



# Township of Hillsborough

COUNTY OF SOMERSET  
THE PETER J. BIONDI BUILDING  
379 SOUTH BRANCH ROAD  
HILLSBOROUGH, NJ 08844  
(908) 369-4313  
[www.hillsborough-nj.org](http://www.hillsborough-nj.org)

## ORDINANCE 2018-05

### ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH, SOMERSET COUNTY, NEW JERSEY, AMENDING CHAPTER 188 "LAND USE AND DEVELOPMENT", ARTICLE V "DISTRICTS AND STANDARDS", SECTION 188-113.5 "TC TOWN CENTER DISTRICT" OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH

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", Article V "Districts and Standards", Section 188-113.5 "TC Town Center District", of the Code of the Township of Hillsborough, is hereby amended as follows:

#### Section 1.

#### B. Permitted principal uses.

(19) Residential uses.

(d) The maximum number of permitted residential flats or lofts in the Town Center District, which may only be calculated for an existing building to be converted into a mixed-use building that is fully conforming with all requirements of the Town Center District, or for any fully conforming new mixed-use building to be constructed, and is intended as an incentive to complement and enhance development in Town Center, shall be one dwelling unit for each 1,000 square feet of nonresidential gross floor area except as provided for in subsections D(3) and K below. 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 in the Town Center District, as indicated above.

#### C. Accessory uses and structures.

(16) Community recreational facilities for the use of residents and their guests.

#### D. Conditional uses.

(3) A single-use multifamily building constructed as part of an existing shopping center as identified in section B.19 above in accordance with the following conditions.

(a) There shall be a minimum of 90,000 square feet of existing retail/commercial space in the shopping center at the time of application to the planning board, which shall not be reduced to less than 86,000 square feet following the construction of the multifamily building.

(b) The single-use multifamily building shall be located to the rear of or in line with an existing mixed-use or retail/commercial building on the tract regardless of the existing

front yard setback. In no case shall a single-use multifamily building front on either Route 206 or Amwell Road.

(c) The maximum number of dwelling units in the multifamily building shall be 44.

(d) A minimum of 25% of the total number of residential units on the tract shall be low and moderate income units in accordance with applicable affordable housing regulations, including but not limited to Article VII of this Chapter.

(e) The single-use multifamily building shall be designed as an integral component of the shopping center with pedestrian connections, green areas, and plazas providing direct access to the retail/commercial uses.

(f) The single-use multifamily building shall otherwise conform to all other applicable TC standards.

#### F. Parking requirements.

(2)

(g) Residential [at two spaces per dwelling unit, unless otherwise indicated herein] in accordance with the Residential Site Improvement Standards.

#### G. Supplemental regulations.

(5) Site design.

(g) The layout of nonresidential [and], mixed-use, and residential buildings and parking areas shall be designed so as to provide an aesthetically pleasing and efficient arrangement.

#### I. Green technology requirements.

(1) All new development located within the Town Center District, except for additions which are 50% or less than the existing gross floor area, shall demonstrate with appropriate documentation that the development will meet a minimum LEED certification rating under the LEED or equivalent Rating System [and be so certified by the USGBC or equivalent] to the satisfaction of the Hillsborough Township Planning and Zoning Department.

### ***New Section***

#### **K. Mixed-Use Inclusionary Overlay District**

(1) Purpose, applicability, and affordable housing obligation.

(a) The purpose of the Mixed-Use Inclusionary Overlay District is to provide an incentive for the construction of affordable multifamily housing in the Town Center District as part of the Township's fair share housing plan for meeting the region's low and moderate-income housing needs.

(b) This overlay district applies to the following properties: Block 178; Lots 4, 5, 6, 7, 8, 9, 10, and 11 on the Hillsborough Township Tax Map, which must be planned and developed as a single tract to qualify for the overlay option. For the purposes of this section a "tract" is defined as an area of land comprised of one or more adjacent lots which together have

sufficient dimension and area to make one parcel of land meeting the requirements of this section for the uses intended.

(c) A minimum of 24% of the total number of residential units shall be low-and moderate-income units in accordance with applicable affordable housing regulations, including but not limited to Article VII of this Chapter; but in no case shall there be less than 46 low-and moderate-income units provided on the tract regardless of the total number of units constructed.

(2) Permitted principal uses in the overlay district. In addition to principal uses permitted in the underlying Town Center District, single-use multifamily dwellings constructed as part of a planned mixed-use inclusionary development on a single tract in accordance with the following standards.

(a) The minimum tract size shall be 8.5 acres with a minimum frontage of 790 feet on Route 206.

(b) There shall be a minimum of 28,000 square feet of retail space located in mixed-use buildings fronting on Route 206 that are fully conforming to Town Center bulk and design standards unless otherwise stated in this section. The mixed-use buildings shall be included in the first phase of the development on the tract.

