

ORDINANCE 2015-10

AN ORDINANCE AMENDING CHAPTER 188, (LAND USE AND DEVELOPMENT), ARTICLE V (DESIGN DISTRICTS AND STANDARDS) OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO CREATE THE GC, GATEWAY C ZONE DISTRICT AND TO CHANGE THE ZONE DESIGNATION FOR SEVERAL PROPERTIES IN THE TRANSIT READY DEVELOPMENT/EAST AMWELL GATEWAY AREA

BE IT ORDAINED by the Township Committee of the Township of Hillsborough, County of Somerset, State of New Jersey as follows:

Section 1. Amend the Zoning Map for the Township of Hillsborough to change the zoning designation for the following properties listed below and as indicated on the Revised Zoning Map entitled Transit Ready Development/East Amwell Gateway Area as follows:

BLOCK 200.01, LOT 2 (FRONT PORTION) FROM THE C1 DISTRICT TO THE GA DISTRICT

BLOCK 200.01, LOTS 3, 4, 5, 6, 7, 8 FROM THE HOO TO THE GA DISTRICT

BLOCK 200.01, LOTS 2 (REAR PORTION), 9, 10, 11, 12 FROM THE R DISTRICT TO THE GA DISTRICT

BLOCK 199, LOTS 9, 10.01 (PORTION), 48 FROM THE R DISTRICT TO THE GA DISTRICT

BLOCK 200.10, LOTS 1.01, 1.02, 1.03, 2, 3 (PORTION) FROM THE R DISTRICT TO THE GA DISTRICT

BLOCK 199, LOTS 2, 3, 4, 5, 6, 6.01, 7, 8.01, , 43.01, 44.01, 45, 46, 47, 49, 50.01, 51, 52 FROM THE HOO TO THE GA DISTRICT

BLOCK 199, LOT 42 FROM THE R DISTRICT TO THE GA DISTRICT (PORTION) AND THE REMAINDER OF THE LOT REMAINING IN THE R DISTRICT

BLOCK 199, LOT 43 FROM THE HOO DISTRICT (PORTION) AND THE R DISTRICT (PORTION) TO THE GA DISTRICT (PORTION) AND THE REMAINDER OF THE LOT REMAINING IN THE R DISTRICT.

BLOCK 199, LOTS 37, 37.01, 38.01, 38.02 (PORTION), 39, 40, 41 (PORTION) FROM THE HOO DISTRICT TO THE R DISTRICT

BLOCK 199, LOTS 80, 81, 82 FROM THE HOO DISTRICT TO THE R DISTRICT

BLOCK 199, LOTS 20.01, 141, 142, 143, 144, FROM THE HOO DISTRICT TO THE CR DISTRICT

BLOCK 199, Lots 34.01 and 145 FROM THE HOO DISTRICT TO THE GC DISTRICT

BLOCK 200.10, LOTS 8, 9, 10, 10.01, 11.01, 11.02, 11.03, 11.04, 11.05, 11.06, 11.07, 11.08 (PORTION), 12 (PORTION) FROM THE R DISTRICT TO THE TECD DISTRICT

BLOCK 200.10, LOTS 3 (PORTION), 12 (PORTION), 12.01, 12.02, 13, 14 FROM THE R DISTRICT TO THE GC DISTRICT

BLOCK 200.10, LOTS 22, 22.01, 22.02 FROM THE LI DISTRICT TO THE GC DISTRICT

BLOCK 200.10, LOTS 4, 15.01, 15.02, 16, 20.01 FROM THE CDZ DISTRICT TO THE GC DISTRICT

Section 2. Create the GC, Gateway C Zone District, consisting of Block 199, Lots 34.01 and 145, and Block 200.10, Lots 3 (portion), 4, 12 (portion), 12.01, 12.02, 13, 14, 15.01, 15.02, 16, 20.01, 22, 22.01 and 22.02 and amending the Chapter 188 Land Use and Development Standards of the Code of the Township of Hillsborough by adding section 188-113.6 as follows:

Section 188-113.6, GC Gateway C District

- A. Purpose. The purpose of the GC Gateway C District is to provide a mix of residential, limited retail and other office commercial uses adjacent to a transit facility in order to create a complete, pedestrian friendly neighborhood with additional commercial and standalone residential uses nearby to support the transit facility and provide employment opportunities. The GC District is delineated on the revised zoning map referred to herein and provided as part of this ordinance.
- B. Permitted Principal Uses. All uses shall be provided at a scale and size that is appropriate for the district. There may be more than one (1) permitted principal uses or structure on a lot subject to compliance with Sections 113.6 C-G as contained below.
 - 1. Mixed-use buildings shall be limited with retail sales of goods and services only permitted on the first floor and with residential and/or office uses permitted above the first floor. Mixed-use buildings shall only be permitted within a reasonable walking distance from the transit facility, which is to be located within the GC Zone. (As of the date of adoption of this ordinance, such transit facility is planned to be located on Block 200.10 Lot 3). Mixed-use buildings may only proceed with construction when said transit facility is in existence.
 - 2. Personal service establishments
 - 3. Free standing offices, including medical offices and medical centers
 - 4. Business services
 - 5. Child care and adult day care facilities
 - 6. Mass transit facility, which may include retail, and related maintenance/storage facilities
 - 7. Utilities which are compatibly designed and/or screened, as appropriate
 - 8. Recreational and/or open space facilities including, but not limited to walkways, courtyards, plazas, squares, community gardens and parks.
 - 9. Fiduciary institutions (without drive-through facilities)
 - 10. Restaurants, including sit down and carryout as long as food and/or drinks shall not be served or sold directly to patrons in motor vehicles
 - 11. Commercial instructional facilities
 - 12. Corporate conference centers
 - 13. Hotel/motel
 - 14. Residential uses in planned mixed-use developments
 - a. Shall comply with tract standards under Section 188-113.6.I.1.
 - b. May only proceed with construction when the said transit facility within the GC Zone is in existence.

- c. Residential flats or lofts, which shall only be located above the first floor in a mixed-use building.
 - [1] The maximum number of permitted residential flats or lofts in a mixed-use building, shall be one (1) dwelling unit for each one thousand (1,000) square feet of non-residential gross floor area. All residential flats or lofts must be provided in the same mixed-use building that is used to determine the permitted number of residential flats or lofts.
- d. Freestanding residential units, which shall be limited to townhouses and multifamily buildings, and which may only be developed within a planned mixed use development.
 - [1] Townhouses shall not exceed eight (8) dwelling units per acre
 - [2] Multifamily units shall not exceed ten (10) dwelling units per acre
 - [3] Total freestanding residential uses shall not exceed 100 dwelling units within the entire GC District.
 - [4] Bulk requirements, as specified in Section 188 Attachment 11, Table 2, Bulk Requirements for Townhouses and Multifamily in Planned Mixed Use Development, shall be met.
 - [5] Freestanding residential units shall not exceed 70% of the total residential units in a planned mixed use development. The remaining units, being residential flats or lofts, shall be located only within mixed use buildings.
- e. In any building containing residential dwelling units in the GC District, the maximum amount of bedroom types permitted for market-rate housing is as follows:
 - [1] Studio/one bedroom: 45% of total units.
 - [2] Two-bedroom: 55% of total units
 - [3] Three-bedroom: 10% of total units
- 15. Extended care facilities
- 16. Health club/fitness centers
- 17. All farm and agricultural uses, including nurseries, poultry and livestock raising , provided that:
 - a. The keeping or raising of swine shall not be allowed except as part of a general farming operation on a property of not less than 25 acres. No more than 100 swine shall be kept on any property
 - b. No building, fenced run or other enclosure for the shelter of swine shall be closer to any property line or zone boundary than 200 feet.
 - c. No building erected entirely or partially for the storage of hay or other flammable material shall be closer than 100 feet to any property line.
 - d. No building for the shelter of fowl or farm livestock, other than swine, shall be closer to any side or rear property line or residential zone boundary than 100 feet; except that no range shelter or other building used to house a backyard flock shall be closer to any side or rear property line than 50 feet.

18. Research and development
 19. Existing single family detached dwellings in compliance with Section 188-66.
- C. Prohibited Uses.
1. Drive-through facilities
- D. Accessory Uses and Structures.
1. Street furniture such as benches, street lamps, bicycle racks, trash receptacles, tree grates, bus stops, landscape planters and hanging baskets shall be provided, as appropriate.
 2. All streets, alleys, sidewalks and pathways shall connect to other streets within the development and connect to existing streets outside the development, as appropriate. Dead-end streets are not permitted within developments in the GC District, unless such condition is unavoidable as determined by the Planning Board or Board of Adjustment.
 3. Surface parking lots are required and shall be designed to be coordinated and have access to adjoining lots to control the number of access points to Amwell Road, existing roads and all proposed Master Plan roads. Toward this goal, access drives may be granted temporary approval to be removed when alternate access becomes available in the future. All off-street parking areas shall be located behind existing and/or proposed buildings.
 4. Carports for residential uses only.
 5. Fences and walls which shall be uniform in size and materials and complement the architectural style, type and design of the building and overall project design, as established during the site plan review and approval process.
 6. Porches, decks, patios and terraces, which complement the architectural style and design of the building and the overall project design established during the site plan review and approval process.
 7. All residential accessory storage structures shall be attached to the principal dwelling or a detached garage. Such structures shall be no taller than one (1) story and shall be designed as an integral part of the structure to which it is attached, including the same exterior materials and color. No freestanding structures of this type shall be permitted. The yard setback requirements for such structure shall be the same as the structure to which it is attached.
 8. All swimming pools and spas shall be in-ground type and shall be located at least ten (10) feet from all property lines and five (5) feet from a dwelling. Spas, however, may be allowed above ground if incorporated into an attached house deck.
 9. Other accessory structures (e.g., gazebo, arbor/trellis) not otherwise enumerated above shall be addressed during the site plan review and approval process.
 10. Trash and garbage collection areas which are fully screened and constructed of materials that are compatible with the structure to which it is associated.
 11. Loading areas which are fully screened such that the screening materials are compatible with the structure to which it is associated.
 12. No outside storage trailers or bins are permitted.

