

ORDINANCE 2017-02

AN ORDINANCE AMENDING CHAPTER 188 (LAND USE AND DEVELOPMENT) OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY TO DEFINE AND REGULATE CERTAIN UTILITY FACILITIES IN THE TOWNSHIP

New language is underlined thus.

Deletions are indicated with brackets and strikethroughs [~~thus~~].

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

**Section 1.** Amend Article I. Title; Purpose; Definitions, Section 188-3.B. by adding the following new definitions.

**UTILITY FACILITIES BASIC**

Basic utility facilities include power lines, water and sewer pipes, gas and telecommunication lines that provide those services directly to the end user. They are customarily found in a street, right-of-way or public easement serving adjacent properties and may include above ground structures covering 50 square feet or less such as transformers, switching boxes, and relay and booster devices. This definition does not apply to telecommunications facilities, solar energy systems or small wind energy systems, which are otherwise defined in this Chapter.

**UTILITY FACILITIES MAJOR**

Major utility facilities provide services of a regional nature such as electric, gas, telephone, water, and sewer to a customer or customers located at sites that are not on or contiguous to the site on which the facility will be located. Major utility facilities normally entail the construction of new buildings or structures such as, but not limited to, facilities for the generation and transmission of energy, electrical switching facilities, stations or substations, water and wastewater treatment plants, water tanks and towers, gas transmission pipelines and similar facilities. All associated overhead service, distribution and transmission lines are included in this definition. Major utility facilities may include repair and maintenance garages, offices, warehouses, open storage and work areas and similar commercial and industrial-oriented aspects of a utility service. This definition does not apply to telecommunications facilities, solar energy systems or small wind energy systems, which are otherwise defined in this Chapter.

**UTILITY FACILITIES MINOR**

Minor utility facilities are small-scale above ground structures that serve a local area. These facilities augment basic utility facilities and include pump stations, community wastewater treatment facilities and other such structures covering more than 50 square feet. Minor utility facilities exclude repair and maintenance garages, offices, warehouses, open storage and work areas and similar commercial and industrial-oriented aspects of a utility service. This definition does not apply to

telecommunications facilities, solar energy systems or small wind energy systems, which are otherwise defined in this Chapter.

**Section 2.** Amend Article V. Districts and Standards by adding the following **new section.**

**Section 188-97.1 Utility Facilities.**

A. Applicability. This section applies to basic, minor, and major utility facilities as defined in §188-3.B. It does not apply to wireless telecommunications facilities as provided for in Article VIII of this chapter, or solar energy systems and small wind energy systems as provided for in §188-76. This section does not supersede any applicable design and performance standards found in §188-75, §188-94, or §188-95.

B. Locations and standards.

(1) Basic utility facilities are permitted in all zones subject to any applicable private or public easements or other contractual agreements. They are not subject to any of the bulk standards of the host zone but must be appropriately screened from residential properties whenever possible and must conform to any site plan or subdivision requirements if the utility is to be installed as part of a development application.

(2) Minor utility facilities are permitted as a conditional use in all zones in accordance with the following standards:

(a) Unless the utility is located in a public right-of-way, the following conditions shall apply:

[1] The minimum lot area shall be one acre.

[2] No structure shall be permitted within 50 feet of any property line except that in the TC zone the setback shall be 100 feet from existing Route 206 (Main Street) or Amwell Road.

[3] Total impervious coverage shall not exceed 25%.

[4] A minimum 25-foot buffer is required from any residential use with adequate landscaping, berms or fencing to conceal the utility to the extent possible.

(b) The maximum height of any structure shall be 20 feet.

(c) All mechanical equipment shall be housed in a building(s) that is designed to be visually compatible with any surrounding structures or landscapes.

(d) If the utility is located in a residential zone or the Mountain or Agricultural zones, and the standard for a principal residential use is more restrictive than the conditional standard, the more restrictive standard shall apply.

(3) Major utility facilities are permitted as a principal permitted use in a consolidated district formed by the contiguous portions of the GI General Industrial, I-2 Light Industrial, and ED Economic Development zones located north of the Norfolk Southern railroad tracks and west of US Highway Route 206 in accordance with the following standards:

(a) Minimum lot area: 10 acres.

(b) Minimum lot width: 300 feet.

(c) Minimum lot depth: 300 feet.

(d) Minimum front yard: 150 feet.

(e) Minimum side yard: 100 feet.

(f) Minimum rear yard: 100 feet.

