

ORDINANCE 2022-03

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 28, ENTITLED “ZONING,” SUBSECTION 28-3-5 “R-1 RESIDENTIAL DISTRICT” OF THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,”

WHEREAS, the existing regulations of the Borough of Hightstown (the “Borough”) as pertains to Accessory Structures 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 Chapter 28 Subsection 28-3-5.

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,” Subsection 28-3-5 entitled “R-1 Residential District” 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):

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:

(a) Detached single-family dwellings, which may contain a professional office or private school, subject to the regulations of subsection 28-10.3, or a customary home occupation subject to the regulations of subsection 28-10.6.

(b) Public or private schools, subject to the restrictions set forth in subsection 28-10.1.

(c) Places of worship, subject to the restrictions set forth in subsection 28-10.2.

(d) Public facilities.

(e) Public utility offices and facilities.

(f) Hospitals, sanitariums and nursing homes.

(g) Cemeteries, but not including mausoleums or crematoriums, and further limited to the properties used for cemetery purposes at the time of the adoption of Ordinance No. 93-852. It is not the intent of this subparagraph to prohibit additional grave sites on property used for cemetery purposes at the time of the adoption of the aforesaid ordinance.

(h) Agriculture and horticulture, including sale of farm products on properties where produced.

(i) Community residences for the developmentally disabled, community residences for the mentally ill and community residences for persons with head injuries.

(j) Community shelter for victims of domestic violence, as defined in N.J.S.

40:55D-66.2(b), housing up to six (6) persons, exclusive of staff.

(k) Family day care homes, as defined in N.J.S. 40:55D-66.5 as a home occupation, subject to the regulations set forth in subsection 28-10.6.

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. The home-based occupations, professional offices, home study, non-commercial gym room or recreation room may be located in a detached garage. A kitchen, full bath or bedrooms are not allowed in the detached garage.

(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. Tree houses shall not be located within ten (10') feet of any property line.

3. Conditional Uses. Shelters for victims of domestic violence housing more than six (6) but fewer than sixteen (16) persons excluding staff, developed in accordance with the standards and conditions set forth in subsection 28-10.7.

b. Other Restrictions.

1. Lot Area. A lot of not less than fifteen thousand (15,000) 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 one hundred fifty (150') feet shall be required.

4. Front Yard. No portion of any building shall be located nearer to any street line than thirty-five (35') 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. Further, no building erected on any lot need be set back farther from the street line than 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. Regardless of the alignment of neighboring buildings, however, 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. The front yard setback shall be fifty (50') feet for the following uses: Public or private schools, places of worship, public facilities, hospitals, sanitariums

and nursing homes.

5. Side Yards; Principal Buildings. There shall be two (2) side yards having an aggregate width of thirty-five (35') feet, each having a width not less than fifteen (15') feet. In the case of a corner lot, the side yard on the street side shall be not less than twenty-five (25') feet.

6. Side Yards; Accessory Buildings. There shall be two (2) side yards having an aggregate width of thirty-five (35') feet, each having a width of not less than three (3') feet.

7. Rear Yard; Principal Buildings. There shall be rear yard not less than forty-five (45') feet deep. In the case of a lot extending through from street to street, the front yard requirements shall be observed on both streets. Projections, such as windowsills, cornices, cantilever roofs, open one-story porches or decks, balconies, other roof overhangs, canopies, bay windows and others of the same nature, may project not more than five (5') feet into a required rear yard.

8. Rear Yard; Accessory Buildings. There shall be a rear yard not less than three (3') feet deep behind accessory buildings. In the case of a lot extending through from street to street, the front yard requirements shall be observed on both streets.

9. Height. The maximum height shall be two and one-half (2 1/2) stories, not to exceed thirty-five (35') feet. For accessory structures, the maximum height shall be sixteen (16') feet. The maximum height of a detached garage shall be twenty four (24') feet. The maximum eave height of the main roof of a detached garage shall be twelve (12') feet.

10. Lot Coverage. Total lot coverage of all buildings shall not exceed twenty (20%) percent of the gross lot area. The total lot coverage of all structures and other lot improvements shall not exceed thirty-five (35%) percent of the gross lot area.