E. Conditional Uses.

1. Off-street parking in elevated structures subject to the following standards:
 - a. A parking structure no taller than the associated principal building(s) shall be a permitted conditional use if such structure(s) is/are located behind the associated principal building(s) and are well screened thereby from the existing public right of way.
 - b. Parking structures shall be architecturally compatible with primary on-site buildings and structures. The location of parking structures shall be limited by minimum setback requirements to assure adequate shielding from off-site views from surrounding residential neighborhoods. Ample landscape screening shall be provided by the applicant to soften visual impacts associated with construction of parking structures.
 - c. Parking structures shall be included as part of the building coverage calculation.
2. Off-street parking located underneath buildings and fully screened from existing public right of way(s).

F. Area, Yard and Bulk Regulations.

1. Minimums.
 - a. Lot area: two (2) acres.
 - b. Lot width: 200 feet.
 - c. Lot depth: 250 feet.
 - d. Front yard setback: zero (0) feet.
 - e. Side yard setback: zero (0) feet, unless abutting a residential zone or an existing building in which case the side yard setback shall be ten (10) feet. There shall be no internal side yard setback where multiple buildings occupy one (1) lot.
 - f. There shall be a minimum 40 feet distance between buildings, except side to side which will be 15 feet or $\frac{1}{2}$ the combined height of adjacent buildings, whichever is greater.
 - g. Rear yard setback: the minimum rear yard shall be twenty five (25) feet, unless abutting an existing residential zone, in which case the rear yard setback shall be fifty (50) feet.
 - h. Accessory structures shall be located in the rear yard with no minimum rear yard setback, unless abutting an existing residential zone, in which case the minimum rear yard setback shall be ten (10) feet.
 - i. Minimum height: two stories
 - j. Minimum tract size for planned mixed use development: 10 acres
2. Maximums.
 - a. Impervious coverage: eighty five percent (85%).
 - b. Front yard: ten(10)

- c. Building height: three (3) stories or forty five (45) feet permitted throughout the GC District except for architectural features which enhance the appearance of the GC District but do not contain usable floor area, and which may not exceed fifty five (55) feet in height. Architectural features include, but are not limited to: cupolas, towers and other roofline projections.
3. Buffer areas shall be at least twenty five (25) feet wide and are required along all property lines abutting any residential district, around loading and trash collection points and along street lines where residences or residential zoning is located across the street.
4. The building square footage associate with an enclosed second or third floor breezeway or exterior hallway connection between mixed use and nonresidential buildings shall be permitted and the proposed size shall not be included in the impervious coverage or floor area calculations.

No individual nonresidential or mixed use building footprint shall exceed 20,000 square feet nor shall any single nonresidential or mixed use building exceed 200 feet along its greatest length.

G. Parking Requirements.

1. On-street parking, where provided within 250 feet of any permitted uses, may count towards the required number of nonresidential off-street parking spaces. The Planning Board or Board of Adjustment may, in its discretion, elect to give such spaces on-street parking credit; deny any credit for such property upon which they front and the uses of intervening properties located between the property seeking to apply the spaces toward its parking need and the space themselves. Creation and maintenance of public transportation options may be used in lieu of some parking needs where such a program is proposed and reviewed by the Planning Board or Board of Adjustment as to the short and long term viability of any such plan.
2. The overall intent for the provision of parking the GC District is to balance the mix of uses with available parking opportunities both on and off the street. The minimum number of required off-street parking spaces for permitted uses in the GC District are as follows:
 - a. Retail and personal service establishments at three and one-half (3.5) spaces per 1,000 square feet of gross floor area.
 - b. Office, bank, fiduciary institution oat three (3) spaces per 1,000 square feet of usable floor area.
 - c. Medical office and medical center at four (4) spaces per 1,000 square feet of usable floor area.
 - d. Business services establishments at three (3) spaces per 1,000 square feet of gross floor area.
 - e. Corporate conference centers at four (4) spaces per 1,000 square feet of usable floor area.
 - f. Hotel/motel at one (1) space per guest unit plus one (1) space per employee plus four (4) spaces per 1,000 square feet of restaurant or conference center space.

- g. Residential at two (2) spaces per dwelling unit, unless otherwise indicated herein.
 - h. Restaurant at four (4) spaces per 1,000 square feet of usable floor area.
 - i. Child-care and elder-care centers at one (1) space per employee plus one (1) space per ten (10) persons enrolled.
 - j. Commercial instructional activity at three (3) spaces per 1,000 square feet of usable floor area.
3. If the applicant can demonstrate that not all of the required parking spaces are necessary at the time of initial occupancy and operation of the use(s), then the additional required parking which is demonstrated as not needed may be “banked” or reserved for future parking on a space per space basis. The location of future parking areas shall be indicated on the site plan and left and maintained as landscaped areas. The methodology used by the developer to calculate the reduced number of parking spaces shall take into consideration the methods of recommended in Shared Parking, published by the Urban Land Instituted (1984) or other recognized standards acceptable to the Planning Board of Board of Adjustment.
 4. The number of required parking spaces may be reduced on a space per space basis if the applicant can demonstrate that suitable alternative parking spaces are located within close proximity to the subject property or site, through a shared parking arrangement with an adjoining use and/or land area. Those spaces, to be counted towards this shared parking arrangement, must be demonstrated to be available during the hours of operation of the affected uses and access to those spaces must be provided for vehicles and pedestrians in a safe and efficient manner, including shared driveways and interconnected walkways where possible. A minimum twenty five (25) year lease shall be provided. A site plan shall be submitted to the Planning Board or Board of Adjustment and shall be subject to their approval.
 5. The Township Zoning Officer shall conduct site visits to confirm that the parking remains sufficient to meet the needs of the development. If the Zoning Officer determines, after three (3) separate site visits that the parking is inadequate, the applicant shall be so informed. The applicant shall then have forty five (45) days to submit to the Planning Board or Board of Adjustment either a technical report prepared by a New Jersey licensed engineer who is an expert in traffic substantiating that additional parking is not now needed or a site plan delineating which of the land banked parking will be constructed along with a specific time line for the construction of same. Either submission shall be subject to approval by the Planning Board or Board of Adjustment.

