

ORDINANCE 2020-01

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED “ZONING,” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,” RELATING TO VARIOUS TYPES OF ACCESSORY STRUCTURES.

WHEREAS, the existing zoning and land use regulations of the Borough of Hightstown (the “Borough”) are set forth in Chapter 28, entitled “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey;” and

WHEREAS, the Mayor and Council wish to make certain revisions thereto relating to various types of accessory structures.

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, as follows:

Section 1. Chapter 28, entitled “Zoning,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” is hereby amended and supplemented in the following limited respects (deletions are shown with ~~strikeout~~, additions are shown with underline):

Chapter 28 ZONING

Section 28-2 DEFINITIONS AND WORD USAGE

[Note to Codifier: The remainder of this Section shall remain unaltered, with the exception of the information shown in underline below, which is to be inserted in alphabetical order.]

Subsection 28-2-2 Definitions.

ARBOR shall mean an accessory shelter that is made by growing plants or vines over a frame.

GAZEBO shall mean an accessory building consisting of a detached, covered, free standing, open-air structure.

PERGOLA shall mean an accessory structure of parallel colonnades supporting an open roof of crossing rafters or trelliswork.

Section 28-3 DISTRICTS ESTABLISHED; ZONING MAP

[Note to Codifier: Subsections 28-3-1 through 28-3-4 shall remain unaltered.]

Subsection 28-3-5 R-1 Residential District.

a. Permitted Uses. In the R-1 Residential District, the following uses, and no others, shall be permitted:

1. Principal Uses:

[Note to Codifier: This Subsection shall remain unaltered.]

2. Accessory Uses:

- (a) Carports, accessory garages and/or open parking spaces with necessary driveways for vehicles belonging to residents on the premises and their guests.
- (b) Noncommercial solariums and home swimming pools, provided that suitable protective fencing at least four (4') feet high shall surround the pool.
- (c) Home-based occupations as defined in Section 28-10-6 and professional offices, provided that the professional resides on the premises, and further provided that no more than one nonresident employee shall be permitted.
- (d) Signs as provided in subsection 28-3.5b, 12.
- (e) Fences and walls.
- (f) Subject to lot coverage requirements, no more than two (2) storage sheds are permitted on a lot.
- (g) Satellite dishes, subject to the restrictions and requirements set forth in subsection 28-10.18.
- (h) Yard structures to include gazebos, pergolas or arbors, subject to the restrictions and requirements set forth in subsection 28-10-20.
- (i) Playground equipment, including but not limited to swing sets, non-elevated children's playhouses, etc.; however, no zoning permit shall be required.

3. Conditional Uses.

[Note to Codifier: This Subsection shall remain unaltered.]

b. Other Restrictions.

[Note to Codifier: The remainder of this Subsection shall remain unaltered.]

[Note to Codifier: Sections 28-4 through 28-9 shall remain unaltered.]

Section 28-10

SPECIAL USE REGULATIONS

Subsections:

28-10-00	Special Use Regulations.
28-10-1	Schools.
28-10-2	Places of Worship.
28-10-3	Professional Offices; Private Schools.
28-10-4	Fences, Walls and Small Sheds.
28-10-5	Swimming Pools.
28-10-6	Home-Based Occupations.
28-10-7	Shelters for Victims of Domestic Violence Housing More Than Six (6) Persons But Less Than Sixteen (16) Persons Excluding Staff.
28-10-8	Sight Triangles.
28-10-9	Laundries; Dry-Cleaning Establishments.
28-10-10	Off-Street Parking and Off-Street Loading Facilities.
28-10-11	Motor Vehicle Filling Stations.
28-10-12	Automobile Repair Establishments.
28-10-13	Hotels and Motels.
28-10-14	Shopping Centers.
28-10-15	Portable Toilets.
28-10-16	Portable Storage Units and Dumpsters.
28-10-17	Temporary Trailers.
28-10-18	Satellite Dishes.
28-10-19	Permanently Installed Standby Generators.
<u>28-10-20</u>	<u>Yard Structures.</u>

[Note to Codifier: Subsections 28-10-00 through 28-10-19 shall remain unaltered. New Subsections 28-10-20 and 28-10-21 are hereby added as follows (additions are shown with underline):

Subsection 28-10-20 **Yard Structures.**

- a. Yard structures shall include free standing gazebos, pergolas or arbors.
- b. With the exception of arbors, yard structures are permitted only in the rear yard and cannot be closer than 10'-0" to any property line. These location restrictions shall not pertain to arbors.
- c. The maximum size of yard structures is 256 square feet or 20% of the rear yard, whichever is smaller. The maximum height is sixteen (16) feet.
- d. Yard structures with completely covered roofs will be included in the total lot coverage for all buildings. Yard structures with open roofs or lattice will be included in the total lot coverage for all structures and other improvements.

[Note to Codifier: The remainder of Chapter 28 shall remain unaltered.]

Section 2. 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 therefrom and shall not be affected.

Section 3. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall become effective upon final passage and publication in accordance with the law.

Introduction: February 18, 2020

Adoption: May 18, 2020

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR