

ORDINANCE NO. 2015-1283

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE
TOWNSHIP OF BRANCHBURG BY MAKING VARIOUS CHANGES TO LAND USE
DEFINITIONS AND REGULATIONS

BE IT ORDAINED by the Township Committee of the Township of Branchburg in the County of Somerset that the Land Development Ordinance of the Township of Branchburg adopted May 8, 1996 and heretofore amended be further amended as follows:

SECTION ONE:

Subsection 1-2.2, which is entitled "Definitions", is hereby amended by changing the following definitions to read as follows:

Basement means a space having more than one-half of its floor-to-ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of more than 6½ feet. See also crawl space and story.

Commercial vehicle means a vehicle licensed as a commercial vehicle or a vehicle displaying any visible commercial message on its exterior, the total message area of which exceeds one square foot. The following shall not constitute commercial messages for the purposes of this definition and are excluded from the calculation of commercial message area:

1. License plate frames and holders;
2. Vehicle dealer references applied by a dealer at time of sale;
3. Equipment located on a vehicle which has a commercial message that refers to the manufacturer of that equipment.

Public utility facilities means buildings, structures and facilities including switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, and all buildings and structures relating to the furnishing of public utility services for distribution off-site such as electric, gas, telephone, water, sewer and public transit. This

definition shall not include electric power generating facilities or telecommunication facilities.

Story means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling. A basement is a story if the exterior walls of a basement facing the front yard are exposed above the adjacent finished grade such that three feet or more of the floor-to-ceiling height of the basement is above ground.

SECTION TWO:

Subsection 1-2.2, which is entitled "Definitions", is hereby amended by the addition of the following definitions, which are to be codified in alphabetical order within the existing definitions:

Accessory means a use, activity or structure that is subordinate and incidental to the principal use of a property. An accessory structure that is attached to a principal structure shall be considered to be a part of the principal structure.

Administrative officer means the person or persons appointed as administrative officer by the Township Committee.

Commercial message means a sign, wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Building means a combination of materials to form a construction adapted to permanent, temporary, or continuous occupancy and having a roof.

Dog run means an enclosed exterior area for dogs to exercise and play off-leash.

Structure means a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the ground surface.

SECTION THREE:

Subsection 3-13.2, which is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

3-13.2 Permitted Uses

A. Principal uses. Natural gas transmission facilities and electric substations.

B. Accessory uses. Customary utility facilities that may be required for the transmission and distribution of electric energy or for other utilities.

C. Conditional uses. Public utility facilities as regulated by subsection 3-23.1.

SECTION FOUR:

Subsection 3-13.3, which is entitled "Area and Bulk Standards", is hereby amended in its entirety to read as follows:

3-13.2 Area and Bulk Standards

No minimum area or bulk standards are included because of the unique character of these uses. A minimum buffer of 25 feet shall be provided around the perimeter of all such facilities. Site plan review by the Board shall determine any other relevant reasonable requirements to minimize the visual or adverse impacts of these uses on the surrounding properties.

SECTION FIVE:

Section 3-22, which is entitled "NONCONFORMING USES AND STRUCTURES" is hereby amended in its entirety to read as follows:

3-22.1 Continuation of Nonconforming Uses or Structures.

Any nonconforming use or structure which lawfully existed at the time of the passage of this Land Development Ordinance may be continued upon the lot or in the structure and any such building or structure may be restored or repaired.

3-22.2 Alteration, Extension or Enlargement of Nonconforming Uses or Structures.

A. Any structure or use of land that is nonconforming because of use shall not be enlarged or extended in any manner whatsoever except by action of the Board of Adjustment.

B. Alterations may be made to in a structure which is nonconforming because it fails to comply with height, area, yard, off-street parking or other requirements of this Article, so long as the alterations do not extend or enlarge the nonconformance of the structure.

C. A nonconforming use changed or altered to a conforming use may not thereafter be changed back to a nonconforming use.

D. If a nonconforming use is abandoned, the use is not permitted to be reinstated. A nonconforming use is presumed to be abandoned if it has ceased to operate for a period of 12 consecutive calendar months, absent a showing by the owner, and a finding by the Zoning Officer, that the use has not been abandoned. The Zoning Officer's decision may be appealed to the Board of Adjustment.

E. Nothing in this Chapter shall require any change in plans, construction or designated use of a structure or building for which an unexpired construction permit has been validly issued if construction has been started and is diligently prosecuted.