H. Supplemental Regulations for Affordable Housing

1. For permitted residential uses, a minimum of 20% of the total dwelling units shall be deed restricted, in accordance with applicable Township and State regulations.
2. Affordable units shall be proportionally distributed among the permitted dwelling types to be provided, in accordance with applicable Township and State regulations.

I. Supplemental Regulations.

1. Definitions and standards for a tract upon which a planned mixed-use development may be developed:
 - a. The mixed-use development shall be permitted only on Block 200.10, Lots 12.01, 12.02, 13, 14 and 22 as being adjacent to the mass transit facility.
 - b. For the purpose of the GC District development, a “tract” shall be defined as an area of land comprised of one or more adjacent lots which together have sufficient dimensions and area to make on parcel of land meeting the requirements of Section F for the use(s) intended.
 - c. The original land area may be divided by existing street(s), and still be considered one tract, provided that the frontages on both sides of the street are opposite one another for a sufficient distance to enable a convenient, safe street system from one side to the other.
 - d. The land area of any existing streets shall not be included in calculating the area of the tract.
2. General Procedures.
 - a. Any development application in the GC District shall be informally submitted, initially, as a Concept Plan showing proposed buildings, roads, parking and other site improvements and how the proposed development is in keeping with the concepts enunciated in the Township’s Master Plan Amendment, dated March 14, 2013, and how the proposed plan would work with the future development of adjoining or otherwise affected land parcels.
 - b. Following this initial conceptual review and discussion with the Planning Board, the development application shall be formally submitted as either a planned development or, in the nature of a site plan and/or subdivision application. Such application shall describe the relationship to and support of the adopted Township Master Plan Amendment as well as any phasing of the proposal together with any on-site and off-tract improvements needed to support such phases. The application for preliminary site plan approval may also include a request for final approvals with respect to such phase or phases.
 - c. In the event any single property owner or consortium of property owners owns properties consisting of two (2) acres or more it or they may apply to the Planning Board for General Development Plan approval for its portions of the GC District. Those property owners or consortium of property owners who do not obtain a General Development Plan approval for their property shall be required to obtain site plan and/or subdivision approval as may be required by law in addition to complying with the conditions of this GC District.
 - d. All applications for development of any subsection of the GC District shall be required to submit a phasing schedule unless said application is for a single property of less than two (2) acres. In the event the application consists of approval for a site

consisting of property of at least two (2) acres and the plan pertaining to said area consists of both residential and nonresidential uses, the phasing schedule shall incorporate the specific mechanism for residential development in conjunction with the build out of the nonresidential portion of the applicable site so as to ensure the balanced development of the property for both residential and nonresidential purposes.

- e. A GC District planned development shall be subject to the requirements of this zone and to the mandatory findings for a planned development as required by the Municipal Land Use Law at N.J.S.A. 40:55D-45.
 - f. A GC District development shall conform to a General Development Plan approved by the Planning Board pursuant to the applicable provisions contained in the Township's Land Development Ordinance and in accordance with the bulk requirements for permitted uses.
3. General Site Design Requirements and Phasing.
- a. The requirements in the Architectural and Site Design Overlay Zone, as contained in Sections 188-167 to 188-175, shall apply, except as otherwise provided in the GC District requirements, as indicated herein.
 - b. A GC District development shall be conceived, designed, subdivided, site planned and approved by the Planning Board or Board of Adjustment as a single complex according to a comprehensive site development plan. In addition, site landscaping, building design, and common area maintenance guideline control standards shall be established by the applicant and approved by the Planning Board or Board of Adjustment.
 - c. The entirety of a GC District development shall be developed with a common architectural theme which shall be part of the site plan approval process by the Planning Board or Board of Adjustment. The architectural theme shall include buildings, signing, fencing, lighting, paving, curbing, landscaping and other similar and related physical features.
 - d. Mixed use buildings may include residential units on the second and third stories above retail or office uses, with the exception that residential uses shall not be permitted on the same floor as office or retail space.
 - e. The Planning Board or Board of Adjustment shall review and approve a phasing plan prepared by the applicant. The phasing plan shall ensure that development in the GC District shall be consistent with the development of infrastructure and supporting services and the sound management of growth in the Township. The phasing plan shall indicate the approximate date(s) when construction of the GC District development and phases thereof including the mix of residential and commercial, will be initiated and completed.

