

WEST AMWELL TOWNSHIP

ORDINANCE 18, 2011

AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND THE LAND USE REGULATIONS OF THE TOWNSHIP OF WEST AMWELL, SPECIFICALLY CHAPTER 109-99 “RIDING ACADEMY, LIVERY, OR BOARDING STABLE”, CHAPTER 109-100 “BED-AND-BREAKFAST GUEST HOUSE”, CHAPTER 109-101 “VETERINARY OFFICE OR CLINIC”, CHAPTER 109-102 “LANDSCAPE CONTRACTOR WITH PLANT NURSERY, WITH OR WITHOUT RETAIL SALES”, CHAPTER 109-103 “FARMERS’ MARKET”, CHAPTER 109-106 “NURSING HOMES AND INTERMEDIATE-CARE CENTERS”, CHAPTER 109-107 “PUBLIC AND QUASI-PUBLIC SCHOOLS AND INSTITUTIONS OF HIGHER LEARNING”, CHAPTER 109-108 “GASOLINE STATIONS AND GASOLINE STATIONS WITH CONVENIENCE STORES”, CHAPTER 109-109 “CHILD CARE CENTERS OR PRESCHOOLS”, CHAPTER 109-110 “HOTELS AND MOTELS”, CHAPTER 109-111 “CONGREGATE CARE CENTERS”, CHAPTER 109-113 “HOSPITALS”, CHAPTER 109-114 “MULTIFAMILY RESIDENTIAL”, AND CHAPTER 109-115 “PLACES OF WORSHIP” OF THE GENERAL ORDINANCES OF THE TOWNSHIP.

SECTION I

CHAPTER 109-99 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Riding Academy, Livery, or Boarding Stable, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-99. Riding Academy, Livery, or Boarding Stable.

A riding academy, livery, or boarding stable may be permitted, subject to the following provisions:

- A. A lot area of not less than 15 acres shall be required.
- B. Accessory dwellings and farm buildings shall be permitted.
- C. No more than one horse per acre shall be permitted.
- D. Four horse shows shall be permitted each year. Additional shows require Township Committee approval.
- E. All structures, parking and loading areas and other facilities shall be set back a minimum of 150 feet from the front property line and 150 feet from side and rear property lot lines, only if the adjacent properties are located within a residential zone district. Otherwise the setback for the side and rear lot lines shall be 50 feet, or located within the building setbacks for the zoning district, whichever is greater.

- F. There must be proof of a waste disposal and a management program certified acceptable by the County Health Department or local Board of Health. No storage of manure or other odor-producing materials shall be permitted within 100 feet of a property line.

SECTION II

CHAPTER 109-100 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Bed-and-breakfast Guest House, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-100. Bed-and-breakfast Guest House.

The use and occupancy of a detached dwelling may be permitted for accommodating transient guests for rent subject to the following conditions:

- A. No more than six guest rooms may be permitted. No more than two adults and two children may occupy one guest room.
- B. The minimum lot size for the guest house use shall be twice the minimum required for the zone in which it is located.
- C. The bed-and-breakfast guest house must maintain a residential appearance.
- D. The use shall be carried on primarily by members of the immediate family which must reside on the premises. Nonresident employees shall be limited to two in addition to the resident members of the family.
- E. There shall be no separate kitchen or cooking facilities in any guest room. Food shall be served only to guests on the premises and only breakfast shall be served.
- F. The maximum uninterrupted length of stay at a guest house shall be 14 days.
- G. The use of any amenities provided by the guest house such as swimming pool or tennis courts shall be restricted in use to guests of the establishment.
- H. There shall be no use of show windows or display or advertising visible outside the premises to attract guests other than a single, nonilluminated sign which meets the regulations for signs set forth in this chapter.
- I. The applicant shall demonstrate to the satisfaction of the Board of Health that private well and septic are adequate to serve the maximum number of guests which could be housed at the facility at any one time. Septic designs must be consistent with the Township's wastewater management plan
- J. A sufficient number of off-street parking spaces, as determined by the Board, must be provided. One parking space shall be provided for each guest room.
- K. Parking areas shall be screened with landscape buffers to shield off-site residences.

SECTION III

CHAPTER 109-101 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Veterinary Office or Clinic, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-101. Veterinary Office or Clinic.

Such use may be permitted subject to the following provisions:

- A. A veterinary office or clinic shall not include outdoor animal pens.
- B. The office or clinic must present proof of a waste disposal and a management program certified acceptable by the County Health Department of local Board of Health.
- C. Veterinary offices or clinics are only conditionally permitted in nonresidential zones.

