

HAMPTON TOWNSHIP

#2008-05 AN ORDINANCE TO AMEND CHAPTER 108 OF THE CODE OF THE TOWNSHIP OF HAMPTON BEING THE ZONING CHAPTER FOR THE PURPOSE OF AMENDING THE DEFINITION OF THE TERM “FARM STAND” AND ADOPTING REGULATIONS GOVERNING FARM STANDS.

BE IT ORDAINED by the Township Committee of the Township of Hampton that Chapter 108 of the Code of Hampton Township being the Zoning Chapter of said Code shall be and hereby is amended as follows:

SECTION ONE: Section 108-7 of the Hampton Township Code is hereby amended to amend the definition of the term “Farm Stand”.

FARM STAND: The term “Farm Stand” incorporates by reference the definition of the term “Farm Market” as set forth in N.J.S.A. 4:1C-3. That definition is as follows:

- A. Farm Stand - means a facility used for the wholesale or retail marketing of the agricultural output of a commercial farm, and products that contribute to farm income, except that if a farm market is used for retail marketing at least 51% of the annual gross sales of the retail farm market shall be generated from sales of agricultural output of the commercial farm, or at least 51% of the sales area shall be devoted to the sale of agricultural output of the commercial farm, and except that if a retail farm market is located on land less than five acres in area, the land on which the farm market is located shall produce annually agricultural or horticultural products worth at least \$2,500.

See Section 108-11.1F for Standards Governing Farm Stands.

SECTION TWO:: The Zoning Ordinance is hereby amended to add a new Section 108-11.1F:

108-11.1F Farm Stands.

1. An Applicant intending to construct a farm stand shall obtain site plan approval from the reviewing Municipal Board pursuant to the Hampton Township's Site Plan Ordinance, Chapter 85 of the Hampton Township Code. Farm stands utilizing less than 1,000 square feet of floor area are hereby exempt from the requirement of obtaining site plan approval.
2. The farm stand building shall be a maximum of 1,600 square feet under roof.
3. Parking. A minimum of one parking space per two hundred (200) square feet of floor area of the farm stand shall be provided. The parking surface shall be not less than six inches of dense graded aggregate.
4. Outdoor Display. All goods for sale shall be displayed and marketed under the roof of the farm stand. There shall be no outdoor display or sale of goods except fruits, vegetables, produce, flowers, plants, shrubs and bushes. See Section 108-52 of the Zoning Ordinance.
5. Setback Requirements. The farm stand shall comply with the setback requirements of the zone district in which the farm stand is located.
6. Farm stands operating and open for business after dark (non-daylight hours) must provide exterior lighting to provide for the safety of patrons. The exterior lighting shall meet the minimum standards for low activity uses in Section 108-23 of the Zoning Ordinance. The exterior lighting may be mounted on the farm stand building.
7. Driveway Access. The farm stand must provide a driveway entrance for the safe ingress and egress of patrons and employees and provide adequate site distance for vehicles entering and exiting the driveway in accordance with the Hampton Township Zoning Ordinance and Site Plan Ordinance.

8. Signs. The farm stand may maintain one (1) sign with a maximum size of thirty-two (32) square feet per side. The sign shall be set back a minimum of fifteen (15) feet from the road right-of-way.
9. Maximum Area of Site Used For Farm Stand Use. The maximum area of the site or lot utilized for the farm stand and for parking and driveways for the farm stand shall be one-half acre.
10. Accounting For Income From The Farm Stand. The owner of the lot and the operator of the farm stand are hereby required to file with the Township Tax Assessor and the Construction Official a Statement of Income received from the farm stand. The Statement of Income shall include the following:
 - A. The total amount of gross annual sales from the farm stand.
 - B. The amount of net annual sales from the farm stand after expenses.
 - C. The annual sales derived from the sale of agricultural and horticultural products grown and harvested on the farm where the farm stand is located.
 - D. The income derived from the sale of agricultural and horticultural products grown and produced elsewhere.
 - E. The sale of products that is claimed to contribute to farm income.
 - F. This Income Statement shall be filed by April 15th of each year for income from the previous year.

SECTION THREE: In the event that any portion of the within Ordinance is declared invalid, then the invalid portion shall be deemed deleted and the remaining portion shall remain in full force and effect.

SECTION FOUR: This Ordinance shall take effect after publication and passage according to law.

The Township Clerk is hereby directed to give notice at least ten (10) 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 the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the

passage thereof and to file a copy of this Ordinance as finally adopted with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

NOTICE

TAKE NOTICE that the foregoing Ordinance was introduced and passed on the first reading at the regular meeting of the Hampton Township Committee held on May 13, 2008 and was ordered published according to law, and will be further considered at the regular meeting of the Hampton Township Committee to be held on May 27, 2008 at 7:00 prevailing time, at the Hampton Township Municipal Building, Baleville, New Jersey at which time and place all interested parties may appear and be heard. A copy of this Ordinance has been posted on the bulletin board upon which Public Noticed as customarily posted in the Township Hall of the Township.

Kathleen Armstrong,
Hampton Township Clerk