4. Building Design and Use.
 - a. The treatment of side and rear walls of any proposed nonresidential and mixed-use building in terms of building materials and colors shall be similar to and consistent with the treatment of the front façade of that building.
 - b. Minimum distances between non-residential and mixed use buildings shall be measured horizontally in feet and shall be measured away from the front, side and rear of each building. The distance, at the closest point, between any two (2) buildings shall not be less than twenty (20) feet. In the case of two (2) or more buildings being connected through the use of a breezeway or similar feature, the minimum distance between buildings may be reduced but shall not be less than ten (10) feet.
 - c. Garages are prohibited along the main front façade of apartment or townhouse units facing an existing or proposed street. Garages may be in the side or rear yards only. Windows are encouraged in the walls of such garages to admit light and eliminate blank walls. Sufficient storage area to accommodate tools, auto accessories, trash/recyclable materials storage, lawn and garden maintenance equipment shall be considered in sizing the garage so that an additional accessory storage structure will not be necessary. Individual bay overhead garage doors are strongly encouraged. Detached garages shall be offered as a permitted option.
 - d. All apartment and townhouse dwelling units shall have private outdoor space, which may include a deck, patio and/or terrace. Such outdoor space shall be enclosed, as appropriate, by a decorative wall or fence, evergreen hedge, or combination thereof.
 - e. Townhouse buildings shall consist of no more than eight (8) townhouse dwelling units in order to prevent the development of long and monotonous buildings. There shall be different roofline heights and vertical offsets in each overall townhouse building. No more than two (2) adjacent townhouse units shall have the same building offset, which shall vary by at least four (4) feet.
5. Site Design.
 - a. Buildings and site improvements shall be designed to minimize changes to existing topography and loss of or damage to existing mature trees.
 - b. All permitted uses shall be conducted within completely enclosed buildings, unless otherwise specified herein.
 - c. Non-residential and mixed-use buildings shall be oriented to the street which shall include as a minimum, their front facades.
 - d. The location of non-residential and mixed-use building entrances and orientation of buildings shall minimize the walking distances from building to building. Buildings with more than one (1) façade facing a public street, parking lot, open space area, or plaza and square, shall provide front façade treatments for each such facade.
 - e. Non-residential and mixed-use buildings shall be provided with off-street loading and service areas separate from parking areas and which shall be situated as much as

possible to the rear of the building to the extent practicable and out of the general traffic flow with appropriate screening.

- f. The primary entrances to each building shall accommodate pedestrian access from both public streets and off street parking lots.
- g. Secondary public entrances, if provided, shall be designed in a manner consistent with primary entrances if visible from public streets and/or parking lots.
- h. Eating and drinking establishments shall be permitted to operate outdoor cafés as provided in Section 188-78F, as appropriate.
- i. The Planning Board or Board of Adjustment may limit hours of operation, hours when trucking and deliveries occur, and other characteristics of the non-residential uses in order to enhance the compatibility with residential uses.
- j. Design methods to reduce energy consumption are encouraged. Energy conservation methods may include, but not be limited to, natural ventilation of structures, location or placement of structures in relation to prevailing breezes and sun angles, insulation of structures, use of landscape materials for shade and transpiration, and orientation.

6. Transportation.

- a. The applicant shall be required to submit a detailed traffic study that addresses all forms of transportation, including bicycle and pedestrian access. An off-site contribution shall be assessed for any off-site improvements needed to maintain an acceptable level of service with review input from the Township Engineer.
- b. Vehicular access to and from a GC District development to a public street shall be limited to the fewest necessary number of curb cuts.
- c. Cul-de-sacs, gated or dead-end streets are not permitted, unless determined to be unavoidable by the Planning Board or Board of Adjustment, as appropriate.
- d. Shared driveways that serve more than one (1) property shall be provided where appropriate. Cross access documentation shall be required between adjoining properties.
- e. Pedestrian and/or bicycle connections to the primary public entrance of the building shall be provided.
- f. Site planning shall address the need for bicycle racks and/or lockers, i.e., location, number, and design.
- g. All portions of the development site shall be linked via a sidewalk and pathway network as approved by the Planning Board or Board of Adjustment; the site shall be pedestrian-oriented, with a design that enables and encourages pedestrian and bicycle circulation, with linkages to surrounding areas.
- h. Where a service or commercial lane or access drive is incorporated into the design, the Planning Board or Board of Adjustment may further restrict the number of curb cuts.
- i. Alleys are permitted and encouraged at appropriate locations.

