

ORDINANCE 2009-23

AN ORDINANCE AMENDING CHAPTER 188 (DEVELOPMENT REGULATIONS), ARTICLE V (DISTRICTS AND STANDARDS) OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO ADD NEW DEFINITIONS IN SECTION 188-3 AND TO REVISE PRINCIPAL PERMITTED USES AND TO PROVIDE SPECIFIC CONDITIONS FOR CONDITIONAL USES IN THE RA, RS, R, R1, R2, CR, AH, RCA, PD, C-1, OLC, P/R, GA, O-2, O-5, I-1, I-2, I-3, GI AND CDZ DISTRICTS AND TO REVISE THE CONDITIONAL USE REQUIREMENTS FOR WIRELESS TELECOMMUNICATIONS EQUIPMENT AND FACILITIES

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 3 to include the following definitions:

COMMUNITY WASTEWATER TREATMENT FACILITY- A utility installation designed to collect and process wastewater which is intended to serve only the development in which it is located and the surrounding properties, as appropriate.

GROSS TRACT AREA- The total area of a development parcel.

NET ACRE- A measure of developable land area after excluding existing dedicated rights-of-way, easements and critical areas.

SECTION 2. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 98 D, pertaining to conditional uses in the RA, RS, R, R1, R2, CR, AH, RCA and PD Districts, to read as follows:

D. Conditional Uses.

- (1) Boardinghouses and nursing homes.
 - (a) Nursing homes shall be on a minimum lot size of five (5) acres.
 - (b) The minimum number of off-street parking spaces for nursing homes shall be 0.33 spaces per patient/resident.

- (c) Boardinghouses are only permitted in the RS District, provided that the operation meets the requirements of the definition of a boardinghouse with no more than two (2) boarders permitted to occupy the boardinghouse at any time and the owner of the home must also be a resident of the structure.
 - (d) The minimum lot size for a boardinghouse shall be at least 1.5 acres.
 - (e) The minimum amount of off-street parking spaces required for a boardinghouse is two (2) for the resident owner and family plus one (1) for each boarding room. These additional spaces for boarders should be located and designed so vehicles can enter and exit each space without requiring any other vehicle to be moved.
- (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 (2) acres
 - (b) Minimum Lot Width- Two hundred (200) feet
 - (c) Minimum Lot Depth- Two hundred (200) feet
 - (d) Minimum Front Yard- One hundred (100) feet
 - (e) Minimum Side Yard- Fifty (50) feet
 - (f) Minimum Rear Yard- Fifty (50) feet
 - (g) Maximum Building Height- Twenty (20) feet
 - (h) Maximum Impervious Surface- Not to exceed the amount permitted in the schedule of requirements for the zone district in which facility is located.
- (3) Church, nursery school, public/private school and child-care center.
- (a) Minimum Lot Area- Two (2) acres
 - (b) Minimum Lot Width- Two hundred (200) feet
 - (c) Minimum Lot Depth- Two hundred (200) feet
 - (d) Minimum Front Yard- One hundred (100) feet

- (e) Minimum Side Yard- Fifty (50) feet
- (f) Minimum Rear Yard- Seventy-five (75) feet
- (g) Maximum Building Height- Thirty five (35) feet, except for religious symbols affixed to the roof, including steeples, which shall not exceed twenty (20) feet above the highest point on the roof.
- (h) Maximum Impervious Coverage- Not to exceed the amount permitted in the schedule of requirements for the zone district in which facility is located.

(4) Club pools and accessory recreation areas.

- (a) Minimum Lot Area- Six (6) acres
- (b) Minimum Lot Width- Three hundred (300) feet
- (c) Minimum Front Yard- One hundred fifty (150) feet
- (d) Minimum Side Yard- Seventy-five (75) feet
- (e) Minimum Rear Yard- Seventy-five (75) feet
- (f) Maximum Building Height- Thirty (30) feet
- (g) Maximum Impervious Coverage- Not to exceed the amount permitted in the schedule of requirements for the zone district in which the facility is located.

(5) Mortuary.

- (a) Minimum Lot Area- Three (3) acres
- (b) Minimum Lot Width- Two hundred fifty (250) feet
- (c) Minimum Front Yard- Seventy-five (75) feet
- (d) Minimum Side Yard- Seventy-five (75) feet
- (e) Minimum Rear Yard- One hundred (100) feet
- (f) Maximum Building Height- Thirty-five (35) feet
- (g) Maximum Impervious Coverage- Not to exceed the amount permitted in the schedule of requirements for the zone district in which the building is located.

