

**TOWNSHIP OF WEST AMWELL
ORDINANCE 02, 2021**

AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY FURTHER AMENDING CHAPTER 109-4 AND CHAPTER 109-104 (LAND DEVELOPMENT) OF THE ORDINANCES OF THE TOWNSHIP OF WEST AMWELL REGARDING ACCESSORY STRUCTURES AND ASSEMBLY USES.

WHEREAS, the Township of West Amwell is desirous of amending and supplementing existing ordinance provisions pertaining to accessory structures and assembly uses in a manner that better clarifies and serves the public interest and general goals and objectives of the West Amwell Township Master Plan; and

WHEREAS, the Township of West Amwell seeks to achieve clarification and uniformity and balance in the application of standards for accessory structures and assembly uses within the Township's existing land use provisions; and

WHEREAS, the West Amwell Township Committee and Planning Board acknowledges and recognizes that existing ordinance provisions that permit the use of certain lands for assembly uses will disproportionately allow for lands with these uses to negatively impact the zone plan and adjoining uses as currently written; and

NOW, THEREFORE, be it ordained by the Mayor and Township Committee of the Township of West Amwell as follows:

Section I. Definitions.

Sections 109 of Part II, General Legislation, of Chapter 109-4, Land Development, of the Ordinances of West Amwell Township, regarding the definitions for Accessory Structure, Assembly, Houses of Worship and Structure, are hereby further amended and supplemented as follows (additions are underlined thus; deletions are in brackets [thus]):

§109-4 "Definitions."

ACCESSORY STRUCTURE

A separate and subordinate structure, on the same lot with a principal structure or a portion of a principal structure, devoted exclusively to an accessory use, whether or not said accessory structure has a foundation. Where an accessory building is attached to a principal structure by any means, such accessory structure shall be considered part of the principal structure for the purposes of determining height and setback requirements. [Examples include, but are not limited to, fences, walls, off-street parking, sheds, garages, lighting and signage.]

[ASSEMBLY

A use which is a permanent facility, building, structure, or installation which is providing for civic, educational, political, religious or social assemblage purposes. This term shall include nonprofit or for-profit facilities and shall include, but may not be limited to, houses of worship, banquet facilities, lodges, fraternal organizations, civic organizations and funeral homes.]

HOUSE OF WORSHIP

Shall mean a building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

STRUCTURE

[Anything constructed or erected which requires permanent or temporary attachment to something which is erected on the ground and designed, intended or arranged for the housing, shelter, enclosure and/or structural support of persons, animals or property of any kind, excluding unroofed patios at ground level, parking lots or driveways, and fences in compliance with this chapter. For the purpose of determining compliance with yard requirements, a structure shall include unroofed porches above finished grade, roof overhangs, awnings in the extended position and any other permanent part of the structure. For the same purpose, it shall not include structures such as fuel oil tanks, septic tanks and leaching pools which are completely buried below finished grade, drainage systems, or utility poles required only for direct customer service.]

Shall mean any building or other artificial thing which is built or constructed, either above or below ground.

Section II. Article XII. Attachment 3. District Regulations Schedule of Permitted Uses.

Article XII. District Regulations, of Section 109, 109 Attachment 3, entitled “Schedule of Permitted Uses, Township of West Amwell”, is hereby amended and supplemented as follows (additions are underlined thus; deletions are in brackets [thus]):

Use	SRPD	RR-6	RR-5	RR-4	R-9	R-1A	HC	LHC	NC	LI
[Assembly	C	C	C	C	C	C	P	P	P	P]
Houses of Worship	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Section III. Article XIV. Conditional Use Requirements.

§ 109-104 [Places of assembly] Houses of Worship.

[Places of assembly] Houses of Worship are conditional use in the zones specified and shall adhere to the following:

- The minimum lot size shall be five acres, of which at least four contiguous acres [of which] shall be buildable.
- 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.
- Maximum lot coverage shall be 35%.

Section IV. Repealer.

Any ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict

Section V. Severability.

If any section, subsection, sentence clause, phrase or portion of this Ordinance for any reason are held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section VI. Effective Date.

This Ordinance shall take effect, following final passage, upon publication of notice of final passage and the filing of a copy with the Hunterdon County Planning Board.

By Order of the Township Committee,

Stephen Bergenfeld, Mayor

Attest: _____
Maria Andrews, Township Clerk, RMC

Introduced: 1/6/21

Adopted: 2/17/21