

Borough of New Providence, Union County

Ordinance No. 2011-15

AN ORDINANCE OF THE BOROUGH OF NEW PROVIDENCE AMENDING AND SUPPLEMENTING § 310-6 ENTITLED "DEFINITIONS," § 310-7 ENTITLED "DISTRICTS ESTABLISHED," § 310-8 ENTITLED "ZONING MAP," § 310A SCHEDULE I ENTITLED "PERMITTED USES," AND § 310E ENTITLED "ZONING MAP," OF THE ZONING PROVISIONS OF THE BOROUGH CODE TO REZONE CERTAIN LOTS TO THE NEWLY ESTABLISHED TECHNOLOGY AND BUSINESS INNOVATION ZONES I AND II.

BE IT ORDAINED by the governing body of the Borough of New Providence, Union County, New Jersey, that the Zoning Ordinance of the Borough of New Providence is hereby amended to establish Technology and Business Innovation Zones I and II. This Ordinance is intended to encourage low/medium density commercial development for the purpose of high technology, medical, educational, office and related facilities in a campus-like setting.

WHEREAS, the Borough Council undertook a review of the land use provisions of the Borough Code governing the Research Laboratory ("RL") and Light Industrial ("LI") Districts in order to, among other things, replace uses contained therein to promote commercial development within these areas; and

WHEREAS, the Borough Council has determined that it is appropriate and necessary to amend the Borough Ordinance to delete the RL and LI Districts and replace them with the newly established Technology and Business Innovation Zones I and II, and in so doing, to provide new permitted, conditional and accessory uses within these zones.

NOW, WHEREFORE, IT IS HEREBY ORDAINED by the Governing Body of the Borough of New Providence as follows:

§ 310-6, entitled "Definitions," is hereby amended to add the following new terms:

AMBULATORY HEALTH CARE FACILITY: An establishment where patients are admitted for examination and treatment on an outpatient basis by physicians, dentists, or other medical personnel, psychologists or social workers and where such examination and treatment generally requires a stay of less than 24 hours. Medical offices for employees that are incidental to the primary use of the facility as an ambulatory health care facility are permitted.

ARTS CENTER: A structure or complex of structures for the visual and or performing arts.

COLOCATION CENTER: This use is a type of data centre where multiple customers locate network, server and storage gear and interconnect to a variety of telecommunications and other network service provider(s) with a minimum of cost and complexity.

DATA CENTER: A data center is a facility used to house computer systems and associated components, such as telecommunications and storage systems. It generally includes redundant or backup power supplies, redundant data communications connections, environmental controls (e.g., air conditioning, fire suppression) and security devices.

HEALTH CARE TESTING SERVICE FACILITY: An establishment where health care services such as blood tests and similar health care tests and services are administered to patients. Medical offices for employees that are incidental to the primary use of the facility as a health care service facility are permitted.

HIGH-TECHNOLOGY INCUBATOR BUSINESS: Such businesses are, in the view of the Board, consistent with the aim of developing and nurturing start-up, high-technology businesses. The Board shall use the North American Industry Classification System (NAICS) descriptions, or its equivalent, in assisting them in determining if a particular Use is in keeping with the intent of the regulation. Some examples include, but are not limited to the research and development of computer software, fuel cells, "green" products, solar cells, semiconductors, optical scanning devices, information technology, digital animation, computer hardware, computer facilities management and information retrieval services.

HOTEL/ CONFERENCE FACILITIES: These facilities must be developed as one facility, including convenience commercial uses and restaurants which are related to a hotel convention/conference facility.

LIGHT INDUSTRIAL USE: This use includes manufacturing, fabricating, processing, converting, altering, packaging, bottling or assembling of products, the operations of which are conducted solely within an enclosed building or group of buildings, which are not productive of injurious or offensive noise, fumes, smoke odor, sewage effluent or vibrations nor are detrimental to health, safety, or property.