(6) Planned Residential Cluster and Farmland/Open Space Preservation Development Option in the RS District, in accordance with the following standards:

(a) Purpose of Planned Residential Cluster and Farmland/Open Space Preservation Development. In order to preserve open space, farmland and the rural characteristics of the landscape in the RS Zone, the planned residential cluster option, a planned residential form of development, may be used to receive dwelling units transferred from properties elsewhere in the RS District with the preserved land to be dedicated to the Township of Hillsborough or permanently deed-restricted for farmland preservation, open space or public park use.

(b) General conditions for a planned residential cluster development.

[1] Dedication or evidence of a permanent deed restriction for farmland preservation, open space or public use of seventy percent (70%) of the gross tract area, including sending and receiving parcels.

[2] Minimum area of receiving tract: seventy-five (75) acres.

[3] Maximum density on receiving tract: one (1) dwelling unit per acre. The maximum density shall be calculated by taking the acreage of the receiving tract and dividing that number by the number of proposed dwelling units.

[4] Direct access to a collector or primary local road system.

[5] Maximum permitted gross density of receiving parcel: one (1) dwelling unit per acre, including both the base tract and transfer unit densities.

(c) Permitted principal uses.

[1] Single-family detached residential dwellings

[2] Farmland and farmstead

[3] Open space

(d) Accessory Uses.

[1] Community wastewater treatment facility

[2] As provided in Section 188-98 C.

(e) Minimum open space requirements for receiving parcel.

[1] In a planned residential cluster development, a minimum of twenty percent (20%) of the receiving parcel shall be set aside for open space.

[2] Twenty-five percent (25%) of the twenty percent (20%) required in Subsection E(1)(10)(e)[1] above, or a minimum of 3,500 square feet of open space for each dwelling unit, whichever is greater, shall be set aside in the form of developed parks, greens, commons and/or informal play fields. This open space shall be owned and maintained by a homeowner's association established in conformance with this chapter.

[3] Up to twenty-five percent (25%) of the total open space in a planned residential cluster development can be set aside as estate lots of ten (10) acres or greater, so long as these lots may no longer be further subdivided and shall be permanently restricted by a conservation easement.

(f) Area, yard and bulk regulations for single family detached dwellings served by a community wastewater treatment facility.

[1] Minimum lot requirements.

(a) Lot Area- twenty thousand (20,000) square feet

(b) Lot Width at setback- one hundred twenty (120) feet

(c) Lot Frontage- seventy-five (75) feet

(d) Front Yard- thirty-five (35) feet

(e) Side Yard- fifteen (15) feet one side; thirty (30) feet garage side

(f) Rear Yard- fifty (50) feet

[2] Maximum lot requirements.

(a) Building Height- thirty-five (35) feet

(b) Building coverage- twenty-five percent (25%)

(c) Total impervious coverage- thirty-five percent (35%)

(g) Design requirements for a planned residential cluster development.

- [1] Layout. Planned residential cluster developments may be designed in an interconnected pattern of blocks and streets, defined by buildings, street furniture, pedestrian ways and sidewalks.
- [2] Greens and commons are to be spatially defined and distributed within the planned residential cluster development. They shall be designed to serve a variety of outdoor leisure and assembly needs of residents and to enhance the form and appearance of the development. Benches are encouraged. Twenty-five percent (25%) of the green or common area shall be landscaped with trees and/or shrubs. Landscape design shall be approved by the appropriate land use Board.

[3] Streets.

- [a] Street patterns shall form a broadly rectilinear network, with variations as needed for topographic, environmental and other design considerations.

[b] Streets shall be designed to:

- [i] Parallel and preserve existing fence lines, tree lines, hedgerows, stone walls and watercourses; and
- [ii] Minimize alteration of natural, cultural or historic site features; and
- [iii] Promote pedestrian movement.

- [c] In order to calm traffic speeds, the use of T-intersections is encouraged.

- [d] All streets shall have public sidewalks. Sidewalks, informal walkways and footpaths shall be no less than four (4) feet wide. Paths in open space shall be constructed using mulch or stone. A planned residential cluster development shall create a completely linked neighborhood of walkways connecting all uses with parks and other open space areas.

[4] Building design.

- [a] All properties shall accommodate a garage for automobiles. Garages may be attached or detached. Side entry garages are more preferable than front-entry garages that front on the

street and shall be encouraged. Detached garages shall be set behind the dwelling and shall resemble the principal structure in architecture, including roof peak and color.

[b] Covered front porches shall be encouraged.