(c) All single-use multifamily buildings shall be located to the rear of the mixed-use buildings and establish a clear internal village community with the majority of such structures fronting on green areas or plazas. In no case shall any single-use multifamily building front on either Route 206 or Amwell Road.

(d) The maximum number of dwelling units on the tract shall be 191 with at least 37% of those units located on the upper floors of mixed-use buildings. The maximum number of dwelling units in any single-use multifamily building shall be 15. The minimum number of dwelling units in a mixed-use building shall be 2.3 units per 1,000 square feet of retail space on the ground floor. The maximum number of dwelling units in a mixed-use building shall be 2.6 dwelling units per 1,000 square feet of retail space on the ground floor.

(e) The overall development shall otherwise conform to all other applicable TC standards.

(3) Permitted accessory uses and structures. In addition to accessory uses and structures permitted in the underlying Town Center District, community recreational facilities for the use of residents and their guests.

**Section 2.** 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 3.** 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 4.** 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 5.** 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 6.** 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 7.** This Ordinance shall take effect immediately upon its adoption, passage and publication according to law.

**ATTEST:**

**TOWNSHIP OF HILLSBOROUGH**

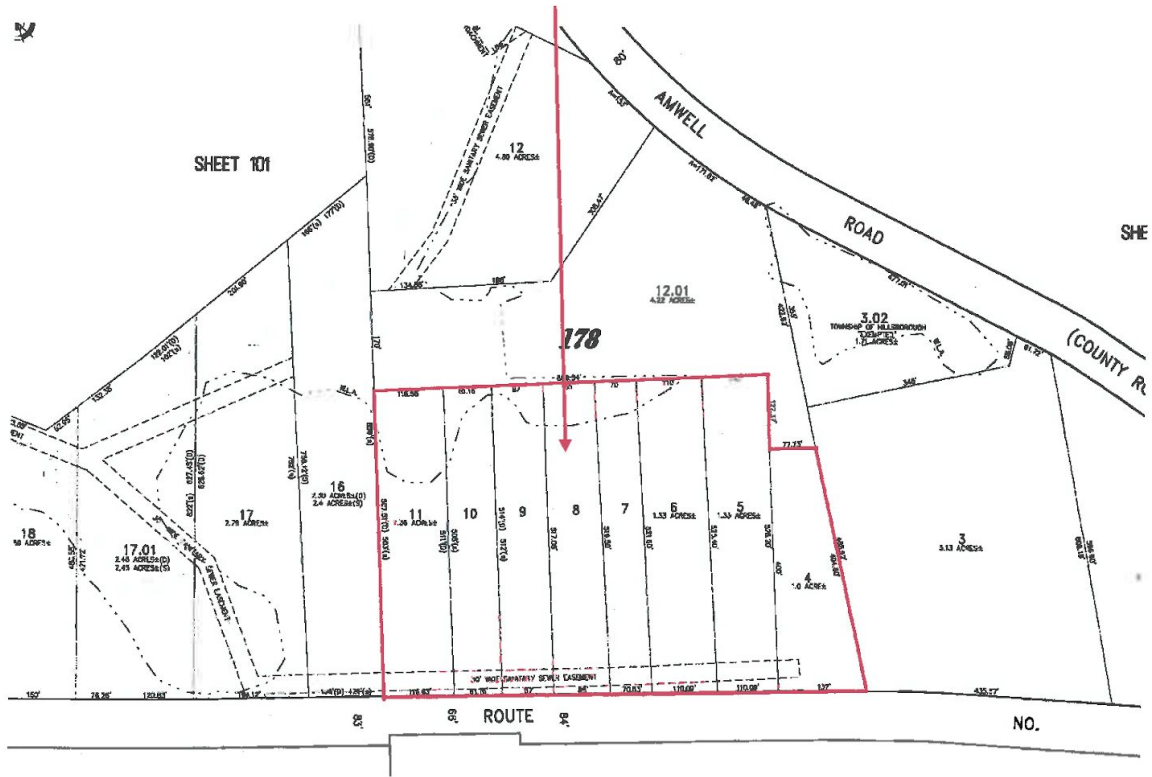
\_\_\_\_\_  
Pamela Borek, Clerk

\_\_\_\_\_  
Gloria McCauley, Mayor

**Note to Codifier: Deleted language indicated by brackets and strike through [----].  
New language indicated by underline \_\_\_\_\_.**

Introduced: 4/24/18  
Published: 5/4/18  
Public Hearing: 5/22/18  
Adopted: 5/22/18  
Published: 6/1/18

**Block 178; Lots 4, 5, 6, 7, 8, 9, 10, 11**



SHEET 115

SHEET 116