SECTION IV

CHAPTER 109-102 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Landscape Contractor with Plant Nursery, with or without Retail Sales, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-102. Landscape Contractor with or without Plant Nursery, with or without Retail Sales.

The personal service business of building, installing and maintaining hard and soft landscape features off-site for a contracted fee may be permitted subject to the following provisions:

- A. A minimum lot area of 6 acres shall be required.
- B. No power equipment, such as gas or electric lawn mowers and farm implements, may be sold wholesale or retail.
- C. All equipment and vehicles must be stored under a roof and not within the front yard.
- D. All structures, facilities, parking and loading areas shall be set back a minimum of 100 feet from the front property line and 100 feet from the side and rear property lot lines, only if the adjacent properties are located within a residential zone district. Otherwise the setback for the side and rear lot lines shall be 50 feet or located within the building setbacks for the zoning district, whichever is greater.
- E. Frontage and access to the landscape contracting use shall be limited to any paved public road.
- F. A landscaped buffer yard of 20 feet in width shall be required along rear and side yard lot lines of the site only if rear and side yard lots abut properties in a residential zone district.

SECTION V

CHAPTER 109-103 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Farmers’ Market, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-103. Farmers' Market.

A market consisting of booths and stalls to sell produce and farm products to the general public may be permitted subject to the following provisions:

- A. The minimum lot area shall be two acres.
- B. A maximum of 500 square feet of selling area for any one individual farmer or retailer shall be permitted.
- C. Sales are limited to farm products and services, craftsman-produced goods and food services.

SECTION VI

CHAPTER 109-106 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Nursing Homes and Intermediate Care Centers, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-106. Nursing Homes and Intermediate Care Centers.

Nursing homes and intermediate care centers may be permitted subject to the following conditions:

- A. The minimum lot size shall be five acres.
- B. Buildings shall be set back a minimum of 150 feet from the exterior property lot lines or located within the building setbacks for the zoning district, whichever is greater,
- C. The maximum number of beds per facility shall be limited to the maximum permitted under NJ DEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township’s wastewater management plan.
- D. A buffer shall be provided between parking areas, buildings or facilities and adjacent lot lines in accordance with the design standards section of this chapter. *Editor's Note: See Part 5, Design and Improvement Standards, of this chapter.*
- E. Nursing homes and intermediate care centers shall maintain a residential appearance.
- F. Parking and loading areas shall be a minimum of 100 feet from all exterior property lot lines, or located within the building setbacks for the zoning district, whichever is greater.

- G Outdoor terraces or porches shall be provided.
- H All state licenses and certifications shall be renewed as required, and evidence of such renewals filed with the Township Clerk.

SECTION VII

CHAPTER 109-107 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Public and Quasi-public Schools and Institutions of Higher Learning, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-107. Public, Quasi-public, and Private or Parochial schools.

Schools may be permitted, subject to the following provisions:

- A. Schools as a conditional use shall include quasi-public and private or parochial schools which are not conducted as a business.
- B. All schools located in a residential zone shall have a minimum lot requirement of five acres.
- C. Schools may exceed the height limitations of this chapter, provided that no building shall have a height of greater than 50 feet, and further provided that such uses shall increase the front, rear and side yards one foot for each foot by which the building exceeds the height limit for the zone in which it is located.
- D. Schools shall be located on a collector road, as designated in the Township Master Plan.
- E. Sufficient off-street parking shall be provided, pursuant to the improvement standards section. *Editor's Note: See Part 5, Design and Improvement Standards, of this chapter.* All parking and loading areas shall be a minimum of 50 feet from all property lines or located within the building setbacks for the zoning district, whichever is greater.
- F. Active outdoor recreation facilities shall be a minimum of 200 feet from rear or side lot lines or located within the building setbacks for the zoning district, whichever is greater.
- G. A minimum 25 foot wide vegetated screen shall be provided to screen outdoor or recreation areas from properties in residential zone districts so as to protect adjacent residential homes or zones from inappropriate noise and other disturbances.
- H. Each side and rear yard setback shall be a minimum of 75 feet or the building setbacks for the zoning district, whichever is greater.
- I. Front yard setbacks shall be a minimum of 100 feet or the building setbacks for the zoning district, whichever is greater.
- J. A buffer strip shall be provided between parking areas, buildings or facilities and adjacent lot lines in accordance with the design standards section. *Editor's Note: See Part 5, Design and Improvement Standards, of this chapter.*

SECTION VIII

CHAPTER 109-108 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Gasoline Stations and Gasoline Stations with Convenience Stores, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-108. Gasoline Stations and Gasoline Stations with Convenience Stores.