7. Amwell Road right-of-way.
 - a. The right-of-way shall be at least ninety-one (91) feet as the illustrative cross section shows.
 - b. A minimum fifteen (15) foot sidewalk with a single row of street trees and curbing shall be provided along property frontage in the mixed-use development closest to the transit facility.
 - c. On-street parking is encouraged, where appropriate.
 - d. Fourteen (14) foot wide curbed grass medians with left turn lanes at each major intersection shall be provided.
8. New service road without landscaped median.
 - a. The right-of-way shall be at least seventy (70) feet as the illustrative cross section shows
 - b. A minimum twelve (12) foot wide sidewalk area with a single row of street trees and curbing shall be provided along property frontage.
 - c. Eight (8) foot wide parallel on-street parking strip shall be provided
9. New Alleys.
 - a. Two Way Traffic:
 - [1] The right-of-way shall be at least twenty five (25) feet
 - [2] The minimum cartway width shall be sixteen (16) feet and curbed.
 - b. One Way Traffic:
 - [1] The right-of-way shall be at least twenty (20) feet.
 - [2] The minimum cartway width shall be twelve (12) feet and curbed.
 - c. An eight (8) foot wide parallel, on-street, parking strip shall be provided wherever a principal building adjoins that edge of the right of way.
 - d. Curbing and an abutting four (4) foot wide sidewalk shall be provided on each side of the alley that adjoins a principal building.
10. Landscaping.
 - a. A landscape plan shall be provided for the entire site and shall be prepared by a licensed Landscape Architect.
 - b. All landscaping and tree mitigation shall comply with sections 188-160 to 166.
11. Off-street parking design.
 - a. Parking areas shall be located behind or on the side of buildings and subject to appropriate screening requirements. Parking areas shall not be located between the roadway and front of any buildings.
 - b. All parking areas, where visible from a public street, shall be screened by a five (5) foot high solid wall, architectural fence and/or solid evergreen hedge as approved by the Planning Board or Board of Adjustment.

- c. One (1) canopy tree shall be provided at a ratio of one (1) tree to every four (4) parking spaces in the parking area.
- d. Parking areas shall be designed to be interconnected with adjacent properties and shall utilize common entrances and exits where feasible to minimize access points to the street. Such interconnections shall be established through an appropriate cross-access easement.
- e. Shared parking shall be required on-site for multiple use properties and is encouraged between properties. The appropriate Board shall approve a reduced parking ratio subject to a parking utilization study prepared by the applicant.
- f. There shall be a comprehensive network of sidewalks and pedestrian passageways that connect the parking lots with the front, sides and rear of the buildings. The sidewalks and passageways shall be linked to other off-site pedestrian connections where appropriate based on proximity to existing residential areas, proposed intended use of the building, and provision of existing or planned pedestrian or bicycle improvements.
- g. Pedestrian passageways shall connect rear parking lots between buildings with textured walking surfaces, street furniture and landscaping. In addition, the design of the building may incorporate window displays, side door entrances, or other interesting features along the passageway. Lighting should be provided for all parking facilities and sidewalks.

12. Loading, outdoor storage, and service areas.

- a. Where these areas face adjacent residential uses or public rights-of-way, architectural walls or fences, no less than six (6) feet in height, shall be provided.
- b. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within ten (10) feet of any public sidewalk or twenty five (25) feet from any public right-of-way and said twenty five (25) or ten feet (10) shall be landscaped with trees, shrubs and grounds covers so as to provide a buffer area between the public right of way or sidewalk.
- c. Materials, colors, and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the principal building.
- d. Service functions shall be incorporated into the overall design of the building and landscaping, so that they are fully contained and out of view from adjacent properties and rights-of-way.
- e. Truck delivery and circulation routes shall be separated from customer circulation. Pullover or lay-by short term pickup and drop-off areas may be provided as long as they do not substantially interfere with either vehicular or pedestrian traffic flow.
- f. No delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 PM and 7:00 AM unless the applicant or developer submits evidence that sound barriers between all areas for such operations

or use effectively reduce noise emissions to a level of forty five (45) dB or less, as measured at the lot line of any adjoining residential property or zone district.

13. All utilities shall be installed underground, where feasible, or relocated to a less visible location at the rear of buildings and all uses shall be connected to approved and functioning public water and sanitary systems. Prior to approval, an applicant must obtain a certificate from the appropriate agency allocating capacity in the system to the development.
14. Each permitted use shall provide for the orderly deposit and pickup of refuse which is concealed from adjoining properties, customer parking areas, and nearby roadways. No trash shall be allowed to extend above or beyond the enclosure. This area shall be visually screened by a decorative wall and landscaping. The overall design, including materials and colors, shall be architecturally compatible with the principal building and shall not be located within landscaped buffer areas. Also, the applicant shall provide an effective litter management plan, subject to Township review and approval. Such management plan shall be submitted with an application for final site plan approval.
15. All provisions and facilities for storage, other than pickup of refuse and recyclable materials, shall be contained within a principal building.

J. Signs.

1. Permanent Signs

- a. There shall be a consistent sign design theme throughout the development. A unifying design theme shall include style of lettering, method of attachment, construction, material, size, proportion, lighting, position and day/night impacts. Color of letters and background shall be carefully considered in relation to the color of materials of the building(s) or where the signs are proposed to be located. Signs shall be a subordinate rather than predominant feature of any building. The lettering and sign shall be compatible with the architecture of the building.
- b. A comprehensive signage plan shall be provided which covers overall project identification, window signage and lettering, individual building/tenant identification, traffic regulations, pedestrian crossing, street identification, parking and directional instructions. A signage hierarchy shall be established governing the above signage categories.
- c. All permanent signage (except for traffic, parking and directional instructions) shall be affixed to a building façade, canopy or arcade, be located no higher than the sills of second-story windows; and be visible to both pedestrians and drivers.
- d. The maximum sign area in the GC District for permitted nonresidential uses shall be ten percent (10%) of the first floor façade of each tenant or use, but in no event great than twenty (20) square feet.
- e. Blinking and flashing signs are prohibited.
- f. Signs painted on the exterior walls of any building are prohibited.
- g. Neon signs and other tube-type signs, all flashing, intermittent, moving or fluttering signs, such as banners, flags or pennant signs, signs producing glare or using bare

bulbs, such as fluorescent signs, and signs that obstruct pedestrian traffic are prohibited.

