

ORDINANCE 2017-07

AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, SOMERSET COUNTY, NEW JERSEY, AMENDING CHAPTER 188 “LAND USE AND DEVELOPMENT”, ARTICLE V “DISTRICTS AND STANDARDS” OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH BY ADDING SECTION 188-113.7 “MIXED-USE INCLUSIONARY DISTRICT-1”

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

Section 1. Chapter 188 “Land Use and Development”, Article V “Districts and Standards”, of the Code of the Township of Hillsborough, is hereby amended by adding Section 188-113.7 “Mixed-Use Inclusionary District-1” to read as follows:

§188-113.7 Mixed-Use Inclusionary District–1.

A. Purpose, applicability, and affordable housing obligation.

(1) The purpose of the Mixed-Use Inclusionary District is to establish a mixed-use zone that provides for affordable housing, multifamily housing, retail, office and restaurant uses at a location that provides access to employment areas through adjacency to major roadways and/or public transportation. The standards are intended to offer maximum flexibility for site design and selection of dwelling unit types in order to offer a balanced housing pattern attractive to all income and age segments of the community as part of the Township's fair share housing plan for meeting the region's low and moderate-income housing needs.

(2) This zone applies to the following properties: Block 202, Lot 4 on the Hillsborough Township Tax Map.

(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 low-and moderate-income units provided in the zone regardless of the total number of units constructed.

B. Permitted principal uses.

(1) Multifamily dwellings.

- (2) Retail sales.
- (3) Office.
- (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.

C. Permitted accessory uses.

- (1) Clubhouse for the use of residents and their guests.
- (2) Garages, storage sheds, maintenance offices, leasing offices, swimming pools and other community recreational facilities (non-commercial) associated with residential communities.
- (3) All other uses customarily incidental and accessory to multifamily residential communities.

D. Yard and bulk requirements.

- (1) Minimum lot size: 28 acres.
- (2) Minimum lot frontage: 500 feet on Route 206.
- (3) Minimum front yard building setback: 40 feet from Route 206.
- (4) Minimum side yard building setback: 50 feet from tract boundary.
- (5) Minimum rear yard building setback: 20 feet from the tract boundary.
- (6) Maximum building coverage: 20%.
- (7) Maximum total impervious coverage: 45%.
- (8) Maximum building height.
 - (a) Multifamily dwellings: 45 feet/3 stories.
 - (b) All other principal buildings: 35 feet/2.5 stories.

(c) Accessory buildings: 20 feet.

(9) Minimum building-to-building distance requirements: 35 feet except for accessory structures/buildings.

(10) Minimum buffer to adjacent properties: 20 feet.

E. Maximum residential units and minimum/maximum commercial square footage.

(1) The total number of dwelling units shall not exceed 175 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 square feet and no more than 20,000 square feet.

F. Parking requirements.

(1) Residential: In accordance with the R.S.I.S.

(2) Retail: 3.5 spaces/1,000 sf of gross floor area.

(3) Office: 3 spaces/1,000 sf of useable floor area.

(4) Restaurant: 4 spaces/1,000 sf of usable floor area.

(5) Fiduciary/Banks: 3 spaces/1,000 of useable floor area.

(6) Shared parking among non-residential uses is permitted in accordance with the following standards subject to approval by the Planning Board or Board of Adjustment, as appropriate.

(a) Shared parking shall be located within 500 feet of the building it serves.

(b) Any application that includes shared parking must provide a shared parking plan. Such a plan shall be included as an addendum to a site plan and shall be drawn to the same scale. The shared parking plan must include the following:

[1] A site plan showing parking spaces intended for shared parking and their proximity to the uses they will serve.

[2] A signage plan that directs drivers to the most convenient parking areas for each particular use or group of uses, if such distinctions can be made.

[3] A pedestrian circulation plan that shows connections and walkways between parking areas and buildings.

G. Supplemental regulations.

(1) Buildings and site improvements shall be designed to minimize changes to existing topography and mature vegetation.

(2) Shared driveways that serve more than one property may be provided where deemed appropriate by the Planning Board or Board of Adjustment. Cross-access shall be required between adjoining properties.

(3) A landscape plan shall be provided for the entire site and shall be prepared by a licensed Landscape Architect.

(4) Exterior building design shall be coordinated with regard to color, types of materials, architectural form, and detailing. Multiple buildings on the same site shall be designed to create a cohesive relationship between the buildings. The requirements contained in Sections 188-167 to 188-175 of the Architectural and Site Design (ASD) Overlay Zone shall apply, except as otherwise provided in the MUID-1 requirements, as indicated herein. In addition, residential buildings in the MUID-1 may exceed the 100-foot maximum wall length established in Section 188-175.B(5) of the ASDO if it can be demonstrated that the appropriate design features have been employed to modulate the facade to give the appearance of several buildings and otherwise comply with that section.

(5) Requirements for establishments with fiduciary/bank uses with drive-through facilities.

(a) A drive-thru facility shall be architecturally integrated into the principal building.

(b) A drive-thru facility shall not be located on the street side of the building nor in front of the front building line.

(c) A drive-thru facility shall be limited to a maximum of two service lanes and a required by-pass line.

(d) A drive-thru facility shall not adversely impede or conflict with pedestrian and/or vehicular circulation in the area.

(e) The Planning Board or Board of Adjustment shall be satisfied that the on-site and off-tract circulation is accommodating the proposed traffic volume associated with such facility, particularly during peak hours. The stacking driveway for the drive-through window shall provide room for no more than two lanes of patrons plus a bypass lane and

shall be separated from any off-street parking areas and their access aisles, loading areas or trash enclosures.

(6) Signs. A signage program shall be established as part of the development review and approval process pursuant to the requirements contained in Section 188-83 J, unless as otherwise noted below:

(a) There shall be 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. Signs shall be a subordinate rather than a predominant feature of any 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) Freestanding sign setback: Minimum of 20 feet from a public right-of-way.

(7) Route 206 right-of-way. The following are specific requirements for property fronting along Route 206.

(a) The Route 206 right-of-way shall be at least 86 feet.

(b) A five-foot-wide sidewalk and ten-foot-wide planting strip between the sidewalk and right-of-way with street trees and curbing shall be provided along property frontage.

Section 4. 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. 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 5. 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 6. After introduction, the Township Clerk is hereby directed to provide 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 7. After introduction, the Township Clerk is hereby directed to provide by personal service or certified and regular mail, at least 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-62.1 to: (1) the owners of the properties affected by this Ordinance; (2) the owners of all properties within 200 feet of the boundaries of the affected properties; (3) the Office of Planning Advocacy; and (5) any military facility commander who has registered with the municipality.

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 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: (1) the clerk of any adjoining municipalities located within 200 feet of the boundaries of the affected properties; and (2) the County Planning Board.

Section 9. This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH

Pamela Borek, Clerk

Carl Suraci, Mayor

Introduced: July 11, 2017
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Block 204, Lot 4