F. Nothing in this Article shall be construed as authorization for the continuation of the use of a building, structure or premises in violation of any zoning ordinances, rules or regulations in effect on May 8, 1996.

3-22.3 Determination of Partial Destruction.

A. Where any nonconforming building or structure has been destroyed or damaged by fire, explosion, act of God, or of any public enemy or the like, to the extent of 50 percent or more of the fair market value of the whole building or structure at the time of the destruction or

damage, it shall be presumed to be totally destroyed, and any building, structure or use thereon shall thereafter conform to all the requirements, terms and conditions of this Article.

B Where more than 50 percent of the fair market value of the whole building or structure remains after such destruction or damage, such building or structure may be repaired and restored to the same nonconforming use and to the same extent as existed before such destruction or damage.

SECTION SIX:

Subsection 3-23.1, which is entitled "Governmental Uses and Public Utility Facilities" is hereby amended in its entirety to read as follows:

3-23.1 Public Utility Facilities

Any public utility facility use, as defined in this Article, may be permitted as a conditional use in any of the zone districts created by this Article, provided that the following requirements are met:

A. Before any development approvals, construction permits, or certificates of occupancy are issued for any such use in any zone, a site plan shall be submitted to and approved by the Planning Board.

B. Any use permitted under this section shall meet the minimum yard, height and area requirements for the zone in which it is located, except that the Board may require larger yards and more extreme shielding and screening in order to minimize the impact of the proposed use on adjacent uses.

C. Off-street parking shall be provided as needed to accommodate expected parking demands.

D. No service storage yards shall be permitted under this subsection in any residential zone.

E. As part of site plan review, particular attention shall be given to the possible impact of

the public utility facility on surrounding properties. These impacts may be aesthetic, lighting, noise and traffic. Where appropriate, screening, buffering, berms and fences may be required and hours of operation imposed as well as other appropriate measures to mitigate impacts.

SECTION SEVEN:

Section 4-2, which is entitled "ACCESSORY BUILDINGS OR STRUCTURES" is hereby amended in its entirety to read as follows:

4-2 ACCESSORY BUILDINGS AND STRUCTURES

4-2.1 No accessory structure is permitted on a lot on which there is not a principal structure or use.

4-2.2 The following requirements shall be met in all residential zones and for all residential lots:

A. The total floor area of all accessory buildings on a lot shall not be greater than 50 percent of the floor area of the principal building on the same lot.

B. No accessory building shall exceed the height of any principal building on the same lot or 15 feet whichever results in the lesser height.

C. No accessory building shall be permitted in any front yard.

D. All accessory buildings shall be located at least ten feet from any principal building situated on the same lot.

E. Accessory buildings built in any side or rear yard shall conform to the minimum yard dimensions in Schedule I, Bulk Regulations, except that accessory buildings with a floor area less than 150 square feet may be located within five feet of any side or rear lot line. Pools and pool accessories in any side or rear yard shall conform to the minimum yard dimensions in Schedule I, Bulk Regulations, except that the setback for in-ground pools shall be measured from the water line.

F. Not more than two accessory buildings shall be permitted on a lot. This restriction shall not apply to commercial or home agriculture on parcels in excess of three acres.

G. Tractor trailer bodies and shipping containers are not permitted accessory structures or buildings and shall not be used for temporary or permanent storage.

4-2.3 The following requirements shall be met in all nonresidential zones and for all nonresidential lots:

A. All accessory structures, not otherwise regulated by standards specific to such a structure (such as walls and fences) or the site plan or subdivision regulations, shall comply with all setback and bulk requirements for that of the principal building.

B. Tractor trailer bodies and shipping containers are not permitted accessory structures or buildings and shall not be used for temporary or permanent storage.

C. Accessory structures shall not be located in a front yard.

4-2.4 Walls and Fences.

A. Walls and fences meeting the requirements of this Chapter are permitted.

B. Design and materials shall be functional, they shall complement the character of the size and type of building, and they shall be suited to the nature of the project and the proposed site architecture.

C. No fence or wall shall be so constructed or installed so as to constitute a hazard to traffic and safety.

D. Fences up to four feet high shall be permitted in all front yards provided they are at least 50 percent open (not including posts and supports). Fences up to six feet in height shall be permitted in all side and rear yards.