- h. In addition to all other signage, restaurants, cafes, luncheonettes and delicatessens may be permitted the following: one wall-mounted display sign per business, featuring the actual menu, but not to exceed three square feet in area and one sandwich board sign not to exceed three square feet per sign face which shall not obstruct pedestrian traffic.
 - i. The area, brilliance, character, color, degree, density, intensity, location and type of illumination of any sign shall be the minimum necessary to provide for the readability of the proposed sign by the public without shedding further illumination on nearby buildings. All sources of illumination shall be shielded or directed in such a manner that the direct rays therefrom are not cast upon any property other than the lot on which such illumination is situated. Illumination shall be steady in nature, not flashing, moving or changing in brilliance, color or intensity.
 - j. Special mounting standards shall be used for traffic directional, handicapped parking and other similar on-site signage.
 - k. All signs shall be produced using professional methods.
 - l. An effective signage and wayfinding program shall be instituted by the Township and implemented through the development approval process by developers in the GC District, as appropriate, to guide visitors to parking facilities and mass transit connections.
2. Window lettering and signs.
- a. All window lettering and signs shall be inside the window and shall be considered interior signs.
 - b. Window lettering or signs, including temporary and permanent, shall be permitted only if the rectangle or square which encloses the area around such lettering or sign does not exceed 30% of the total window area. Any painted area of any window shall be construed as window lettering or signs, whether or not such area actually contains lettering or advertising.
 - c. The window lettering or sign shall pertain only to the establishment occupying that portion of the premises where the window is located.
 - d. The following window lettering and signs are specifically prohibited: those having an exterior source of illumination and signs which include moving or animated images or text.
 - e. All window lettering and signs shall be kept in good repair.
3. Signs on awnings, canopies or similar structures or attachments.
- a. Awnings, including awnings with a sign(s), shall be architecturally compatible with the building to which they are attached. All awnings shall be reviewed and approved by the Planning Board or Board of Adjustment during the site plan review and approval process. Alternatively, design standards relating to awnings, with or

without signage, shall be prepared by the applicant for review and approval by the Planning Board or Board of Adjustment.

- b. Awnings must be kept in good repair; clean and unfaded.
- c. Awnings must be substantially attached to the main building structure.
- d. Awning lettering and numbers as well as the style and colors must aesthetically blend with the building
- e. Letter height shall not exceed 1/3 of the awning height and in no event shall exceed eight inches.
- f. Where applicable, awnings shall contain street numbers.
- g. Awnings shall not contain phone numbers, product advertising, or product logos.

K. Streetscape Elements.

1. Lighting.

- a. Lighting shall be the minimum required for safety and shall be provided in the least intrusive manner. Traditional freestanding light fixtures shall be required in parking lots and along streets and pedestrian pathways. By way of example, a streetlight and parking lot light fixture shall be similar to the Teardrop Model TF3 by HADCO, which is a high quality freestanding light fixture appropriate to a town center environment.
- b. Streets, parking lots, intersections, points where various types of circulation systems merge, intersect or split, stairways, sloping or rising paths, and building entrances and exits shall require illumination. Lighting shall be provided where buildings are set back or offset if access is provided at such points.
- c. Freestanding lights shall be located and protected to avoid being easily damaged by vehicles or vandalized. The height of such lights shall in no case be greater than 12 feet. All lighting shall be serviced under ground
- d. The source of the illumination for freestanding and building-mounted lights shall be shielded and the style of the light and light standard shall be consistent with the architectural style of the proposed structures. Diffusers and refractors shall be installed to reduce unacceptable glare, particularly adjacent to residential areas. Luminaires shall be translucent or glare-free, using opaque glass or acrylic lenses.
- e. Spotlight fixtures attached to buildings and visible to the public are prohibited. Where lights along property lines are visible from adjacent properties, the lights shall be appropriately shielded and/or the mounting heights shall be reduced.
- f. All lights under a canopy structure shall be ceiling-mounted and recessed so the lens does not extend beyond the ceiling so as not to produce glare.
- g. Sidewalks and pathways may be lit with low bollard-type standards, not to exceed two feet in height.
- h. All proposed lighting plans shall be accompanied by a point-by-point plan indicating numerical illumination levels. The plan shall indicate the average, minimum, maximum and minimum-to-maximum illumination levels for maintained footcandles.