PROFESSIONAL OFFICE: An office of a member of a recognized profession, maintained for the conduct of their profession. Such professions shall be limited to those of law, architecture, engineering, art, religion, music, accounting, insurance services, real estate brokers, and other professions which require a small degree of formal training and experience.

RECREATION/SPORTS FACILITY: Indoor recreational facilities including, but not limited to health and racquet clubs, fitness centers, sports training centers, tennis courts, party and play facilities, and batting cages shall be permitted uses. Pro shop and

education and training facilities for indoor recreational uses shall be permitted in conjunction with indoor use.

SERVICED OFFICE: A serviced office also known as an "executive suite" or "executive space" is an office or office building that is fully equipped and managed by a facility management company, which then rents individual offices or floors to other companies.

TELECOM HOTEL: A building that is constructed or rebuilt for datacenters. Also known as a carrier hotel, co-location center or internet datacenter, telecom hotels typically house hundreds and thousands of web servers for web hosting organizations, large enterprises and other service organizations.

WELLNESS AND LIFESTYLE CENTERS: A building or facility that is devoted towards the promotion of healthy living as well as the prevention of illness and disease run by any number of physicians who can practice a wide variety of medicine. These facilities promote health care through fitness, dietary needs, psychological aid, and other more direct medical practices, where a patron can sometimes talk to a physician directly for a diagnosis of a specific problem, or can arrange for a treatment such as massage from a qualified and trained therapist.

WHOLESALE BUSINESS: Any building, premises, or land in which or upon which, the principal business, operation, or industry involves any handling and resale of goods in comparatively large quantities to others, but not usually to the ultimate consumer of an individual unit.

§ 310-7 entitled "Districts Established," § 310-8 entitled "Zoning Map," and § 310e entitled "Zoning Map" are hereby amended to delete the existing Research Laboratory ("RL") District in its entirety and replace it with the newly established Technology and Business Innovation Zone I ("TBI-1").

§ 310-7 entitled "Districts Established," § 310-8 entitled "Zoning Map," and § 310e entitled "Zoning Map" are hereby amended to delete the existing Light Industrial ("LI") District in its entirety and replace it with the newly established Technology and Business Innovation Zone II ("TBI-2").

§ 310a Schedule I entitled "Permitted Uses" is hereby amended to delete all information pertaining to the Research Laboratory ("RL") District in its entirety and replace it with the permitted uses for the newly established Technology and Business Innovation Zone I ("TBI-1") as set forth below.

TECHNOLOGY AND BUSINESS INNOVATION ZONE I

**Purpose and Intent: Technology and Business Innovation Zone I (TBI-1)
(FORMER RL DISTRICT)**

The purpose and intent of the **TBI-1** zone is to encourage low/medium density commercial development for the purpose of high technology facilities, medical, educational, office and related facilities in a campus-like setting. This zone shall be combined with a design review district to ensure a high quality, aesthetic environment. The land use mix is intended to be developed on larger lots of a five (5) acre minimum.

A. The principal uses set forth below are permitted in the Technology and Business Innovation Zone I District subject to conditions provided herein and subject to obtaining Site Development Plan approval, if required.

(1) More than one of these principal uses may be permitted within the same structure or building subject to the following:

(a) The minimum usable gross floor area of each such use shall be computed as either a) 2,000 square feet or b) five percent (5%) of the structure's or building's total usable gross floor area, whichever is greater.

(b) The maximum number of tenants allowed shall be six (6).

(2) Principal Permitted Uses.

(a) Laboratory devoted to research, design, and experimentation with fabrication incidental thereto.

(b) Commercial, corporate and professional office uses.

(c) Serviced office.

(d) Health care testing facility.

(e) Ambulatory health Care Facility.

(f) Headquarters mixed use complex, including executive offices, laboratories and research facilities.

i. Parking shall be calculated separately and added to the parking requirements of the other uses.

(g) High-Technology Incubator Business and Professional Center, provided such businesses are, in the view of the Board, consistent with the aim of developing and nurturing start-up, high-technology businesses. The Board shall use NAICS descriptions, or its equivalent, in assisting them in determining if a particular Use is in keeping with the intent of the regulation.