(g) Maximum impervious coverage: 50%.

(h) Maximum building height: 60 feet.

(i) Minimum buffer to a residential use or zone: 100 feet.

(j) Minimum distance to a park or school measured from property line to property line: 1,000 feet.

(4) Major utility facilities shall also comply with all of the provisions of the GI General Industrial zone not listed in subsection B.3 above.

**Section 3.** Amend the following sections as indicated.

**§ 188-98. RA, RS, R, R1, R2, CR, AH, RCA and PD Residential Districts.**

D. Conditional uses.

~~[(2) Utility facilities required to provide the direct service of the utility to consumers, such as transformers and pumping stations; but excluding warehouses, repair and maintenance garages, offices and storage yards:~~

~~(a) Minimum lot area: two acres.~~

~~(b) Minimum lot width: 200 feet.~~

~~(c) Minimum lot depth: 200 feet.~~

~~(d) Minimum front yard: 100 feet.~~

~~(e) Minimum side yard: 50 feet.~~

~~(f) Minimum rear yard: 50 feet.~~

~~(g) Maximum building height: 20 feet.~~

~~(h) Maximum impervious surface: not to exceed the amount permitted in the Schedule of Requirements for the zone district in which the facility is located.]~~

*Renumber D(3) through D(6) as D(2) through D(5).*

**§ 188-99.1. RC Retirement Community District.**

B. Permitted principal uses in the RC-Retirement Community District.

(2) Permitted accessory structures.

~~[(b) Utility facilities, such as transformers and pumping stations, required to provide the direct service of the utility to the resident of the retirement community. Storage and maintenance facilities are to be utilized by the residents and its homeowners' association for the purpose of proper maintenance of the community.]~~

*Renumber B(2)(c) as B(2)(b).*

**§ 188-99.2. ARPDG Age Restricted Planned Development Gateway District.**

C. Permitted principal uses in the ARPDG Age Restricted Planned Development Gateway District.

(2) Permitted accessory structures.

(b) ~~[Utility facilities, such as transformers and pumping stations, required to provide the direct service of the utility to the resident of the age-restricted planned development.]~~ Storage and maintenance facilities are to be utilized by the residents and its homeowners' association for the purpose of proper maintenance of the community. Additional storage and maintenance facilities are to be utilized by the owner of the multifamily dwelling units for the purpose of proper maintenance of that portion of the community.

**§ 188-99.3. Agricultural District.**

D. Conditional uses:

~~[(3) Utility facilities required to provide direct service of the utility to the consumers, such as transformers and pumping stations, but excluding warehouses, repair and maintenance garages, offices, storage yards and similar commercial- and industrial-oriented facilities.]~~

*Renumber D(4) through D(7) as D(3) through D(6).*

**§ 188-99.4. MZ Mountain Conservation District.**

D. Conditional uses shall be as follows:

~~[(1) Public utilities necessary for the service, convenience or welfare of the public, provided that an application is made by the public utility to the Planning Board for a determination that the service, convenience or welfare of the public is involved.]~~

*Renumber D(2) through D(4) as D(1) through D(3).*

**§ 188-99.7. ARW Amwell Road West District.**

C. Accessory uses.

~~[(3) Utilities which are compatibly designed and/or screened, as appropriate.]~~

*Renumber C(4) through C(8) as C(3) through C(7).*

**§ 188-100. C-1 Neighborhood Shopping Center District.**

B. Permitted principal uses.

~~[(6) Utilities.]~~

*Renumber B(7) through B(9) as B(6) through B(8).*

**§ 188-101. OLC Office, Light Commercial Zone.**

B. Permitted principal uses.

~~[(5) Utilities.]~~

*Renumber B(6) through B(7) as B(5) through B(6).*

**§ 188-103. O-2 Office District.**

B. Permitted principal uses.

~~[(6) Utilities.]~~

*Renumber B(7) through B(9) as B(6) through B(8).*

**§ 188-105. O-5 Office/Research District.**

B. Permitted principal uses.

~~[(7) Utilities.]~~

*Renumber B(8) through B(10) as B(7) through B(9).*

**§ 188-106. I-1, I-2 and I-3 Light Industrial Districts.**

B. Principal permitted uses.

~~[(6) Utilities.]~~

*Renumber B(7) through B(13) as B(6) through B(12).*

**§ 188-107. GI General Industrial District.**

B. Principal permitted uses.

~~[(5) Utilities.]~~

*Renumber B(6) through B(14) as B(5) through B(13).*

**§ 188-107.1. LI Light Industrial District.**

B. Permitted principal uses. All uses shall be provided at a scale and size that is appropriate for the district. There may be more than one permitted principal use or structure on a lot, subject to compliance with §107.1B to H below.