2. Special Effect Lighting.
 - a. May include string lighting in trees or up-lighting on trees.
 - b. Fixtures shall be waterproof and light shall be shielded so as not to impair a pedestrians' vision or vehicular traffic.
3. Tree Grates.
 - a. Shall be used wherever a tree is placed within a high traffic area.
 - b. Shall allow for tree growth and be made of ductile iron; should also be factory painted.
 - c. Electrical outlets shall be provided within the grate area to allow for lighting opportunities.
 - d. Shall be designed to support up-lighting.
4. Planting Pots and Planters.
 - a. Used in addition to landscape planting areas to compliment the surrounding streetscape by adding color and variety.
 - b. Can be placed anywhere pedestrian or vehicular traffic is not disturbed, but may function as a separation between pedestrians and vehicles.
 - c. Large pots are preferred to fixed boxes to allow for maintenance or service access.
 - d. Ideal near seating areas, but plant materials shall not interfere with circulation or comfort.
5. Trash Receptacles.
 - a. Shall be located conveniently for pedestrian use and service access in significant areas and gathering places.
 - b. Shall be permanently attached to deter vandalism and have sealed bottoms with sufficient tops to keep contents dry and out of pedestrian view.
 - c. Restaurants with outdoor seating shall provide additional trash receptacles in appropriate locations.
 - d. Should blend in with the surroundings or be specific in a complimentary style or accent color.
6. Bicycle Racks.
 - a. Shall be permanently mounted and placed in convenient locations throughout public spaces to encourage bicycle use.
 - b. Shall be placed so as not to obstruct views or cause hazards to pedestrians or drivers.
 - c. Shall exhibit a simple and easy design that allows for convenient and safe use by the public.
7. Bollards.
 - a. Shall integrate with and aesthetically complement the overall streetscape concept.
 - b. Shall be set back from curbs to allow unobstructed opening of parked car doors.

- c. May be chained or cabled together to ensure pedestrian safety or define areas for public functions.
 - d. Removable bollards shall be used where service vehicles need access and for street closures in the event of festivals or community events.
8. Utility Accessories.
- a. Includes utility boxes, meters, manhole covers and fire hydrants; shall be coordinated with other streetscape accessories.
 - b. Readily accessible and placed so as not to obstruct pedestrian movement.
 - c. Minimize visual and physical impact as much as possible.
 - d. Shall blend in with the surroundings or enhance the area.
9. Newspaper racks.
- a. Shall be grouped together as much as possible and be placed at busier pedestrian nodes or gathering places.
 - b. Shall be designed and placed appropriately to provide service to the public.
 - c. Shall not obstruct views for vehicles, sidewalks for pedestrians, or signs and displays of businesses.
10. Residential Gazebos, Arbor, Trellis or Pergolas.
- a. Maximum height of gazebos shall not exceed 12 feet above adjacent grade, excluding rooftop ornaments. Gazebos shall be constructed of wood and shall have a maximum size of 150 square feet.
 - b. Gazebos shall be located no closer than five feet from a principal structure and side and rear property lines.
 - c. Trellises, arbors and gate arbors are permitted in the side and rear yards.
 - d. Trellises, arbors and gate arbors shall be proportionately sized for the overall area of the yard and shall not exceed eight feet in height, five feet in width and three feet in depth. They shall be constructed of wood and complement the architectural style, type and design of the fence or structure.
 - e. Location of arbors, trellises and pergolas shall be located no closer the five feet to the side and rear property lines.

Section 3. Amend Section 188, Attachment 3, Township of Hillsborough, Schedule for Nonresidential Zones, adding GC District requirements as shown on revised Attachment 3.

Section 4. Amend Section 188, Attachment 11, Township of Hillsborough, Planned Mixed-Use Development Table 2, adding new Footnote 10 as follows:

- 10. For GC District, mixed use development minimum setback of multifamily buildings to internal streets shall be 10 feet and the maximum permitted height of principal multifamily buildings shall be three stories or 45 feet except for architectural features which may not exceed fifty five feet in height.

Section 5. Amend Section 188, Attachment 6, Township of Hillsborough, ASD Overlay Zone Bulk Standards Table, removing Transit Village District and associated standards, as set forth in footnote 3, and adding Gateway C District with the statement, 'The underlying zoning requirement shall govern.'

Section 6. Amend Section 188-170B, regarding the ASD Overlay Zone map, removing the Transit Village District and including Gateway C District, as amended by this Ordinance.

Section 7. The classification and boundary changes set forth in this Ordinance were recommended in a periodic general reexamination of the Master Plan by the Planning Board. The 2008 Master Plan Reexamination Report specifically included the Transit Oriented Village referring to the 2005 Master Plan Amendment Part 2, which included planning and zoning amendments for this area. It also recommended an update to the Land Use Plan Element which included extension of the proposed Transit Oriented Village. This recommendation was accomplished with the 2013 Master Plan Amendment - Land Use Element/Transit Ready Development District, Circulation Plan Element Update and Endorsing Certain Areas of Revisions to the Township's Zoning Ordinances. This Ordinance reflects the recommendations in the above cited documents.

Section 8. 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.

Section 9. Interpretation. All other ordinances or other local requirements that are inconsistent or in conflict with this ordinance are hereby repealed to the extent of any inconsistency or conflict, and the provisions of this ordinance shall apply.

Section 10. Severability. 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 there from.

Section 11. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Hillsborough 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 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 12. Effective Date. This ordinance shall take effect immediately upon its adoption, passage and publication according to law.

ATTEST

TOWNSHIP OF HILLSBOROUGH

Pamela Borek, Township Clerk

Douglas Tomson, Mayor

Introduced: May 12, 2015
Published: May 21, 2015
Public Hearing: June 23, 2015
Adopted: June 23, 2015
Published: July 2, 2015