

ORDINANCE 2017-09

AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, SOMERSET COUNTY, NEW JERSEY, AMENDING CHAPTER 188 “LAND USE AND DEVELOPMENT”, ARTICLE IV “DESIGN AND PERFORMANCE STANDARDS” OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH TO REGULATE COMMERCIAL VEHICLES ON RESIDENTIAL PROPERTIES

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, that Chapter 188 “Land Use and Development”, Article IV “Design and Performance Standards”, of the Code of the Township of Hillsborough, is hereby amended as follows:

Section 1. Amend §188.51 Garages in residential zones.

Garaging for not more than three cars may be erected on a single lot. [~~Not more than one truck with a maximum capacity of one ton owned or used by a resident on the premises is permitted and that shall be kept in an enclosed garage. This provision shall not be deemed to limit the number of commercial trucks or cars used in conjunction with a permitted agricultural use.~~]

Section 2. Add §188.51.1 Commercial vehicles in residential zones.

A. For purposes of this subsection, a commercial vehicle is any vehicle registered as a commercial vehicle with the New Jersey Division of Motor Vehicles; or containing advertising matter intended to promote the interest of any business, whether or not said vehicle is registered as a commercial vehicle, with the exception of passenger vehicles designed to carry 15 passengers or less, which are exempt from this provision.

B. Only one commercial truck or van with a gross vehicle weight rating (GVWR) of 10,000 pounds or less (FHWA weight classes 1 and 2), and having no more than two axels, is permitted to be parked out-of-doors overnight on a residential property in a residential zone subject to the following conditions:

(1) The vehicle must be owned or used by a resident of the premises and used as the customary means of transportation to and from work.

(2) It must be demonstrated that the vehicle cannot be parked in a garage or other permanent enclosed structure on site.

(3) The vehicle shall not obstruct any pedestrian or vehicular traffic and be no closer than five feet from a side or rear property line. To the extent feasible, the vehicle shall be screened by a combination of fencing and/or landscaping to provide year-round screening. Wherever possible, the vehicle shall be parked in a side or rear yard.

(4) The vehicle shall not be parked on a grassed area, lawn area, or an otherwise landscaped area.

(5) No business or sales shall be conducted from any vehicle parked on a residential lot.

(6) The outside storage of any materials or equipment associated with the commercial vehicle is prohibited.

C. Overnight parking of commercial vehicles with a gross vehicle weight rating (GVWR) exceeding 10,000 pounds, non-recreational trailers, construction equipment, truck tractors, and buses is prohibited in residential zones.

D. No more than one commercial vehicle as defined herein shall be stored or maintained on any residential property whether it is stored outside or in an enclosed structure.

E. This provision shall not be deemed to limit the number of commercial vehicles used in conjunction with a permitted agricultural use.

Section 3. 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 4. 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 5. After introduction, the Township Clerk is hereby directed to provide 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 6. This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH

Pamela Borek, Clerk

Carl Suraci, Mayor

Introduced: July 11, 2017
Published: July 21, 2017
Public Hearing: August 8, 2017
Adopted: August 8, 2017
Published: August 18, 2017