[c] A diversity of housing styles shall be encouraged to avoid the same models being next door or directly across the street from one another.

[5] Community wastewater treatment facility (CWTF).

[a] The CWTF shall be located within the development while providing efficient functionality. The property on which the CWTF is located shall be owned and maintained by the homeowner's or condominium association established for the development.

[b] The CWTF property shall be adequately landscaped, bermed and/or fenced to conceal the CWTF and appurtenances to the extent possible and shall contribute to noise reduction.

[c] The CWTF mechanical equipment shall be housed in a building that shall be aesthetically pleasing and shall blend with the architecture of the surrounding properties.

Section 3. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 100 B(3), pertaining to permitted uses in the C-1 District, to read as follows:

(3) Freestanding restaurants and restaurants located in multi-use buildings, not including drive-through facilities.

Section 4. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 100 D, pertaining to conditional uses in the C-1 District, to read as follows:

D. Conditional uses.

(1) Gasoline service stations.

(a) Must be located at least one hundred (100) feet from any residence or residential zone.

(b) Any outdoor storage of wrecked, damaged or disassembled vehicles waiting for repairs must be provided in a screened-in area in the rear yard at least two hundred fifty (250) feet from any residence or residential zone.

- (c) There is one (1) parking space required for each employees plus two (2) spaces for each service bay.
- (d) A retail convenience store may be provided in conjunction with a gasoline service station provided that the following standard is followed:
 - [1] A minimum of 3.5 parking spaces are provided for each 1,000 square feet of gross floor area.
- (e) Vehicle repair may be provided in conjunction with a gasoline service station provided that all repairs are conducted in an enclosed building.
- (g) A screened trash enclosure must be located at least thirty (30) feet from any property line.

Section 5. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 101 B(3), pertaining to permitted uses in the OLC District, to read as follows:

- (3) Freestanding restaurants and restaurants located in multi-use buildings, lot including drive-through facilities.

Section 6. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 101 D, pertaining to conditional uses in the OLC District, to read as follows:

D. Conditional uses.

D. Conditional uses.

- (1) Gasoline service stations.
 - (a) Must be located at least one hundred (100) feet from any residence or residential zone.
 - (b) Any outdoor storage of wrecked, damaged or dissembled vehicles waiting for repairs must be provided in a screened-in area in the rear yard at least two hundred fifty (250) feet from any residence or residential zone.
 - (c) There is one (1) parking space required for each employees plus two (2) spaces for each service bay.
 - (d) A retail convenience store may be provided in conjunction with a gasoline service station provided that the following standard is followed:

[1] A minimum of 3.5 parking spaces are provided for each 1,000 square feet of gross floor area.

- (e) Vehicle repair may be provided in conjunction with a gasoline service station provided that all repairs are conducted in an enclosed building.
- (h) A screened trash enclosure must be located at least thirty (30) feet from any property line.

Section 7. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 102 B, pertaining to permitted uses in the P/R District, to include the following:

- (6) Commercial instructional activities.

Section 8. Amend Chapter 188 of the Code of the Township of Hillsborough by deleting Section 102 D, pertaining to conditional uses in the P/R District.

Section 9. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 103 B(7), pertaining to permitted uses in the O-2 District, to read as follows:

- (7) Freestanding restaurants and restaurants located in multi-use buildings, lot including drive-through facilities.

Section 10. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 105 B(9), pertaining to permitted uses in the O-5 District, to read as follows:

- (9) Freestanding restaurants and restaurants located in multi-use buildings, lot including drive-through facilities.

Section 11. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 105 E, pertaining to conditional uses in the O-5 District, to read as follows:

E. Conditional uses.

- (1) Heliports subject to compliance with the applicable requirements as contained in Section 188-53.
- (2) Conditional uses as set forth in Subsection C(1)(a), (b), (c), (d) and (h) [excluding Subsection C(1)(e), (f) and (g)] of Section 188-113, CDZ Corporate Development Zone, shall be permitted in the O-5 Office/Research District, provided that any such conditional use from the CDZ District to be erected in the O-5 District and not already erected in the O-5 District shall be designed in accordance with the CDZ regulations

and design concepts.

Section 12. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 106 B(7), pertaining to permitted uses in the I-1, I-2 and I-3 Districts, to read as follows:

- (7) Freestanding restaurants and restaurants located in multi-use buildings, lot including drive-through facilities.

