facility shall be located a minimum of 500 feet from any public street intersection.
4. Fast-food restaurant subject to the following conditions: **[Amended 11-17-2020 by Ord. No. 2020-09]**
- (a) All signs shall conform to the requirements of Subsection 12-5.15 of the Land Development chapter.
 - (b) Minimum off-street parking requirements shall be in conformance with Subsection 12-5.10.
5. Sexually oriented businesses as defined per N.J.S.A. 2C:34-6: A commercial establishment which as one of its principal business purposes offers for sale, rental, or display any of the following:

Books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representatives which depict or describe a specified sexual activity or specified anatomical area, or still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any one time, and where the images so displayed are characterized by the depiction of a specified sexual activity or specified anatomical area, or instruments, devices, or paraphernalia which are designed for use in connection with a specified sexual activity, or

A commercial establishment which regularly features live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a specified sexual activity or specified anatomical area.

PERSONS — An individual, proprietorship, partnership, corporation, association, or other legal entity;

SPECIFIED ANATOMICAL AREA — Less than completely and opaquely covered human genitals, pubic region, buttock or female breasts below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if covered;

SPECIFIED SEXUAL ACTIVITY — The fondling or other erotic touching of covered or uncovered human genitals, pubic region, buttock or female breast; or any actual or simulated act of human masturbation, sexual intercourse or deviate sexual intercourse.

- (a) Purpose. These regulations are adopted in furtherance of all of the public purposes of municipal zoning and planning, including, but not limited to, guiding the appropriate use and development of the Township of Southampton in a manner which will promote the public health, safety, morals and general welfare, and in order to meet the needs of citizens of the Township of Southampton and of the State of New Jersey, while maintaining the quality and character of Southampton Township and deterring the growth and spread of blight and crime. It is recognized that there are some uses commonly known as "adult" uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when those uses are located near residential areas or in other inappropriate locations, or without sufficient showing that those uses in a specified location will comply with the conditions and operation of those uses. Therefore, special regulations of these "adult" uses is deemed necessary to ensure that adverse effects will not contribute to the blighting or downgrading of the Township of Southampton. In no way is the fact that the Township of Southampton regulates any or all of the adult uses described herein, or prohibits or allows them in the various zoning districts, to be construed as approval of, or condoning of, those uses.
- (b) Lot size: 87,120 square feet minimum.
- (c) Lot width: 200 feet.
- (d) Front yard setback: 100 feet.
- (e) Front buffer: 50 feet.
- (f) Side buffer: 50 feet.
- (g) Rear buffer: 50 feet.
- (h) The building or structure of such use shall be located no closer than 1,000 feet from any residential use or district, public or private school, church, recreation facility, any other religious, institutional, or educational use, nursery, child care center, public community center, park, playground, or similar use, or any premises licensed for the sale or distribution of alcoholic beverages.
- (i) No such use shall be located within 1,000 feet of a similar use.
- (j) Maximum distance between any access driveway and any adjoining property line shall be 30 feet.
- (k) Maximum width of curb cuts for access driveways shall be 20 feet, except a combined entrance and exit shall total 40 feet.
- (l) Parking requirements shall be in accordance with all of the regulations set forth in Subsection 12-5.10, but in any event, there shall be parking spaces for not less than 10 cars. In addition to the parking standards in Subsection 12-5.10, one parking space is required for each viewing theater where this viewing area is to not exceed 10% of the total building area.

- (m) No materials sold or displayed within shall be visible from any window or door, or within public view.
- (n) All trash, refuse, articles or any matter to be disposed of shall be shredded, cut, or rendered in such a fashion so that the remains shall not be readable, legible, or discernible.
- (o) All areas not utilized for buildings, parking, loading, access aisles, driveways or pedestrian walkways shall be suitably landscaped with shrubs, groundcover, seeding or similar plantings and maintained in good condition.
- (p) The minimum buffer area shall include a densely planted buffer of evergreen trees in accordance with Subsection 12-5.2 and at least six feet high at time of planting along any common property line with a residential district.
- (q) In addition, paved parking areas shall provide landscaped planting strips, particularly at the ends of parking rows. Said ends of parking areas shall be surrounded by concrete curb or Belgian block curb and shall be of a size sufficient to contain a 2 1/2 inch caliper shade tree, which shall be required in each planting strip.
- (r) All uses must be licensed as required in the General Ordinances of the Township of Southampton.
- (s) Hours of operation shall not be earlier than 9:00 a.m. nor later than 12:00 midnight, prevailing time, on weekdays and Saturday and shall be closed on Sundays.

e. Development standards.

