

ORDINANCE 2008-30

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 PROVIDE NEW BUFFERING AND SETBACK REQUIREMENTS IN THE HS, HIGHWAY SERVICE DISTRICT

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

1. Delete Section 188-113.3 B(5)(e).
2. Amend Section 188-113.3 D(1)(c)(6) to read as follows:
 - (6) The minimum building setback from **the lot line fronting on** any public road shall be forty (40) feet **and the minimum building setback from a hotel to any residential zone boundary or residential lot line shall be one hundred fifty (150) feet.**
3. Amend Section 188-113.3 D(1)(c)(8) to read as follows:
 - (8) There shall be a minimum **sixty (60)** foot buffer provided adjacent to any residential zone boundary or to any existing residential lot, except for hotels which shall require a minimum **one hundred (100)** foot buffer **provided adjacent to any residential zone boundary or to any residential lot line.** 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 approval by the Township Attorney and recorded prior to the issuance of a Certificate of Occupancy.**
4. Amend Section 188-113.3 D(2)(a)(5) to read as follows:
 - (5) Hotels and any permitted ancillary uses, including conference centers, restaurants, bars and nightclubs attached to or part of a hotel must have a minimum buffer of **one hundred (100) feet to any adjacent residential zone boundary or residential lot line. 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 approval by the Township Attorney and recorded prior to the issuance of a Certificate of Occupancy.

5. Add new Section 188-113.3 D(2)(a)(6) to read as follows:

(6) Minimum building setback to any residential zone boundary or residential lot line- one hundred fifty (150) feet.

6. Amend Section 188-113.3 E(1) to read as follows:

(1) Buffer requirements.

There shall be a minimum **sixty (60)** foot buffer adjacent to any residential 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 approval by the Township Attorney and recorded prior to the issuance of a Certificate of Occupancy.**

7. Amend Section 188-113.3 F(3) to read as follows:

(3) A minimum sixty (60) foot buffer from the lot line is required for all new development, unless otherwise indicated.

8. 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.

9. This ordinance shall take effect immediately upon passage and publication.

ATTEST:

TOWNSHIP OF HILLSBOROUGH

Kevin P. Davis, Township Clerk

Mayor Anthony Ferrera

Introduced: August 12, 2008
Published: August 21, 2008
Public Hearing: September 9, 2008
Adoption: September 9, 2008
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