Section 13. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 106 D, pertaining to conditional uses in the I-1, I-2 and I-3 Districts, to read as follows:

D. Conditional uses.

- (1) Vehicle service facility.
 - (a) All lubrication, repair or similar activities shall be performed within a building or enclosed structure and no dismantled parts shall be stored or displayed outside of a building or enclosed structure.
 - (b) No junked motor vehicle or part thereof, or such vehicles incapable of normal operation on a roadway shall be permitted on the premises of the vehicle service facility.
 - (c) There is one (1) parking space required for each employee plus two (2) spaces for each service bay.
 - (d) The minimum building setback is seventy-five (75) feet to any residential zone boundary or residential lot line.
 - (e) A minimum sixty (60) foot buffer shall be provided to any adjoining property line. Such buffer shall be reviewed by the appropriate land use Board to determine if the existing vegetation is sufficient to provide a year-round screen or if the existing vegetation needs to be enhanced by additional plantings and/or a fence and/or a berm, as appropriate. A conservation easement shall be established by the applicant to include the required buffer area, subject to approval by the Township Attorney and recorded prior to the issuance of a Certificate of Occupancy.
- (2) Heliports in the I-2 District only, subject to compliance with the applicable requirements contained in Section 188-53.
- (3) Uses permitted in the ED Economic Development District, provided that any use from the ED District planned to be utilized in the I-1 and I-2 Districts and not already permitted in the I-1 and I-2 Districts shall be designed in accordance with the ED District regulations and design concepts.

Section 14. Amend Chapter 188 of the Code of the Township of Hillsborough by deleting Section 107 C, pertaining to conditional uses in the GI District.

Section 15. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 113 B, pertaining to permitted uses in the CDZ District, to include the following:

- (11) Restaurants.

Section 16. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 113 C, pertaining to conditional uses in the CDZ District, to read as follows:

C. Conditional uses.

- (1) Research and development.

- (a) Minimum Lot Area- Five (5) acres
- (b) Minimum Lot Width- Three hundred (300) feet
- (c) Minimum Lot Depth- Three hundred (300) feet
- (d) Minimum Front Yard- One hundred (100) feet
- (e) Minimum Side Yard- Seventy-five (75) feet
- (f) Minimum Rear Yard- One hundred (100) feet
- (g) Maximum Impervious Coverage- Fifty percent (50%)
- (h) Maximum Building Height- Three (3) stories/Forty (40) feet
- (i) Minimum Buffer- Fifty (50) feet around side and rear lot lines where abutting an existing residential dwelling or residential zone

- (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 (2) acres
- (b) Minimum Lot Width- Two hundred (200) feet
- (c) Minimum Lot Depth- Two hundred (200) feet
- (d) Minimum Front Yard- One hundred (100) feet

- (e) Minimum Side Yard- Fifty (50) feet
 - (f) Minimum Rear Yard- Fifty (50) feet
 - (g) Maximum Building Height- Twenty (20) feet
 - (h) Maximum Impervious Surface- Sixty percent (60%)
- (3) Heliports and airports, subject to compliance with the applicable requirements contained in Section 188-53.
- (4) Retail sales of goods and services pursuant to the requirements contained in Section 188-112 B(9).
- (5) Golf courses and related recreational uses.
- (a) Minimum Lot Area- One hundred fifty (150) acres
 - (b) Minimum Building Setbacks- One hundred (100) feet to all property lines
- (6) Light industrial or office development on tracts less than fifty (50) acres which may be located in a corporate development park or as an isolated tract.
- (a) Minimum Lot Area- Five (5) acres
 - (b) Minimum Lot Frontage- Three hundred (300) feet
 - (c) Minimum Front Yard- One hundred (100) feet
 - (d) Minimum Side Yard- Seventy-five (75) feet
 - (e) Minimum Rear Yard- One hundred (100) feet
 - (f) Maximum Impervious Coverage- Fifty percent (50%)
 - (g) Maximum Building Height- Three (3) stories/Forty (40) feet
 - (h) Minimum Buffer- Fifty (50) feet around side and rear lot lines where abutting an existing residential dwelling or residential zone.