A gasoline station or a gasoline station in combination with a convenience store and/or car wash may be permitted subject to the following provisions:

- A. A set of plans, specifications and plot plans in triplicate is filed with the Planning Board showing in detail the exact location of such gasoline filling station, the number of storage tanks to be installed, the dimensions and capacity of each tank, the depth at which the tanks will be placed below the ground, the number of gas pumps to be installed, the type of structure and accessory buildings to be constructed and the number of automobiles to be garaged.
- B. A gasoline station, with or without a convenience store and/or car wash, must be at least 500 feet from the boundary of a residential zone within West Amwell, measured from the closest boundary to the nearest point of the gasoline station (building, canopy or uncovered pump island).
- C. The lot or parcel to be used solely for a gasoline station shall meet the lot size and frontage requirements of the zone in which it is located. The lot or parcel to be used for both a gasoline station and a convenience store shall have a minimum lot size at least 25% larger than that required in the zone.
- D. Any buildings associated with the gasoline station, pumps, and pump islands shall be set back at least 50 feet from property lot lines. Canopies shall be set back at least 35 feet from the property lines. Any building or structure associated with the convenience store shall meet the setback requirements of the zone in which it is located.
- E. Corner lots shall have a curb radius of at least 25 feet and access to roads shall be at least 100 feet from the intersection of any streets.
- F. All unpaved areas shall be attractively landscaped with grass lawns, trees and shrubs or other appropriate vegetation.
- G. Any auto repair work shall take place within a building and all repair or service apparatus shall be located within that building. Where auto repair work is being done in conjunction with a gasoline service station, a convenience store shall not be allowed on the same lot or parcel.
- H. There shall be no outdoor storage of any goods or supplies nor shall there be outdoor display of goods for sale.
- I. Floor drains for any building within which auto repairs may take place shall not be connected to any sanitary sewer system or storm drain but do have to comply with the

Uniform Construction Code.

- J. All fuel storage tanks shall be installed below ground level and shall be at least 40 feet from any property line. Where the possibility of contamination of underground water resources exists, the Board may require precautions against leakage and seepage in accordance with DEP and Uniform Construction Code requirements.
- K. The Board may impose such conditions and safeguards as it deems appropriate with respect to, among other matters, traffic safety, considering the location and configuration of the lot in question.
- L. The following are specifically prohibited at a gasoline station or a gasoline station with convenience store and/or car wash:
 - (1) Paint-spraying or body and fender work.
 - (2) Storage of junk vehicles.
 - (3) The sale or rental of automobiles, trucks, trailers, or other vehicles.
 - (4) Outside eating and sitting areas.
 - (5) Drive-through window service.

SECTION IX

CHAPTER 109-109 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Child-Care Centers or Preschools, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-109. Child-Care Centers or Preschools.

A child-care center or preschool may be permitted, subject to the following conditions:

- A. The minimum lot size shall be one acre or twice the minimum lot size for the zone in which this use is located, whichever is greater.
- B. A maximum of 20 children shall be permitted for child-care centers or preschools in residential zones; in other zones size shall be controlled by the state child-care facility licensing board. The maximum size of the facility shall be limited to that permitted under NJ DEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township’s wastewater management plan.
- C. Outdoor active recreation areas shall be a minimum of 75 feet from all property lines and shall be sufficiently screened so as to protect the neighborhood from inappropriate noise and other disturbances. A minimum 15 foot vegetation screen shall be provided to screen any nearby properties located in residential zone districts.
- D. A site plan which indicates that there will be an adequate and safe drop-off area must be provided.
- E. A copy of all required licenses and certificates shall be filed with the Township Clerk.

SECTION X

CHAPTER 109-110 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Hotels and Motels, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-110. Hotels and Motels.

Hotels and motels shall be conditional uses in the zones specified and shall adhere to the following:

- A. The lot on which a hotel or motel is located shall not be less than 10 acres.
- B. Buildings shall be set back a minimum of 100 feet from exterior property lot lines, or located within the building setbacks for the zoning district, whichever is greater.
- C. No building shall exceed 40 feet in height.
- D. Lot coverage shall not exceed that permitted in the zone district in which the hotel or motel is to be located.
- E. The maximum size of the facility shall be limited to that permitted under NJ DEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township's wastewater management plan.
- F. There shall be no separate kitchen or cooking facilities permitted in hotel and motel rooms.

SECTION XI

CHAPTER 109-111 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Congregate Care Centers, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-111. Congregate Care Centers and Assisted Living Facilities.

