

ORDINANCE 2010-16

**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 PERMIT
FREE STANDING RESTAURANTS AND RESTAURANTS IN MULTI-USE BUILDINGS
TO HAVE DRIVE THROUGH FACILITIES WITH BUFFER REQUIREMENTS**

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 100 B(3) to read as follows:

- (3) Freestanding restaurants and restaurants located in multi-use buildings, which may contain drive-through facilities with buffer requirements pursuant to subsection E(4).

Section 2. Amend Chapter 188 of the Code of the Township of Hillsborough by revising Section 100 E(4) to read as follows:

- (4) For any freestanding restaurant or restaurant located in a multi-use building with a drive-through facility, there shall be a minimum sixty (60) foot buffer adjacent to any residential zone boundary or residential lot line, unless otherwise indicated. Such buffer shall be reviewed by the appropriate 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 fencing, and/or a berm, as appropriate. A conservation easement shall be established by the applicant to include the required buffer area subject to the approval of the Township Attorney and recorded prior to the issuance of a Certificate of Occupancy.

Section 3. 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 4. Effective Date. This ordinance shall take effect immediately upon passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

Kevin P. Davis, Clerk

Frank DelCore, Mayor

Introduced: 5/25/10

Published: 6/3/10

Public Hearing: 6/22/10

Adopted: 6/22/10

Published: 7/01/10