

ORDINANCE 2011-14

AN ORDINANCE AMENDING CHAPTER 188 (DEVELOPMENT REGULATIONS), ARTICLE IV (DESIGN AND PERFORMANCE STANDARDS) OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, IN ORDER TO AMEND SECTION 188-38 TO CLARIFY THE REQUIREMENTS FOR BUFFERS AND CONSERVATION EASEMENTS

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

Section 1. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 38 to read as follows:

188-38. Buffers and Conservation Easements.

- A. Buffer areas **and conservation easements** shall require site plan approval and are required along all lot and street lines separating residential uses from arterial and collector streets, separating a nonresidential use from either a residential use or residential zoning district line and along all street lines where loading and storage areas **may be seen from the street. Conservation areas are used to preserve buffer areas and environmentally sensitive resources, where required and/or deemed appropriate by the Planning Board or Board of Adjustment.** Buffer areas and **conservation easements** are utilized for the primary purpose of providing screening views and reducing noise perception beyond the lot, **as well as for the protection of environmentally sensitive resources, where appropriate.** No structure, activity, storage of materials or parking of vehicles shall be permitted in a buffer area **or in a conservation easement, except that a wall, fence, berm or stormwater basin with appropriate plantings, may be placed in a buffer area or conservation easement to supplement screening and to provide additional noise reduction where deemed necessary by the Planning Board or Board of Adjustment. Once any permitted planting or structure in conjunction with a conservation easement is shown on an approved site plan, no additional disturbance is permitted.** The location and design of buffer areas **and conservation easements** shall consider the use being screened, the distance between the use and the property line, differences in elevation, the types of buffers **being provided**, such as dense planting, existing woods, a wall or fence, buffer height and width and other combinations of man-made and natural features. The buffer area and **conservation easement** shall be designed, planted, graded, landscaped and developed with the general guideline that the closer a use or activity is to a property line or the more intense the use, the more effective the buffer area **and conservation**

easement must be in obscuring light and vision and in reducing noise beyond the lot, **as well as for the protection of environmentally sensitive areas, where appropriate.**

- B. A minimum of $\frac{1}{2}$ the length of a required buffer **and/or conservation easement, as appropriate**, shall be designed, planted, graded, landscaped and developed to obscure the activities of the site from view to at least the width set forth in Article V.
1. Not more than $\frac{1}{2}$ of the required buffer **and/or conservation easement, as appropriate**, shall consist of at least two (2) of the following:
 - (a) Landscaped area at least ten (10) feet wide, including fencing or walls.
 - (b) Landscaped berm at least six (6) feet high.
 - (c) A building setback of at least two hundred (200) feet with a grade of less than twenty percent (20%) with groups of plantings and trees located to enhance architectural features of the structure and offer a break to large open areas, but with no other use permitted in this yard area.
 - (d) A parking area set back at least one hundred (100) feet and screened as required under the off-street parking provisions.
 2. If the approving authority determines that any of these alternate provisions will not provide a sufficient screening buffer, the approving authority may require the site plan to be modified to show more of the periphery served by the required buffer area **and/or conservation easement, as appropriate**, or require that the proposed alternatives should be landscaped differently or be relocated until, in the approving authority's judgment, they provide the desired effect.
- C. All buffer areas **and conservation easements, as appropriate**, shall be planted and maintained with either grass or ground cover, together with a screen of shrubs or scattered planting of trees, shrubs or other plant material meeting the following requirements:
1. The preservation of natural wooded tracts shall be an integral part of all site plans and may be calculated as part of the required buffer area **and/or conservation easement, as appropriate**, provided that the growth is of a density and the area is of a width to serve the purpose of a buffer area **and/or conservation easement, as appropriate**. Where additional plantings are necessary to establish an appropriate tone for an effective buffer area **and/or conservation easement, as appropriate**, said plantings may be required.
 2. Shrubs and hedges used as screen planting shall be at least three (3) feet in height when planted and be of such density to obscure, throughout the full course of the year, the glare of **vehicle** headlights emitted from the property.

3. The screen planting shall be so placed that at maturity it will not be closer than three (3) feet from any street or property line.
4. Evergreen species shall be at least four (4) feet **in height**, balled and burlapped; deciduous trees shall be at least two and one-half (2 ½) caliper, balled and burlapped. All trees shall be of a species **native** to the area, of nursery stock and free of insects and disease.
5. All plants should be staked properly for at least three (3) years and shall be replaced as required by the Township Engineer to preserve the function of the buffer area **and/or conservation easement, as appropriate.**
6. Any plant material which does not live shall be replaced within one (1) year or one (1) growing season.
7. Screen plantings and landscaping shall be left open at points of vehicular access to assure a clear sight triangle and to provide for pedestrian access.

D. Where the approving authority requires an intensive buffer area **and/or conservation easement treatment, as appropriate**, for a specific development or project, which is deemed necessary to ensure an attractive and pleasing interface between the site and adjoining uses, the following measures shall be required in addition to those specified in other provisions of Section 188-38:

1. The use of large and more mature plant materials which shall be specifically called for in a landscape design plan developed by a registered, certified landscape architect and submitted to the approving authority.
2. Submission of an annual maintenance program to safeguard against infestation, vandalism damage and other man-made/natural problems.
3. The design and development of an underground sprinkler system to ensure an adequate supply for the grounds and within a buffer area where needed.
4. The use of special landscape design concepts, such as formal gardens, fountains, rock gardens, bermed areas, walls, ponds and/or waterfalls, **fences and appropriately landscaped stormwater basins.**

Section 2. 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 there from.

Section 3. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

Michael Merdinger
Acting Township Clerk

Gloria McCauley, Mayor

Introduced: 6/14/2011
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