A congregate care or assisted living facility may be permitted, subject to the following conditions:

- A. The minimum lot size shall be five acres.
- B. Access shall be from a collector road.
- C. The maximum size of the facility shall be limited to that permitted under NJ DEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township's wastewater management plan.
- D. A buffer strip shall be provided between parking areas, buildings or facilities, and adjacent lot lines in accordance with the design standards section of this chapter.

Editor's Note: See Part 5, Design and Improvement Standards, of this chapter.

- E. Congregate care centers and assisted living facilities shall maintain a residential appearance.
- F. Buildings shall be set back a minimum of 150 feet from exterior property lot lines, or located within the building setbacks for the zoning district, whichever is greater.
- G. All parking and loading areas shall be a minimum of 100 feet from all property lines or located within the building setbacks for the zoning district, whichever is greater.
- H Outdoor terraces and porches shall be provided.
- I. Accessory uses may include communal dining facilities, lounges, recreational areas and facilities, chapels, libraries, arts and crafts centers, medical care facilities and similar types of facilities intended primarily for the use of residents.
- J. The facility may include one or more buildings containing individual dwelling units designed for and limited to occupancy of not more than two persons, one of whom shall be 62 years of age or older.
- K All state licenses and certifications shall be renewed as required and evidence of such renewals filed with the Township Clerk.

SECTION XII

CHAPTER 109-113 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Hospitals, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-113. Hospitals.

Hospitals and clinics are a conditional use in the zones specified and shall adhere to the following:

- A. The lot on which a hospital or clinic is proposed shall not be less than 5 acres.
- B. No principal structure shall be located less than 150 from any property line. All structures shall be located within the building setbacks for the zoning district.
- C. Lot coverage shall not exceed that permitted in the zone district in which the hospital is to be located.
- D. The maximum size of the facility shall be limited to that permitted under NJ DEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township’s wastewater management plan.

SECTION XIII

CHAPTER 109-114 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Multifamily Residential, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-114. Multifamily Residential.

Multifamily residential uses are a conditional use in the zones specified and shall adhere to the following:

- A. Multifamily residential uses shall be permitted as part of a mixed-use development and shall be located on the second floor of any nonresidential building.
- B. The number of units permitted on each site shall be limited to the maximum permitted under NJ DEP regulations for individual subsurface septic systems. Septic designs must be consistent with the Township’s wastewater management plan. Parking for the residential units shall be in accordance with the RSIS.
- C. No building shall be permitted to exceed the maximum building height of the zone.
- D. Lot coverage requirements of the zone shall be complied with. Where the existing development already exceeds the permitted lot coverage, the creation of residential over commercial dwelling units shall not be permitted to increase the coverage any further.
- E All units shall be one-bedroom for developments up to five total units.
- F Where more than five units are proposed at least 50% shall be one-bedroom and no unit shall have more than three bedrooms.
- G Additions to buildings in order to provide housing units shall not extend beyond the first floor, except for architectural projections as may be permitted elsewhere in this Part 4, Zoning, balconies and stairways or where said projection will conform to the required building setback of the zone.
- H Where completely new construction is proposed all setbacks shall conform to the appropriate zoning regulations.

SECTION XIV

CHAPTER 109-115 – Land Development, Article XV, Specific Requirements for Certain Conditional Uses – Places of Worship, of the Ordinances of West Amwell Township, is hereby amended and replaced as follows:

§ 109-115. Places of Worship.

Places of worship are a conditional use in the zones specified and shall adhere to the following:

- A. The minimum lot size for any place of worship shall be five acres, at least four of which shall be buildable.
- B. Principal or accessory buildings shall be located no less than 75 feet from any front, side or rear property line or within the building setbacks for the zoning district, whichever is greater.
- C. Maximum lot coverage shall be 35%.

SECTION XV - SEVERABILITY

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SECTION XVI

All other provisions of Chapter 109 – Land Development, of the Ordinances of West Amwell Township not modified herein shall remain unchanged and in full force and effect.

SECTION XVII

This ordinance may be renumbered for codification purposes.

SECTION XVIII

This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Hunterdon County Planning Board.

APPROVED BY TOWNSHIP COMMITTEE

Thomas J. Molnar, Mayor

ATTEST:

Lora L. Olsen, RMC
Township Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading at a meeting of the governing body of the Township of West Amwell, in the County of Hunterdon, State of New Jersey, held on October 26, 2011. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the municipal building, 150 Rocktown-Lamb. Rd., Lambertville NJ on November 23, 2011 at 7:00 p.m. All interested parties will be heard at this time.