



Township of Hillsborough

COUNTY OF SOMERSET
THE PETER J. BIONDI BUILDING
379 SOUTH BRANCH ROAD
HILLSBOROUGH, NJ 08844
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ORDINANCE 2024-07

An Ordinance Amending Chapter 188 “Land Use and Development”, Article V “Districts and Standards”, Section 188-113.7 “Mixed-Use Inclusionary District-1”, of the Code of the Township of Hillsborough, Somerset County, New Jersey.

WHEREAS, the Mixed-Use Inclusionary District-1 was adopted in accordance with a settlement agreement, dated September 25, 2019, between Hillsborough Township and 206 Holdings, LLC; and,

WHEREAS, the purpose of the Mixed-Use Inclusionary District-1 is to establish a mixed-use zone that provides for affordable housing, multifamily housing, retail, office and restaurant uses; and,

WHEREAS, the project, now known as The Hillmont, located at Block 202, Lot 4, was approved by the Planning Board to consist of a total of one hundred seventy-five (175) residential units, of which forty-two (42) will be affordable family rental units, a clubhouse with accompanying amenities and twelve thousand five hundred square feet (12,500) square feet of retail space within three (3) separate retail buildings; and,

WHEREAS, 206 Holdings, LLC has appeared before the Planning Board, on several occasions, to address the timing for construction of the various components of the Project especially as to the retail space; and,

WHEREAS, 206 Holdings, LLC is currently constructing one retail building consisting of approximately four thousand five hundred (4,500) square feet out of the twelve thousand five hundred (12,500) square feet required; and,

WHEREAS, the interest in retail space has not materialized due to market conditions and tenants who were not interested in “build-to-suit” space proceeded to start construction on the first (1st) of the three (3) nonresidential buildings; and,

WHEREAS, the Planning Board’s concern was that the retail buildings may not be occupied and/or even built leaving the site vacant and unfinished; and,

WHEREAS, the Township’s Affordable Housing waiting list consists of approximately three hundred fifty (350) applicants and the current waiting list is approximately two (2) years long for most types of units; and,

WHEREAS, 206 Holdings, LLC has now proposed to replace approximately eight thousand (8,000) square feet of the unbuilt retail space with two (2), two (2) story residential buildings, to consist of twenty-four (24) total residential units (eighteen (18) market units, six (6) affordable housing units) and a park with a playground; and,

WHEREAS, the Township Committee wishes to address the Planning Board’s concerns stated above, to help to alleviate some of the wait for affordable housing units in Hillsborough Township and to add an additional community amenity to The Hillmont development;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey, that Chapter 188 “Land Use and Development” of the Municipal Code of the Township of Hillsborough is amended as follows: New language is underlined thus and deletions are indicated with strikethroughs ~~thus~~.

Section 1. Chapter 188 “Land Use and Development”, Article V “Districts and Standards”, Section 188-113.7.A “Purpose, applicability, and affordable housing obligation” is amended as follows:

§188-113.7.A **Purpose, applicability, and affordable housing obligation.**

(3) A minimum of (24%) of the total number of residential units in the zone shall be low- and moderate-income units in accordance with applicable affordable housing regulations; but in no case shall there be less than ~~42~~ 48 low- and moderate-income units provided in the zone regardless of the total number of units constructed.

Section 2. Chapter 188 “Land Use and Development”, Article V “Districts and Standards”, Section 188-113.7.B “**Permitted principal uses**” is amended as follows:

§188-113.7.B Permitted principal uses.

- (1) Multifamily dwellings.
- (2) Retail sales.
- (3) Offices/Medical Offices.
- (4) Restaurants, freestanding or attached (drive-through restaurants are prohibited).
- (5) Fiduciary institutions, including drive-through banks.
- (6) Mixed-use buildings with residential units on upper floors.
- (7) Commercial instructional activities.
- (8) Health club/fitness center.
- (9) Personal service establishments.
- (10) Business services.

Section 3. Chapter 188 “Land Use and Development”, Article V “Districts and Standards”, Section 188-113.7.E “Maximum residential units and minimum/maximum commercial square footage” is amended as follows:

§188-113.7.E. **Maximum residential units and minimum/maximum commercial square footage.**

- (1) The total number of dwelling units shall not exceed ~~175-199~~ units. Any application for residential development shall include no less than the minimum commercial square footage required in § 188-113.7.E(2).
- (2) The combined total of retail, office, restaurants and fiduciary institutions shall be no less than ~~12,500- 4,400~~ square feet and no more than ~~20,000~~ 4,600 square feet.

Section 4. Chapter 188 “Land Use and Development”, Article V “Districts and Standards”, Section 188-113.7.G. “Supplemental regulations” is amended as follows:

§188-113.7.G. **Supplemental regulations**

(8) Amenities required. The following on-site amenities are required, including a clubhouse, swimming pool, dog-run and a park with a playground.

Section 5. This Ordinance shall be construed so as not to conflict with any provision of New Jersey or Federal law. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning, and land use regulations. In the event of any inconsistency or conflict between the provisions of this Ordinance or other local requirements, the provisions of this Ordinance

shall apply.

Section 6. If any provisions of this Ordinance shall be adjudged invalid, such adjudication shall not affect the validity of the remaining provisions which shall be deemed severable therefrom.

Section 7. After introduction, the Township Clerk is hereby directed to provide a copy of the within Ordinance to the Planning Board for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A.40:55D-64. The Planning Board is directed to make and transmit to the Township Committee within thirty-five (35) days after referral a report, including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 8. After introduction, the Township Clerk is hereby directed to provide by personal service, certified mail or email with confirmation that the email was delivered, at least ten (10) days prior to the scheduled hearing, a copy of this Ordinance and a Notice of Hearing in accordance with N.J.S.A. 40:55D-15 to: the clerk of any adjoining municipalities located within two hundred (200) feet of the boundaries of the affected properties; and, the County Planning Board.

Section 9. After introduction, the Township Clerk is hereby directed to provide by personal service or certified and regular mail, at least ten (10) days prior to the scheduled hearing, a Notice of Hearing in accordance with N.J.S.A. 40:55D-62.1 to: the owners of the properties affected by this Ordinance; the owners of all properties within two hundred (200) feet of the boundaries of the affected properties; the Office of Planning Advocacy; and any military facility commander who has registered with the municipality.

Section 10. After introduction, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance in its entirety or by title and summary at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality, together with a notice of the introduction thereof, the time and place when and where it will be further considered for final passage. The publication shall include a clear and concise statement prepared by the Clerk setting forth the purpose of this Ordinance and a time and place when and where a copy of this Ordinance can be obtained without cost by any member of the general public. The publication shall be at least (1) one week prior to the scheduled hearing.

Section 11. If adopted, the Township Clerk, in accordance with N.J.S.A. 40:49-2 and N.J.S.A. 40:49-2.1, is hereby directed to publish this Ordinance, in its entirety or by title and summary, together with a notice of the date of passage or approval, at least once in a newspaper published and circulated in the municipality, if there is one, and if not, in a newspaper printed in the county and circulating in the municipality.

Section 12. If adopted, the Township Clerk, in accordance with N.J.S.A. 40:55D-16, shall forward a copy of this Ordinance to the County Planning Board for filing.

Section 13. This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

Sarah Brake, Township Clerk

Robert Britting, Jr., Mayor

O-2024-7

Introduced: 5/14/2024

Published: 5/24/2024

Public Hearing: 6/11/2024

Adopted: 6/11/2024

Published: 6/21/2024