(h) Inbound and outbound call centers.

(i) Recreation/sports facility.

(j) Eating facility for the accommodation of persons employed on the premises and for visitors but not open to the general public.

(k) Hotel/conference facilities

- i. Hotel/Conference centers are permitted when both uses are developed in conjunction with one another. Stand alone hotels or conference facilities are not permitted uses in this zone.
- ii. Parking spaces shall be provided to meet the individual standards for all the activities to be conducted on the site.
- iii. No sleeping unit, including bathroom and other appurtenances facilities shall be smaller than 300 square feet, and shall be accessed through a center hallway.
- iv. No hotel/conference center shall contain less than 75 sleeping units.
- v. The building shall be placed on the lot so that the shadow of the building at noon on December 22 will not extend onto any other property, excepting public streets, farther than the required setback lines on the property in accordance with the zoning regulations applicable.
- vi. Parking shall not be permitted in the front yard setback.
- vii. The area, yard and building requirements are as follows:
 - a. Min Lot Area – 10 acres
 - b. Maximum Height – 65 feet
 - c. Lot depth – 500 feet
 - d. Lot width
 - a. 500 feet at setback line
 - b. 500 feet at right-of-way
 - e. Front Yard – 100 feet
 - f. Side Yard – 50 feet for each side yard
 - g. Rear Yard – 50 feet, plus an additional 4 feet for each foot of building height in excess of 45 feet. This additional footage shall be included in the required 30 foot buffer area.
 - h. Maximum improved lot coverage – 80 %
 - i. Floor Area ratio: 0.40
- viii. The following parking standards are required:
 - a. Guest Room: 1.25 parking spaces per room

- b. Restaurant/lounge: 10 parking spaces per 1,000 square feet of gross leasable area
 - c. Conference rooms: 0.5 parking spaces per seat
- (l) Building with mixed uses, including those required for the offices or outpatient clinics or dentists physicians or other health practitioners.
- i. Parking shall be calculated separately and added to the parking requirements of the other uses.
- (m) Educational Services, such as service training schools, data processing schools, business and secretarial schools and job training and vocational rehabilitation services.
- (n) Public facilities (Operated by the Borough).
- (o) Wellness and Lifestyle Centers.
- (p) Veterinary center.
- (q) Child day-care services and children's play areas, in accordance with N.J.A.C. 10:122 Manual of Requirements for Child Care Centers.
- (r) Arts center.
- (s) Data Center.
- (t) Telecom Hotel.
- (3) Permitted Accessory Uses.
- (a) Public and private parking and loading.
 - (b) Parking deck structures.
 - i. Parking decks should be hidden by the building on site or have the facade architecturally incorporated.
 - ii. The structured parking structure should not dominate the building site.
 - iii. Setbacks shall be the same as the permitted use
 - (c) Signs.
 - (d) Commercial earth terminals.
 - (e) Personal earth terminals.
 - (f) Ground and roof mounted solar arrays as per the current solar ordinance.

(4) Conditional Uses.

- (a) Planned Developments in accordance with 310-46. (excluding planned residential development).

(5) Zoning Requirements

The following standards apply except where noted elsewhere:

- a. Minimum Lot area: 5 acres
- b. Min Front yard: 100 feet
- c. Min Rear yard: None, except as required by 310-19c and 310-21
- d. Min Side yard: 50 feet for each side yard, except as required by 310-19c and 310-21.
- e. Min lot width:
 - i. 300 feet at setback line
 - ii. 300 feet at right-of-way
- f. Maximum building height:
 - i. Principal use: 3 stories not to exceed 45 feet
 - ii. Accessory structure: 45 feet
- g. Maximum Impervious lot coverage: 80%
- h. Maximum Floor Area ratio (FAR): 0.35

§ 310a Schedule I Entitled "Permitted Uses" is hereby amended to delete the information pertaining to the Light Industrial ("LI") District in its entirety and replace it with the permitted uses for the newly established Technology and Business Innovation Zone II ("TBI-2") as set forth below.