- E. Along roads with paved cartway widths in excess of 45 feet, fences less than 50 percent open (not including posts and supports) and up to eight feet high are permitted in front yards facing the paved road.
- F. A dog run may have a maximum six foot high fence provided it is located in a rear yard and is set back from any lot line at least 100 feet.
- G. A tennis court is permitted in a rear yard only. It may be enclosed by an open fence, but the fence shall not exceed 15 feet high. The fence shall be set back from any lot line the distance required for accessory structures in the applicable district.
- H. Swimming pools shall be fenced in accordance with the building code.
- I. The finished side of fences shall face adjacent properties.
- J. No fence shall be erected of barbed wire or topped with metal spikes, except that these provisions shall not apply to farms and except further that fences permitted for industrial uses may be topped by a barbed wire protective barrier up to a total height of seven feet.
- K. No retaining wall or fence is permitted within a right-of-way or within 30 feet of the intersection point of intersecting street rights-of-way or within a sight easement. No retaining wall shall be located within five feet of a property line unless a maintenance easement, having a width of at least five feet for the entire length of the wall, is secured from the adjoining property owner.
- L. Retaining walls shall be of durable construction, such as, but not limited to masonry, stone, brick, weathering steel or wood treated for an extended period of ground contact; shall meet construction code requirements; and shall not exceed six feet in height above grade on either side of the wall.

SECTION EIGHT:

Subsection 4-8.4, which is entitled "Freestanding Signs" is hereby amended in its entirety to read as follows:

4-8.4 Freestanding Signs

Freestanding signs shall comply with the following requirements:

A. Any new freestanding sign shall be not less than a distance of 100 feet from any existing freestanding sign.

B. Only one freestanding sign is permitted for each property except in the case of a corner lot where the distance between signs on separate frontages exceeds 200 feet measured along the right-of-way line.

C. Each sign shall be placed in a location that will allow sufficient reaction time for drivers on the adjacent roads to safely enter and exit the site.

D. Freestanding signs shall be supported by posts or pylons or enclosures of durable materials which may include concrete, steel, treated wood, other suitable material or combination of materials.

E. Freestanding signs shall consist of materials and colors similar to and compatible with the primary structure.

F. The components of a freestanding sign relating to a number of businesses shall be arranged in an aesthetically compatible and visually coordinated manner.

G. The purpose of a freestanding sign is to identify the location of a business or use. In addition to business or use identification, the street address shall be included on the sign. Phone numbers, website addresses, and other advertising information is not permitted on freestanding signs.

SECTION NINE:

Paragraph D. of subsection 4-8.5, which subsection is entitled "Facade Signs", is hereby amended in its entirety to read as follows:

D. The dimensions of all signs shall comply with subsection 4-8.12.

SECTION TEN:

Paragraph F. of subsection 4-8.10, which subsection is entitled "Temporary Signs", is hereby amended in its entirety to read as follows:

F. Temporary window signs and internal signs visible from the exterior of a building that are in conformance to the standards set forth under facade signs and other applicable requirements for this Article. Temporary window signs and internal signs advertising or describing sales or special merchandise are permitted, provided that no sign remains visible from the exterior of the building for a period of longer than 20 days and that all of the signs individually or collectively do not exceed 15 percent of all available window space in which the signs are located.

SECTION ELEVEN:

The title of subsection 4-8.12, which is now "Signs in Nonresidential Zoning Districts" is hereby amended to read "Signs in the R/S Zones".

SECTION TWELVE:

Paragraph A. of subsection 4-8.12, the title of which subsection has been changed by this ordinance to "Temporary Signs", is hereby amended in its entirety to read as follows:

A. Signs in the R/S zones except garages and automobile service stations.

1. Permitted principal uses in the R/S (Retail Service) zones shall be permitted one

major freestanding or ground sign of no more than 20 square feet.

2. A facade sign shall be permitted for each permitted principal use. The area of all such signs shall not exceed five percent of the front facade of the principal building. Where no freestanding or ground sign is used, the aggregate total of all such signs shall not exceed seven percent

3. No freestanding sign in the R/S zones shall exceed a height of 12 feet nor be set back less than 15 feet from any lot or right-of-way line.

4. Permitted principal uses shall be permitted one awning, canopy or window sign. The area of such a sign shall not exceed five percent of the total area of the awning, canopy or window. Such sign is permitted in addition to a facade sign. Window signs shall adhere to the glass, either the interior or exterior side, and may not project from its surface.

