

Ordinance 2014-16

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

AN ORDINANCE AMENDING CHAPTER 28, “ZONING”, SUB-SECTION 3-15, ENTITLED “H-C HIGHWAY COMMERCIAL DISTRICT” AND SUB-SECTION 10-12, ENTITLED “AUTOMOBILE REPAIR ESTABLISHMENTS” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY.”

WHEREAS, the Mayor and Council wish to amend certain provisions contained within Chapter 28 of the Borough Code relating to Automobile Repair Facilities as set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, that Section 4-21 of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” is hereby amended and supplemented as follows:

Subsection 28-3-15 H-C Highway Commercial District.

a. Permitted Uses. In the H-C Highway Commercial District, the following uses, and no others, shall be permitted:

1. Principal Uses.

- (a) Any principal use permitted in the CC-1 and CC-2 Districts.
- (b) Retailing and service establishments with incidental outdoor operations.
- (c) Movie theater, bowling alley, gymnasiums, tennis centers, roller skating rinks and similar recreational and cultural facilities conducted within an enclosed building.
- (d) Lumber yards.
- (e) Heating oil distribution facilities.
- (f) Motor vehicle body and repair shops which do not sell gasoline, subject to the conditions of Section 28-10-12.

2. Accessory Uses.

- (a) Off-street parking and loading facilities.
- (b) Private garages and storage buildings.
- (c) Fences, walls and landscaping.
- (d) Amusement machines: as permitted in the CC-1 District.

b. Other Restrictions.

1. Lot Area. A lot area of not less than twenty thousand (20,000) square feet shall be required.
2. Lot Width. A lot width of not less than one hundred (100') feet shall be required.
3. Lot Depth. A lot depth of not less than two hundred (200') feet is required.
4. Front Yard. No portion of any building shall be located nearer to any street line that twenty-five (25') feet, except that projections such as windowsills, cornices, cantilevered roofs, open one-story porches, balconies, other roof overhangs, canopies, bay windows and others of the same nature may project not more than five (5') feet into a required front yard. In addition, no building erected on any lot need be set back farther from the street line that the average alignment of existing buildings within two hundred (200') feet on each side of the lot and within the same block front and district; however, regardless of the alignment of neighboring buildings, no building erected between two (2) existing buildings on immediately adjacent lots need be set back farther than that of the two (2) buildings which is farther from the street line.
5. Perimeter Setback. A setback of twenty-five (25') feet from all lot lines other than street lines is required.
6. Height. The maximum height shall be two and one-half (2.5) stories, not to exceed thirty-five (35') feet.
7. Lot Coverage. The total lot coverage of all buildings shall not exceed thirty (30%) percent of the gross lot area, and total lot coverage of all buildings, structures and other lot improvements shall not exceed seventy (70%) percent of the gross lot area.
8. Parking. See subsection 28-10.10, Off-Street Parking and Off-Street Loading Facilities.
9. Signs.
 - (a) Freestanding signs shall be permitted for all permitted uses, provided that:
 - (1) There shall be no more than one (1) sign for each street, other than a residential service street, on which the use fronts.
 - (2) The total area of such signs shall not exceed seventy-five (75) square feet, nor shall they exceed a height of fifty-five (55') feet.
 - (3) All bare incandescent light sources (neon lights shall not be considered as such) and immediately adjacent reflecting surfaces shall be shielded from view. Flashing, moving, intermittently illuminated advertising devices shall be prohibited.
 - (b) Signs for individual business establishments in designed shopping centers shall be permitted in addition to the center's sign, provided that:
 - (1) The total area of all signs shall not exceed two (2) square feet for each foot of building frontage; the maximum shall not exceed forty (40) square feet.
 - (2) No sign shall exceed two (2') feet in height.
 - (3) Such sign shall be applied flat against a wall and shall not project beyond the side or top of the wall to which it is affixed nor more than eight (8") inches in front of such wall.
 - (4) All bare incandescent light sources (neon lights shall not be considered as

such) and immediately adjacent reflecting surfaces shall be shielded from view; flashing, moving, intermittently illuminated signs, reflection signs or signs painted in luminous materials that glow in the dark and advertising devices shall be prohibited.

(5) Not more than one (1) sign shall be permitted for each tenant on the premises on each wall fronting on a street.

10. Sight Triangles. The regulations for sight triangles shall be the same as for the R-1 District.

11. Landscaping and Buffers. All portions of lots not used for buildings, parking or other improvements shall be suitably landscaped with lawns, shrubs and/or trees. Lot lines which abut residential uses or residential district lines shall provide a landscape buffer strip at least ten (10') feet in width, and the buffer strip shall be suitably landscaped to provide a continuous, year-round, visual screening of the property. The buffer area may contain a fence provided in accordance with subsection 28-10.4, but the fence shall be provided to only supplement necessary landscaping. A landscaped strip at least five (5') feet in width shall be provided along all street right-of-way lines as a setback for parking of motor vehicles. The landscape strip and any adjoining landscape area of the right-of-way shall be landscaped with suitable shrubbery not exceeding thirty (30") inches in height, street trees and other suitable landscaping improvements. (1991 Code §§ 233-24, 233-25; Ord. No. 93-852; Ord. No. 860)

Subsection 28-10-12 Automobile Repair Establishments.

Automobile repair establishments shall be permitted, provided that:

a. Except in the case of emergencies, only minor repairs, such as tire and oil changes, fluid level maintenance and similar incidental servicing may be performed outside of a fully enclosed building and only between the hours of 7:00 am and 6:00 pm. All other service or repair operations must be performed within a completely enclosed building. Outdoor storage of materials and equipment shall not be permitted except for the storage of tires for disposal and recycled oil containers, which items shall be screened from view. Tires shall be stored in such a manner as to eliminate the accumulation of rainwater in the tires.

b. No automobile shall be stored nearer than five feet (5') to the street line, or such greater distance as may be required to provide an adequate sight triangle. However, no stored automobile shall block or infringe on a public pedestrian sidewalk or right-of-way. No motor vehicle shall be stored on the site longer than one hundred twenty (120) days, except that the proprietor of the automobile repair establishment may request an extension of time for motor vehicles being stored as a result of non-payment of charges, the inability to pay charges or in the process of the proprietor obtaining title to the motor vehicle. Such extension shall be requested in writing to the Zoning Officer setting in detail the reason for the extension request, the make, model, color and VIN of the motor vehicle for which the extension is requested.

c. A maximum of two (2) automobiles for sale may be displayed on the property at a time. A maximum of five (5) automobiles may be displayed for sale within a twelve (12) month period. Automobiles for sale may display a paper "FOR SALE" sign not exceeding 8" x 10" in or on the windows.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies; and

BE IT FURTHER ORDAINED, that in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable there from and shall not be affected; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon final passage and publication in accordance with the law.

Introduced: September 15, 2014

Adopted: October 6, 2014

ATTEST:

Debra L. Sopronyi
Municipal Clerk

Steven Kirson
Mayor