

**BOROUGH OF NEW PROVIDENCE
ORDINANCE NO. 2023-06**

**AN ORDINANCE OF THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION, STATE
OF NEW JERSEY AMENDING ZONING ORDINANCE**

WHEREAS, the Municipal Land Use Law (“MLUL”) (N.J.S.A. 40:55D-1 et seq.) enables municipalities to adopt, and subsequently amend, zoning ordinances relating to the nature and extent of the uses of land, buildings, and structures within municipalities; and

WHEREAS, on November 14, 2022, the Mayor and Borough Council of the Borough of New Providence adopted a comprehensive amendment to Chapter 310, entitled “Zoning & Land Use”; and

WHEREAS, such comprehensive amendment included the addition of “townhouse” as a permitted use in the Borough’s C1 Specialty Commercial District; and

WHEREAS, the Mayor and Borough Council would like to further amend the C1 Specialty Commercial District to include a side yard setback requirement for townhouses that is consistent with the other zoning districts in the Borough that permit townhouse development; and

BE IT ORDAINED by the Mayor and Borough Council of the Borough of New Providence, County of Union and State of New Jersey, as follows:

SECTION 1.

Article IV Section 310-33 of Chapter 310 of the Code of the Borough of New Providence, entitled “C1 Specialty Commercial District,” subparagraph E., entitled “Bulk Standards” shall be amended to read as follows:

§310.33.E.

All restrictions set forth in Schedule III of this Chapter and as specifically detailed in the following table apply to the C1 Zoning District.

Development in the C1 District shall also be subject to the enhanced setbacks and buffer requirements found in §310-14 and §310-55, respectively.

C1 Specialty Commercial District Bulk Standards	
Minimum Lot Area	2 acres
Minimum Front Yard Setback	15 feet from right-of-way line, except where there is an existing established setback, then the setback shall be the same as the setback of the structures on either side. If one setback is deeper than the other, the deeper setback shall be continued.
Minimum Side Yard Setback Townhouses	In no event shall any new building or addition be permitted to be closer to any side lot line than 60% of the building's or addition's height, measured pursuant to the definition of "Yard, Side."
Minimum Side Yard Setback All Other Uses	-
Minimum Rear Yard Setback	-
Maximum FAR (not applicable to townhouses)	0.30
Maximum Lot Coverage	80%
Maximum Height	
Principal Building	2.5 stories / 35 feet
Accessory Building	14 feet

SECTION 2.

Schedule III of Chapter 310 of the Code of the Borough of New Providence, entitled "Commercial and Industrial Bulk Requirements," be amended pursuant to Attachment A of this Ordinance.

SECTION 3.

If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

SECTION 4.

To the extent that any provision of the Code of the Borough of New Providence is found to conflict with this Ordinance, in whole or in part, this Ordinance shall control. In all other respects, the Zoning and Land Use Regulations Ordinance of the Borough of New Providence shall remain unchanged.

SECTION 5.

In order to avoid accidental repeal of existing provisions, the Borough Clerk and the Borough Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

SECTION 6.

This Ordinance shall take effect upon passage and publication as required by law. This Ordinance shall only apply prospectively from its effective date and shall not be applied retroactively.

INTRODUCTION: August 15, 2023
PUBLIC HEARING: October 10, 2023
ADOPTION: October 10, 2023

BOROUGH OF NEW PROVIDENCE
COUNTY OF UNION
STATE OF NEW JERSEY

By: _____
Allen Morgan, Mayor

ATTEST:

Wendi B. Barry, Borough Clerk

ATTACHMENT A:
Schedule III Commercial and Industrial Bulk Requirements

Zone		Minimum Area (sf)	Interior Lot Width (Minimum)		Corner Lot Width (Minimum)		Setbacks (Minimum) ⁽¹⁰⁾				Maximum Floor Area Ratio (FAR)	Lot Coverage (Maximum) (%)	Building Height	
			At Setback Line (feet)	At ROW Line (feet)	At Setback Line (feet)	At ROW Line (feet)	Front (feet) (4)	Side (One) (feet) (2) (3)	Side (Both) (feet) (3)	Rear (feet) (4)			Principal structure	Accessory structure (feet)
OR	Single-Family	8,000	100	-	100	-	40 or prevailing (1)	(2) (3)	30% of lot width	The greater of 40 ft or 35% lot depth (5)	-	50	2.5 stories / 30 ft avg grade to mean; 35 ft max	16
	Two-Family	10,000	100	-	100	-	40 or prevailing (1)	(2) (3)	30% of lot width	The greater of 40 ft or 35% lot depth (5)	-	50	2.5 stories / 30 ft avg grade to mean; 35 ft max	16
	Multifamily and Townhouses	25,000	100	-	100	-	15	15 (3)	35	40	Townhouse: N/A Multifamily: 0.35	Townhouse: 70% Multifamily: 90%	30 ft	-
	All Other Uses	10,000	100	-	100	-	15	15 (3)	35	40	0.35	90%	30 ft	-
C1	Townhouses	2 acres	-	-	-	-	15 (6)	(3)	-	-	-	80%	2.5 stories / 35 ft	14
	All Other Uses	2 acres	-	-	-	-	15 (6)	-	-	-	Other: 0.30	80%	2.5 stories / 35 ft	14

C2	All Uses	-	-	-	-	-	15 (6)	-	-	-	0.35	80%	2 stories / 30 ft	14
TBI-1	All Uses	150,000	300	300	300	300	100	50	100	-	0.40	80%	3 stories / 45 ft	45 for parking garages / 14 for all other
TBI-2	All Uses	100,000	300	300	300	300	100	50	100	-	0.40	80%	40 ft	35 for parking garages / 14 for all other

Zone	Minimum Area (sf)	Minimum Lot Width All Lots (Minimum)		Setbacks				Lot Coverage (Maximum) (%)	Maximum Ratio of Lot Coverage to Building Coverage	Building Height			Minimum Building Façade Length	
		At Setback Line (feet)	At ROW Line (feet)	Max. Front (feet)	Side (One) (feet)	Side (Both) (feet)	Rear (feet)			Maximum	Minimum	Minimum Ground Floor Height		
CCD	All Uses	-	-	-	10 (7)	-	-	-	100%	No more than double	3 stories / 38 feet	2 stories / 30 feet	12 feet floor to ceiling	70% of lot width at setback line
CCD-TH	Townhomes	25,000	100	100	10	15	30	15	75%	-	2.5 stories / 35 feet	2 stories / 30 feet	-	-

Notes

- (1) 40 feet or prevailing of existing dwellings located within 200 feet of the perimeter of the subject lot and located on the same side of the street as the subject lot, whichever is less, but in no event less than 10 feet.
If front yard encroachments of porches, porticos, stoops and similar structures exist, said encroachments shall be permitted to the same extent as exist with respect to dwellings located within 200 feet of the perimeter of the subject lot and located on the same side of the street as the subject lot.
- (2) For lots wider than 75 feet, the setback shall be 12 feet and for lots 75 feet wide or less, the setback shall be 8 feet.

- (3) In no event shall any new building or addition be permitted to be closer to any side lot line than 60% of said building's or addition's height, as measured pursuant to the definition of "Yard, Side"
- (4) Setback line shall be measured to the front principal building wall.
- (5) All decks shall have a rear setback of 40 feet
- (6) Except where there is an existing established setback, then the setback shall be the same as the setback of the structures on either side. If one setback is deeper than the other, the deeper setback shall be continued
- (7) 10 feet maximum setback from right-of-way line. Eating and drinking establishments and restaurants are permitted an additional front yard setback to accommodate outdoor dining at a depth reviewed and approved by the reviewing board. A minimum of 5 feet of free and unobstructed pedestrian right-of-way must be obtained.