Section 17. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 113.1, pertaining to conditional uses in the GA District, to include the following Section I:

I. Conditional use.

- (1) Age-restricted planned development.
 - (a) Minimum Lot Area- Fifteen (15) acres
 - (b) Maximum Lot Area- Twenty (20) acres
 - (c) Provide for twenty percent (20%) COAH moderate-income age-restricted housing which may also be satisfied with a fifteen percent (15%) set aside of qualified moderate-income senior housing rental units.
 - (d) Shall have frontage on Route 206 and it shall be adjacent to or in proximity with existing retail development.
 - (e) Must be in the GA Gateway A District.
 - (f) Vehicular access and egress to and from the planned development shall be via a street system that intersects with Route 206 at a signalized intersection.
 - (g) Maximum Density- Six (6) dwelling units per net acre
 - (h) Minimum Buffer to any Property Line- Fifty (50) feet
 - (i) Shall have at least two (2) points of ingress and egress for pedestrians and emergency vehicles
 - (j) Shall incorporate not less than fifteen (15) square feet of floor space of clubhouse or community building per dwelling unit but not less than 1,500 square feet
 - (k) Shall have direct pedestrian linkage to retail services
 - (l) Minimum Number of Units- Eighty (80)
 - (m) Maximum Number of Units- One hundred ten (110)
 - (n) The minimum gross floor area shall be:
 - [1] Efficiency- Six hundred (600) square feet
 - [2] One (1) Bedroom- Seven hundred (700) square feet
 - [3] Two (2) Bedroom- Eight hundred (800) square feet

- (o) Shall include an on-site ADA compliant network of walkways, parking areas, and common land amenities such as benches and gardens, and shall follow any and all applicable architectural guidelines including the architectural guidelines for senior housing and/or cluster housing in Section 188-113.1 G1, Architectural Standards, as applicable.
- (p) Footnotes 1, 2, 3, 5, 7, 8, 11 and 22 of the Schedule for Residential Zones shall apply.
- (q) Through its corporation, association or owners, said Age-restricted Planned Development shall be restricted by bylaws, rules, regulations and/or restrictions of record to use by permanent residents 55 years of age or older pursuant to the Federal Fair Housing Act (42 U.S.C. 3607) with the exception that a husband or wife under the age of 50 years may reside with his/her spouse who is 55 years of age or older.

Section 18. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 146 A, pertaining to conditional uses for wireless telecommunications equipment and facilities, to read as follows:

A. Notwithstanding anything in Chapter 188 to the contrary, the installation of wireless telecommunications structures, antennas, equipment and/or towers and their respective locations shall be a conditional use in the following zoning districts of the Township: EDZ District (economic development district), GI District (general industrial districts), **LI District (light industrial district)**, I-2 and I-3 Districts (light industrial districts), M & Q Districts (mining and quarry districts) and O-2 Districts (office districts). They are prohibited in all other zoning districts.

Section 19. 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 20. This ordinance shall take effect immediately upon passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

Kevin P. Davis, Township Clerk

Frank DelCore, Mayor

Introduced: 05/26/09

Published: 06/04/09

Public Hearing: 06/23/09

Adoption: 06/23/09

Published: 07/02/09

Zone District Existing Conditional (Ordinance Section)	Uses	Proposed Uses
RA, RS, R, R1, R2, CR, AH, RCA, PD (Section 188-98)	Hospital and medical centers Boardinghouse/nursing homes Churches/nursery schools/ Private schools/child-care Utility facilities Club pools and recreation Mortuary Volunteer fire/rescue squads Corporate conference centers Planned Residential Cluster	eliminate ok-conditions already provided provide new conditions enhance conditions provide new conditions enhance conditions principal permitted uses eliminate ok-conditions already provided
C-1 (Section 188-100)	Service stations and car washes Auto and truck sales Freestanding restaurants, bars and night clubs	provide new conditions for service stations eliminate freestanding restaurants as principal permitted use
OLC (Section 188-101)	Service stations Freestanding restaurants	provide new conditions principal permitted use
P/R (Section 188-102)	Commercial/recreation facilities Utilities Freestanding restaurants	permit commercial instructional activities as principal permitted uses eliminate eliminate
O-2 (Section 188-103)	Freestanding restaurants	principal permitted use
O-5 (Section 188-105)	Heliports Freestanding restaurants CDZ uses	provide new conditions principal permitted use ok- conditions already provided
I-1, I-2, I-3 (Section 188-106)	Auto body and repair shop Heliports (I-2 District) ED uses	provide new conditions as vehicle service facility provide new conditions ok- conditions already provided

GI (Section 188-107)	Freestanding restaurants Town center age-restricted development (GA District)	eliminate eliminate
CDZ (Section 188-113)	Research Light manufacturing and office tracts less than 50 acres Utilities Airports and heliports Theaters/gyms/tennis/pools Restaurants Retail Golf courses and related Recreational uses	provide new conditions combine and provide new conditional uses provide new conditions provide new conditions eliminate principal permitted use ok- conditions already provided provide new conditions
GA (Section 188-113.1)	None	age-restricted planned development (currently in GI District)