	Individual Uses	Shopping Centers
1. Lot area:	2 acres	10 acres
2. Lot frontage:	200 feet minimum	500 feet minimum
3. Lot width:	200 feet minimum	500 feet minimum
4. Lot depth:	300 feet minimum	500 feet minimum
5. Side yard (agg.):	100 feet minimum	120 feet minimum
(each)	20 feet minimum	30 feet minimum
6. Front yard:	150 feet minimum	175 feet minimum
7. Rear yard:	40 feet minimum	100 feet minimum
8. Front buffer:	40 feet minimum	50 feet minimum
9. Rear buffer:	15 feet minimum	50 feet minimum
10. Side buffer:	15 feet minimum	30 feet minimum
11. Floor area ratio:	0.50 maximum	0.60 maximum
12. Impervious surface:	50% for total lot area	60% for total lot area

	Individual Uses	Shopping Centers
13. Maximum height:	35 feet	35 feet
14.	No building shall exceed 20,000 square feet of gross floor area. All principle individual use buildings shall be separated by a minimum of 20 feet provided such separation is to be used solely for pedestrian circulation. All principle individual use buildings shall be separated by a minimum of 50 feet where any part of such separation is to be used for parking or vehicular circulation. However, the separation requirements should not be construed to prohibit covered pedestrian walkways when the roof or covering of such walkway extends between the buildings.	
15.	Any side yard under 40 feet shall not include any parking or customer access, but may include access to the side or rear of buildings for the purpose of delivery, loading or unloading and shall be suitably landscaped.	
16.	The principal building setback shall be 100 feet where the property line abuts a residential district or use.	
17.	Where reverse and/or side parking is utilized, the front setback can be reduced to no less than 50 feet. Construction of the drainage basin within the front yard setback is permitted with appropriate landscaping per Subsection 12-5.7.	
18.	Where said property abuts a residential district a fifty-foot buffer shall be required.	
19.	In those instances where two adjacent property owners cooperate to share a common access driveway serving both properties and thereby eliminate an existing driveway access point to the roadway, then floor area ratio may be increased 0.10 and the impervious surface coverage may be increased 10% for both properties. Further, the impervious surface coverage may be increased an additional 3% for an increased buffer to 50 feet. The maximum floor area ratio also may be increased an additional 0.025 for amenity areas, plazas, and similar design features.	
20.	Maximum floor area ratio shall be reduced by 0.05 for soils having any combination of limitations not including SLIGHT categories if development is permitted under appropriate State regulations.	
21.	Minimum lot size shall be increased if the resultant lot size calculated from the steps below is greater than the minimum lot size for a standard lot (two acres). The resultant lot size as determined by the steps below shall be considered the required minimum lot size. Refer to "A recharge based Nitrate Dilution Model for New Jersey" and "New Jersey Geological Survey, Geological Survey Report GSR-32: A method for evaluating ground water recharge areas in New Jersey," New Jersey Department of Environmental Protection.	