~~[(10) Utilities which are compatibly designed and/or screened, as appropriate.]~~

*Renumber B(11) through B(22) as B(10) through B(21).*

**§ 188-107.2. TECD Transitional Economic Development District.**

C. Permitted accessory uses and structures.

(5) Maintenance [~~utility~~] and storage facilities subordinate to any permitted use.

**§ 188-113. CDZ Corporate Development Zone.**

C. Conditional uses.

~~[(2) Utility facilities required to provide the direct service of the utility to consumers, such as transformers and pumping stations, but excluding warehouses, repair and maintenance garages, offices and storage yards:~~

~~(a) Minimum lot area: two acres.~~

~~(b) Minimum lot width: 200 feet.~~

~~(c) Minimum lot depth: 200 feet.~~

~~(d) Minimum front yard: 100 feet.~~

~~(e) Minimum side yard: 50 feet.~~

~~(f) Minimum rear yard: 50 feet.~~

~~(g) Maximum building height: 20 feet.~~

~~(h) Maximum impervious surface: 60%.]~~

*Renumber C(3) through C(6) as C(2) through C(5).*

**§ 188-113.1. GA Gateway A District.**

B. Principal permitted uses. All uses shall be provided at a scale and size that is appropriate for the district. There may be more than one principal permitted use or structure on a lot subject to compliance with § 188-113.1C through H as contained below.

~~[(7) Utilities which are compatibly designed and/or screened, as appropriate.]~~

*Renumber B(8) through B(11) as B(7) through B(10).*

**§ 188-113.2. GB Gateway B District.**

B. Principal permitted uses. All uses shall be provided at a scale and size that is appropriate for the district. There may be more than one principal permitted use or structure on a lot subject to compliance with Subsections C through H as contained below.

~~[(11) Utilities which are compatibly designed and/or screened, as appropriate.]~~

*Renumber B(12) through B(16) as B(11) through B(15).*

**§ 188-113.3. HS Highway Service District.**

B. Permitted principal uses. All uses shall be provided at a scale and size that is appropriate for the district. There may be more than one permitted principal use or structure on a lot subject to compliance with Subsections C through I below.

~~[(9) Utilities which are compatibly designed and/or screened, as appropriate.]~~

*Renumber B(10) through B(18) as B(9) through B(17).*

**§ 188-113.4. GV Green Village District.**

C. Accessory uses.

~~[(5) Utilities which are compatibly designed and/or screened, as appropriate.]~~

**§ 188-113.5. TC Town Center District.**

B. Permitted principal uses. All uses shall be provided at a scale and size that is appropriate for the District. There may be more than one permitted principal use or structure on a lot subject to compliance with the applicable provisions as contained in Subsections B to H.

~~[(17) Utilities which are compatibly designed and/or screened, as appropriate, and may not be located within 100 feet of existing Route 206 (Main Street) or Amwell Road.]~~

*Renumber B(18) through B(20) as B(17) through B(19).*

**§ 188-113.6. GC Gateway C District.**

B. Principal permitted uses. All uses shall be provided at a scale and size that is appropriate for the district. There may be more than one principal permitted use or structure on a lot subject to compliance with § 188-113.6C through G as contained below.

~~[(7) Utilities which are compatibly designed and/or screened, as appropriate.]~~

*Renumber B(8) through B(19) as B(7) through B(18).*

**Section 4.** Interpretation. This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations. All other ordinances or other local requirements that are inconsistent or in conflict with this Ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this Ordinance shall apply.

**Section 5.** Severability. If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions, which shall be deemed severable therefrom.

**Section 6.** Planning Board. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Hillsborough for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A.40:55D-64. The Planning Board is directed to make and transmit to the Township Committee within 35 days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

**Section 7.** Effective Date. This Ordinance shall take effect immediately upon its adoption, passage and

publication according to law.

**ATTEST**

**TOWNSHIP OF HILLSBOROUGH**

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Pamela Borek, Township Clerk

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Carl Suraci, Mayor

*Introduced: February 14, 2017*

*Published: February 24, 2017*

*Public Hearing: March 28, 2017*

*Adopted:*

*Published:*