SECTION THIRTEEN:

Paragraph H. of subsection 5-1.3, which subsection is entitled "Lots", is hereby amended in its entirety to read as follows:

H. Reserved.

SECTION FOURTEEN:

Subsection 5-8.2, which is entitled "Walls and Fences", is hereby amended in its entirety to read as follows:

5-8.2 Reserved.

SECTION FIFTEEN:

Subsection 6-3.1, which is entitled "Application", is hereby amended in its entirety to read as follows:

6-3.1 After a minor subdivision or site plan application has been deemed complete, any

applicant requesting approval of a proposed minor subdivision or minor site plan as defined in this Chapter shall submit to the Board Clerk sufficient copies, as required by the Board, of the items required in the appropriate checklist, the completed application form and checklist, and review fees, at least 21 days prior to the meeting at which the application is to be considered.

SECTION SIXTEEN:

Section 3-3, which is entitled "ZONES", is hereby amended by the addition of the following new subsection:

3-3.4 Municipal Uses.

Municipal Uses are permitted in all zone districts.

SECTION SEVENTEEN:

Paragraph C.1. of subsection 3-5.2, which subsection is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

1. Public utility facilities as regulated in subsection 3-23.1.

SECTION EIGHTEEN:

Paragraph C.1. of subsection 3-6.2, which subsection is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

1. Public utility facilities as regulated in subsection 3-23.1.

SECTION NINETEEN:

Paragraph C.1. of subsection 3-7.2, which subsection is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

1. Public utility facilities as regulated in subsection 3-23.1.

SECTION TWENTY:

Paragraph C.1. of subsection 3-7.2, which subsection is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

1. Public utility facilities as regulated in subsection 3-23.1.

SECTION TWENTY ONE:

Paragraph C.1. of subsection 3-8.2, which subsection is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

1. Public utility facilities as regulated in subsection 3-23.1.

SECTION TWENTY TWO:

Paragraph C.1. of subsection 3-9.2, which subsection is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

1. Public utility facilities as regulated in subsection 3-23.1.

SECTION TWENTY THREE:

Paragraph C.1. of subsection 3-10.2, which subsection is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

1. Public utility facilities as regulated in subsection 3-23.1.

SECTION TWENTY FOUR:

Paragraph C.1. of subsection 3-13.2, which subsection is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

1. Public utility facilities as regulated in subsection 3-23.1.

SECTION TWENTY FIVE:

Paragraph C.1. of subsection 3-14.2, which subsection is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

1. Public utility facilities as regulated in subsection 3-23.1.

SECTION TWENTY SIX:

Paragraph C.1. of subsection 3-15.2, which subsection is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

1. Public utility facilities as regulated in subsection 3-23.1.

SECTION TWENTY SEVEN:

Paragraph C.1. of subsection 3-16.2, which subsection is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

1. Public utility facilities as regulated in subsection 3-23.1.

SECTION TWENTY EIGHT:

Paragraph C.1. of subsection 3-19.2, which subsection is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

1. Public utility facilities as regulated in subsection 3-23.1.

SECTION TWENTY NINE:

Paragraph C.1. of subsection 3-21.2, which subsection is entitled "Permitted Uses", is hereby amended in its entirety to read as follows:

1. Public utility facilities as regulated in subsection 3-23.1.

SECTION THIRTY:

This Ordinance shall take effect upon its final passage and publication according to law.

INTRODUCED/PASSED ON
FIRST READING:

AUGUST 24, 2015

PUBLISHED:

AUGUST 27, 2015

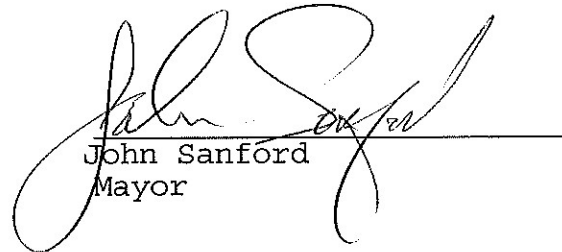
ADOPTED:

SEPTEMBER 14, 2015

ATTEST:



Deborah Brooks
Deputy Township Clerk



John Sanford
Mayor

ROLL CALL VOTE				
COMMITTEE MEMBER	YES	NO	ABSTAIN	ABSENT
SANFORD	✓			
PETRELLI	✓			
YOUNG	✓			
SCHWORN	✓			
COLUMBUS	✓			