- (a) DETERMINE INPUT FLOW VALUES FOR PROPOSED USE (Nitrate loading rate). The flow values for nonresidential development shall be determined based on the values contained in N.J.A.C. 7:9A-7.4, as amended, except that number of employees may not be utilized in calculating flow values for office uses. In the event that N.J.A.C. 7:9A-7.4 does not provide flow values for a specific use, but a flow value is assigned for that use in 7:14A-23.3(a), the flow value specified in N.J.A.C. 7:14A-23.3(a) shall be used in calculating flow.
- (b) DETERMINE YEARLY DILUTION VOLUME. $8.0 \text{ (Nitrate loading rate)} \times (\text{input loading per year}) = \text{yearly dilution volume}$. (8.0 is the Nitrate concentration ratio of 40 mg/L to five mg/L) **[Amended 2-16-2021 by Ord. No. 2021-04]**
- (c) Use model NJGS GSR-32 (New Jersey Geological Survey, Geological survey Report GSR-32: A method for evaluating ground water recharge areas in New Jersey) as implemented in the DEP EXCEL, spreadsheet "NJ-RECHARGE-v4.XLS." Provide the following information for calculating the recharge amount for the proposed use.
 - (1) Land use cover code: 0.
 - (2) Soil: Dependent on parcel location. If more than one soil type exists on the parcel, the resultant lot size shall be the sum of the total outputs for the soil areas. In the absence of on-site soil samples, the soil type shall be determined by utilizing the Burlington County Soil Survey mapping. If there is a discrepancy between on-site soil boring results and the Burlington County Soil Survey mapping, the results of at least 3 soil samples in the area of discrepancy shall be considered the correct input for the formula variable. Where multiple soil types are present, volumetric recharge shall be computed for each soil type and respective area and summed to determine total annual recharge volume. The NJDEP charge model excludes hydric soils, wetlands, and waterways. When the NJDEP model is applied and the soil type does not result in a recharge value, a soil type with an equivalent recharge factor and recharge constant to the hydric soil or wetland may be substituted in the model.
 - (3) Acreage: Size of parcel. See paragraph (d) below.
 - (4) Township: Southampton Code 126.
- (d) Recharge areas. Those areas considered to be watercourses and/or wetlands (except isolated wetlands) are not considered part of the acceptable recharge area and therefore shall not be permitted as contributing to the required area for minimum lot size. For isolated wetlands, when the NJDEP model is applied and the soil type does not result in a recharge value, a soil type with an equivalent recharge factor and recharge constant to the hydric, soil or wetland may be substituted in the model.

f. General requirements.

1. In an effort to provide for common parking, access, landscaping and lighting new development shall be designed to be in conformance with any existing, abutting development.
2. Any principal building may contain more than one use, provided that the total floor area ratio and lot coverage of the combined uses do not exceed the maximums specified and further, that each use occupies a minimum gross floor area of 500 square feet.
3. Any proposed development shall be constructed in accordance with an overall integrated plan.
4. All buildings on a single commercial site shall be compatibly designed, whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes. All buildings shall have a gable, hip, gambrel or mansard roof (or other dual pitched, single ridge roof), and no flat or lean-to roof shall be permitted; provided, however, that where roof mounted equipment is necessary for the operation of the building, a facade roof treatment exhibiting the appearance of such dual-pitched roofs may be permitted and approved by the Board during site plan review.
5. Unless otherwise specifically approved by the Board, no merchandise, products, equipment, or similar material or objects shall be displayed or stored outside and all solid waste not stored within a building shall be stored within an enclosed container.
6. Occasional outside displays of seasonal products or merchandise for sale shall be permitted where it is impractical due to the size or nature of the seasonal product or merchandise to store or display said products or merchandise within the permanent enclosed building; however, said occasional outside displays of seasonal products or merchandise shall be conducted only by the owner or tenants of the building and the regular employees of said business or use, and the products or merchandise shall be reasonably related to the primary business or use at the site.
7. All areas not utilized for buildings, parking, loading, access aisles, driveways or pedestrian walkways shall be suitably landscaped with shrubs, groundcover, seeding or similar plantings and maintained in good condition.
8. The minimum buffer area shall include a densely planted buffer of evergreen trees in accordance with Subsection 12-5.2 at least six feet high at time of planting along any common property line with a residential district.
9. On all commercial lots, access, ingress and egress shall be onto a nonresidential street, arterial or collector street.
10. Access to the site shall be separated as to entry and exit traffic.
11. No driveway, parking area or other improved area other than planting shall be placed closer than 20 feet to any property line.
12. In addition, paved parking areas shall provide landscaped planting strips, particularly at

the ends of parking rows. Said ends of parking areas shall be surrounded by concrete curb or Belgian block curb and shall be of a size sufficient to contain a 2 1/2 inch caliper shade tree, which shall be required in each planting strip.

13. At least the first 50 feet adjacent to any street line and 15 feet adjacent to any lot line shall not be used for parking and shall be planted in lawn area or ground cover or landscaped with evergreen shrubbery.
14. Uses that have the potential for introducing automotive pollutants such as, but not limited to service stations and repair garages, new and used auto, mobile home and recreation vehicle sales shall be required to have impermeable parking surfaces with collection devices that are properly serviced to prevent vehicle fluids from entering the aquifer or surface water.
15. Uses that use a large volume of ground water (that which is in excess of the normal flow values associated with the proposed uses as contained in N.J.A.C. 7:9A-7.4, as amended) shall return the excess water to the same aquifer from which it was extracted and with the same chemical composition. Additional chemicals shall not be added to the return water supply and the pH shall not be altered.