TECHNOLOGY AND BUSINESS INNOVATION ZONE II

Purpose and Intent: Technology and Business Innovation Zone II (TBI-2) (FORMER LI District)

The purpose and intent of the TBI-2 zone is to encourage low density light industrial and commercial development for the location of high technology, educational and related facilities. This zone shall be combined with a design review district to ensure a high quality, aesthetic environment.

- A. The following principal uses are permitted in the Technology and Business Innovation Zone II District subject to conditions provided herein and subject to obtaining Site Development Plan approval, if required.

(1) Principal Permitted Uses.

- (a) Laboratory devoted to research, design, and experimentation with fabrication incidental thereto.
- (b) Commercial, corporate and professional office uses.
- (c) Health care testing facility.
- (d) Ambulatory health care facility.
- (e) Light industrial use.
- (f) High-Technology Incubator Business and Professional Center provided such businesses are, in the view of the Board, consistent with the aim of developing and nurturing start-up, high-technology businesses. The Board shall use NAICS descriptions, or its equivalent, in assisting them in determining if a particular use is in keeping with the intent of the regulation.
- (g) Wholesale business (excluding perishable items).
- (h) Veterinary hospital.
- (i) Educational services, such as service training schools, data processing schools, business and secretarial schools and job training and vocational rehabilitation services.
- (j) Printing and/or publishing establishment.
- (k) Recreation/sports facility.
- (l) Public facilities (Operated by the Borough).
- (m) Child day-care services and children's play areas, in accordance with N.J.A.C. 10:122 Manual of Requirements for Child Care Centers.
- (n) Inbound and outbound call centers.
- (o) Data Center.
- (p) Telecom Hotel.

(2) Permitted accessory uses.

- (a) Retail as an accessory use to permitted uses provided that the retail use meets the following requirements:
 - (i) The maximum permitted floor area for the accessory retail use is limited to 2,000 square feet or five (5) percent of the gross floor area, whichever is less and be included in the footprint of the primary structure.
 - (ii) No outdoor sale of goods shall be permitted.

- (iii) The accessory retail use must be clearly incidental to the principal use.
 - (iv) The products sold must be produced by or related to the principal use.
 - (v) A designated parking area shall be provided for the retail use. This parking area shall provide a clearly marked pedestrian access route to the retail portion of the structure that does not intersect with the travel path of any vehicles that serve the principal business.
- (b) Public and private parking and loading.
 - (c) Signs.
 - (d) Recycling containers within enclosures.
 - (e) Commercial earth terminals.
 - (f) Personal earth terminals.
 - (g) Ground and roof-mounted solar arrays as per the current solar ordinance.
 - (h) Pumping stations and other public quasi public uses of this nature.
 - (i) Wireless Technology.
 - (j) Educational Facilities.

(3) Zoning Requirements

The following standards apply except where noted elsewhere:

- a. Minimum Lot area: 100,000 square feet
 Planned commercial developments: 5 acres
- b. Min Front yard: 100 feet
- c. Min Rear yard: None, except as required by 310-19c and 310-21
- d. Min Side yard: 50 feet for each side yard, except as required by 310-19c and 310-21.
- e. Min lot width:
 - i. 300 feet at setback line
 - ii. 300 feet at right-of-way
- f. Maximum building height:

- iii. Principal use: 40 feet
- iv. Accessory structure: 35 feet
- g. Maximum Impervious lot coverage: 80%
- h. Maximum Floor Area ratio (FAR): 0.40 (TB-1 uses 0.35)

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

INTRODUCTION: May 9, 2011
PUBLIC HEARING: June 13, 2011
ADOPTION: June 13, 2011

BOROUGH OF NEW PROVIDENCE
COUNTY OF UNION
STATE OF NEW JERSEY

J. Brooke Hern, Mayor

Attest:

Wendi B. Barry, Borough Clerk