11. Parking. Off-street parking spaces shall be provided as follows:

(a) Detached single-family dwellings, two (2) spaces.

(b) Public or private schools, one (1) space for each six (6) seats or area equivalent thereto, plus one (1) space for each full-time employee.

(c) Places of worship, the same as for schools.

(d) Public facilities, one (1) space for each four hundred (400) square feet of floor area where the building contains over two thousand (2,000) square feet of floor area.

(e) Public utility offices and other facilities, the same as for public facilities.

(f) Hospitals, sanitariums or nursing homes, one (1) space for each four (4) beds, plus one (1) space for each full-time employee or volunteer or equivalent per shift.

(g) Cemeteries, one (1) space for every fifty (50) filled graves less than twenty (20) years old.

(h) Agriculture and horticulture, none.

(i) Other uses when permitted by variance, the number required in the least restricted district where the use is permitted unless otherwise stipulated by the Planning Board.

12. Signs. The following types of signs shall be permitted in the R-1 Residential District:

(a) Nameplates and identification signs: signs indicating the name or address of the occupant or a permitted home occupation or profession bearing only the business name and profession of the user on the site, provided that they shall not exceed two (2) square feet in

area. Only one (1) sign shall be permitted per dwelling unit, except in the case of corner lots, where two (2) such signs, one (1) facing each street, shall be permitted.

(b) Sales or rental signs: signs advertising the sale or rental of the premises upon which they are located, provided that they shall not exceed four (4) square feet in area. Not more than one (1) such sign may be placed upon any property unless such property fronts upon more than one (1) street, in which case two (2) signs may be erected, one (1) facing each street. Such signs shall be promptly removed when premises are sold or rented.

(c) Institutional and agricultural signs: signs of schools, colleges, churches, hospitals or other institutions of a similar public or semipublic nature and signs for agricultural or horticultural establishments, provided that the size of any sign shall not exceed twenty (20) square feet in area. Not more than one (1) such sign shall be permitted for an institution unless the property fronts upon more than one (1) street, in which case two (2) such signs may be erected, one (1) facing each street.

(d) Signs accessory to parking areas: signs designating entrances or exits to or from a parking area, provided that the size of any sign shall not exceed four (4) square feet in area, and signs designating the identity and conditions of use of parking areas, provided that the size of any such sign shall not exceed eight (8) square feet in area. Not more than one (1) sign may be placed upon any property unless such property fronts upon more than one (1) street, in which event two (2) such signs may be permitted, one (1) facing each street.

(e) Development signs:

(1) Signs advertising the sale or development of the premises upon which they are located may be erected by a builder, contractor, developer or other person interested in such sale or development, provided that the area of any sign shall not exceed twenty (20) square feet.

(2) Not more than one (1) sign may be placed upon any such property unless such property fronts upon more than one (1) street, in which event one (1) such sign may be erected facing each street.

(3) Such sign shall be removed by the developer within thirty (30) days of the final sale of the property.

(f) Directional signs for developments:

(1) Signs indicating the location and direction of premises available for or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder or agent may be erected, provided that the area of any sign shall not exceed four (4) square feet in area nor four (4') feet in length.

(2) No more than one (1) such sign may be erected on each five hundred (500') feet of street frontage.

(3) Such signs shall be removed by the developer within thirty (30) days of the final sale of the property.

(g) Artisans' signs:

(1) Signs of builders, electrical contractors, painters and other artisans may be erected and maintained during the period in which such persons are performing work on the premises, provided that the size of any such sign shall not exceed twelve (12)

square feet in area.

(2) Such signs shall be removed promptly upon completion of the work.

(h) Private driveways: signs indicating the private nature of a driveway, provided that the size of any such sign shall not exceed two (2) square feet in area.

13. Sight Triangles. Buildings, signs and other structures shall be located so that an adequate line of vision is provided across sight triangles as required in subsection 28-10.8.

(1991 Code § 233-8, 233-9; Ord. No. 93-852; Ord. No. 1997-33 §§ 2, 3; Ord. No. 2010-08; Ord. No. 2013-13; Ord. No. 2015-28; Ord. No. 2020-01)

Introduction: February 22, 2022

Adoption:

ATTEST:

MARGARET RIGGIO
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR