

**ORDINANCE 2011-08**

**AN ORDINANCE AMENDING CHAPTER 188 (DEVELOPMENT REGULATIONS), ARTICLE V (DISTRICTS AND STANDARDS) OF THE CODE OF THE TOWNSHIP OF HILLSBOROUGH, COUNTY OF SOMERSET, STATE OF NEW JERSEY, TO CREATE THE TRANSITIONAL ECONOMIC DEVELOPMENT (TECD) DISTRICT IN SECTION 188-107.2 AND TO AMEND THE SIGN REGULATIONS IN SECTION 188-83 K TO INCLUDE THE TECD DISTRICT**

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

1. Create the following Zone District, consisting of Block 200.10, Lots 20, 32, 32.01, 32.02, 33 and Block 201, Lots 3, 7.01 by adding Section 188-107.2 and amending the Zoning Map for the Township of Hillsborough:

***Section 188-107.2 TECD Transitional Economic Development District.***

- A. ***Purpose.*** The purpose of the TECD Transitional Economic Development District is to provide transitional employment generating development between the high intensity Light Industrial and Corporate Development districts and the existing nearby residential development.
- 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 use or structure on a lot subject to compliance with Sections 107.2 B to G below:
  - (1) Research and product development laboratories mainly devoted to research, design, and testing or experimentation, including processing or fabricating that is subordinate to the principal uses, and specifically excluding the sale of finished products directly to the general public.

- (2) Offices, including medical offices.
- (3) Computer centers, data processing and communications facilities.
- (4) Solar, wind and other alternative energy research and development facilities.
- (5) Warehousing, shipping and receiving located completely within an enclosed building.
- (6) The manufacturing, processing, finishing and assembly of products completely within an enclosed building.
- (7) Child-care and adult day-care centers. Child-care and adult day-care centers shall be subject to site plan approval. Site plan approval is also required where the original site plan did not anticipate use of all or a part of the premises as a child-care or adult day-care center but such use subsequently occurs. No building permit shall issue for modification of all or part of premises for use as a child-care or adult day-care center until revised site plan approval has been obtained from the Planning Board or Board of Adjustment, as appropriate.
- (8) Farm markets.
- (9) Industrial or office park subject to site plan review and the following special requirements:
  - (a) A minimum tract area of twenty (20) acres.
  - (b) All individual lots must comply with the area, yard and bulk requirements contained in Section 107.2 D.
- (10) Commercial instructional activities.
- (11) Agricultural uses.
- (12) Indoor recreation and fitness/wellness centers.

**C. *Permitted Accessory Uses and Structures.***

- (1) Uses customarily associated with the above permitted uses, provided that

such uses are subordinate to the principal use, do not change the character of the principal use and serve only the principal use.

- (2) Restaurants or cafeterias supplying meals only to employees and guests of a permitted use; as well as newsstand, post office, health clubs, copy centers, credit unions and banking facilities and similar conveniences serving only employees and guests of the permitted uses.
- (3) Conference center and in-service training school for onsite employees.
- (4) Indoor and outdoor corporate recreation facilities such as tennis courts, basketball courts, jogging paths and exercise stations and ball fields, provided that such uses, including any accessory buildings associated therewith, shall be planned as an integral part of the site and as a direct support to the permitted principal uses.
- (5) Maintenance, utility and storage facilities subordinate to any permitted use.
- (6) Surface parking and loading provided in conjunction with a permitted use.
- (7) Bus stop shelters, bike racks, mail boxes, phone booths, waste receptacles, gate houses, benches, kiosks, drinking fountains, art sculptures, plazas, water features and other pedestrian and transit amenities.
- (8) Trash and garbage collection areas which are fully screened and constructed of materials that are compatible with the structure to which it is associated.
- (9) Loading areas which are fully screened such that the screening materials are compatible with the structure to which it is associated.

**D. *Area, Yard, Bulk and Site Perimeter Requirements.***

- (1) Buffer requirements.

A minimum twenty (20) foot buffer is required, except that a minimum one hundred (100) foot buffer is required where adjacent to any residential district. Such buffer shall be reviewed by the appropriate Board to determine if the existing vegetation provides a sufficient year-round screen or if the existing vegetation needs to be enhanced by additional plantings and/or a fence or berm.

Once all screening/landscaping improvements are completed, a conservation easement shall be established by the applicant or property owner for the buffer area, subject to approval by the Township Attorney and recorded prior to the issuance of a Certificate of Occupancy. **There shall be no buffer required along any property line that is adjacent to the rail line.**

(2) Fencing requirements.

Fencing may be provided on the perimeter of the tract, or within the tract, provided the fencing is of an architecturally compatible design and consistent throughout the tract. No fence shall exceed a height of six (6) feet above finished grade.

(3) Area, Yard and Bulk Regulations.

(a) Minimums

- (1) Lot area: five (5) acres.
- (2) Lot width: two hundred (200) feet.
- (3) Lot depth: two hundred fifty (250) feet.
- (4) Front yard: the minimum front yard shall be forty (40) feet.
- (5) Side yard: the minimum side yard shall be twenty (20) feet, except where adjacent to a residential zone or existing dwelling it shall be one hundred fifty (150) feet. There shall be no internal side yard setback between buildings where multiple buildings occur on one (1) lot.
- (6) Rear yard: seventy five (75) feet, except where adjacent to a residential zone or existing dwelling it shall be one hundred fifty (150) feet.

(b) Maximums.

- (1) Total Impervious Coverage: sixty percent (60%).
- (2) Building height: three (3) stories or forty (40) feet.

E. ***Off-Street Parking Requirements.***

- (1) The minimum number of required off-street parking spaces for the permitted uses in the TECD District are as follows:
  - (a) Office at three (3) spaces per 1,000 square feet of usable floor area.
  - (b) Medical office at four (4) spaces per 1,000 square feet of usable floor space.
  - (c) Child-care and adult day care center at one (1) space per employee plus one (1) space per ten (10) children or adults enrolled.
  - (d) Research and development facilities, computer centers, data processing and communications facilities at 2.5 spaces per 1,000 square feet of usable floor area.
  - (e) Manufacturing uses at one (1) space per 1,500 square feet of usable floor area.
  - (f) Warehousing uses at one (1) space per 5,000 square feet of usable floor area.
  - (g) Commercial instructional uses at three (3) spaces per 1,000 square feet of usable floor area.
  - (h) Indoor recreation and fitness/wellness center at 3.5 spaces per 1,000 square feet of usable floor area.

F. ***Supplemental Regulations To The TECD District.***

- (1) Site building standards.
  - (a) Building placement, orientation.
    1. Buildings and site improvements shall be designed to minimize changes to existing topography and mature vegetation.
    2. The primary entrance of each building shall accommodate pedestrian access from the streets as well as from the parking lots.

3. Secondary public entrances, if provided, shall be designed in a manner consistent with primary entrances if visible from public streets or parking lots.

(b) Vehicular and pedestrian access.

1. A maximum of one (1) curb cut shall be allowed for lots with street frontage less than or equal to 500 feet. One pair of one-way curb cuts shall count as one (1) curb cut.
2. For lots with street frontage greater than 500 feet, one additional driveway opening per 250 feet of street frontage shall be allowed.
3. The maximum width of curb cuts shall be:
  - i. Twelve (12) feet for one-way drives; and
  - ii. Twenty-four (24) feet for two-way drives.

Wider curb cuts with landscaped medians may be allowed for multi-directional traffic on lots with street frontage greater than 250 feet or for shared driveways.

4. Shared driveways that serve more than one (1) property may be provided where deemed appropriate by the Planning Board or Board of Adjustment. Cross access shall be required between adjoining properties.
5. Bicycle connections to the primary public entrance of the building shall be provided where a public sidewalk or bikeway is adjacent to property.
6. All portions of the development 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. The applicant shall utilize the Master Plan in developing a pedestrian and bicycle pathway

network. Bicycle storage facilities shall be provided.

- (2) Landscaping.
  - (a) A landscape plan shall be provided for the entire site and shall be prepared by a licensed Landscape Architect.
  - (b) All trees planted in front of the front building line shall be at least three (3) inches in diameter for single-stemmed trees, or ten (10) to twelve (12) feet in height for multi-stemmed trees at the time of planting. All other trees shall be 2½ inches in diameter at the time of planting, unless otherwise provided by these standards.
  - (c) Existing trees having a DBH (diameter-at-breast-height, measured at 4½ feet above ground level) over six (6) inches shall be preserved unless removal is approved by the Planning Board or Zoning Board of Adjustment. If a preserved tree dies, it must be replaced with a two and one half (2½) inch diameter tree of the same or similar tree species, subject to approval by the Township Planning Department.
  - (d) Impervious materials shall not be placed over the critical root zone of a preserved tree. The critical root zone is a ratio of one (1) inch DBH to one (1) foot radius around the tree.
  - (e) All exposed soil areas shall be covered with bark, mulch, or other weed control measures.
  - (f) A single row of canopy trees shall be planted along property lines abutting a street at a ratio of one (1) tree for every forty (40) linear feet within a minimum ten (10) foot wide planting strip.
- (3) Off-street parking site design.
  - (a) All parking areas abutting a residential zone or existing dwelling must be screened by a berm, a solid evergreen buffer, and/or other similar screening mechanism.
  - (b) All parking areas, where visible from a public street, shall be screened by a five (5) foot high solid wall, architectural fence, solid evergreen hedge, berm and/or other similar screening

mechanism.

- (c) One (1) canopy tree shall be provided at a ratio of one (1) tree to every four (4) parking spaces in the area.
- (d) Where slopes over five percent (5%) exist, parking bays shall be terraced, with planting between changes in level.
- (e) Where over fifty (50) parking spaces are provided, pedestrian pathways identified with smaller scale pavement treatment (pavers or scoring) oriented toward the principal building entrances shall be provided.
- (f) Each separate planting area shall have a minimum of one hundred fifty (150) square feet per tree and shall have a minimum dimension of at least five (5) feet.
- (g) In addition to required trees, planting areas shall be landscaped with shrubs, ground cover, or other approved landscaping material not exceeding 3½ feet in height.
- (h) Where parking is adjacent to a public right-of-way, a ten (10) foot wide landscape buffer shall be provided between the edge of the right-of-way and the edge of the parking lot. In addition to the required trees, the buffer shall consist of one of the following:
  - 1. One (1) shrub per every three (3) linear feet.
  - 2. Berm with a three (3) foot minimum height, which shall be planted with ground cover, shrubs and trees.
- (i) 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.
- (j) Shared parking with adjacent or nearby properties shall be encouraged, as appropriate.
- (k) Parking areas containing more than one hundred (100) spaces



should be functionally divided by internal circulation corridors or aisles to establish several smaller lots to prevent random or high-speed movements and to provide for the planting of street trees and other landscaping. End aisles should be delineated by a landscaped island, not by painted asphalt.

- (1) There shall be a comprehensive network of sidewalks around 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.

(4) Pedestrian Circulation.

- (a) Paving materials shall identify pedestrian circulation areas within the parking lots.
- (b) Pedestrian walkways, at least five (5) feet in width, shall be provided from public sidewalks, adjoining the property to a principal pedestrian entrance.
- (c) Along any façade with a pedestrian entrance and along any façade abutting public parking areas, sidewalks, at least five (5) feet in width, shall be provided along the full length of the façade.
- (d) Walkways shall have at least two (2) of the following:
  - 1 Landscaped areas along at least thirty percent (30%) of their length;
  2. Use of smaller scale pavement treatment (pavers or scoring);
  3. Pedestrian scale lighting;
  4. Rain protection (awnings, arcades).
- (e) Common areas shall be accessible from all buildings and connected by an on-site pedestrian circulation system. Sidewalks

and plazas should be made comfortable for use by pedestrians through the use of landscaping, overhangs and canopies in order to provide shade.

- (5) Decorative walls, fences and screening design.
  - (a) Decorative walls and fencing may be required by the Planning Board or Board of Adjustment, as appropriate, to compliment the structure style, type and design of the principal structure.
  - (b) Walls and fencing are allowed only in side and rear yards and in the front yard behind the front building line, with the exception of outdoor eating and play areas.
  - (c) Walls and fencing shall be constructed of durable high-quality materials and shall display a high quality in finish and detail; made of masonry, ornamental metal, wood, stucco, or a combination of these materials.
  - (d) Walls and fencing greater than fifty (50) feet in length shall have a change in plane, height, material, or material texture, or significant landscape massing.
  - (e) Planting shall be considered as part of any wall or fence plan.
  - (f) Walls, hedges, and picket fences in front yards shall be limited to a maximum of three and one-half (3½) feet in height. Wrought iron fences may be up to five (5) feet in height. Entrances, gates, and corners should be specifically treated to define their function.
- (6) Loading, outdoor storage, and service areas.
  - (a) Where these areas are adjacent to residential uses or public rights-of-way, an earthen berm, no less than four (4) feet in height, containing, at a minimum, evergreen trees planted at intervals of twenty (20) feet on center and seven (7) evergreen shrubs per tree, shall be provided. A decorative wall with appropriate landscaping may be substituted at the discretion of the Planning Board or Board of Adjustment, as appropriate.
  - (b) No areas for outdoor storage, trash collection or compaction,

loading, or other such uses shall be located within thirty-five (35) feet of any public street or public 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 employee and customer circulation where possible.

(7) Affordable housing shall be provided in accordance with the applicable law and regulations.

**G. *Architectural Standards.***

(1) Exterior building design shall be coordinated with respect 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.

(2) Building orientation should respect climatic conditions by minimizing heat gain and considering the impact of shade on adjacent land uses and areas. Buildings should maximize public comfort by providing shaded public outdoor areas, minimizing glare, and facilitating breezes.

(3) Buildings should be oriented to allow for the use of common driveways, where a reduction in the number of curb openings will enhance the streetscape and promote traffic safety.

(4) 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 K.

(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 the material 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.
- (c) All permanent signage shall be affixed to a building façade, canopy, arcade or freestanding structure; and be visible to both pedestrians and drivers.

2. Amend Section 188-83 K to include the TECD District as follows:

K. Signs permitted in office and industrial zones. In Office Districts (O-2 and O-5), Light Industrial Districts (TECD, LI, I-1, I-2 and I-3), General Industrial Districts (GI), Economic Development Districts (ED), Mining and Quarry Districts (M and Q) and Corporate Development Zones (CDZ), the following provisions shall apply:

- 3. 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.
- 4. This ordinance shall take effect immediately upon passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

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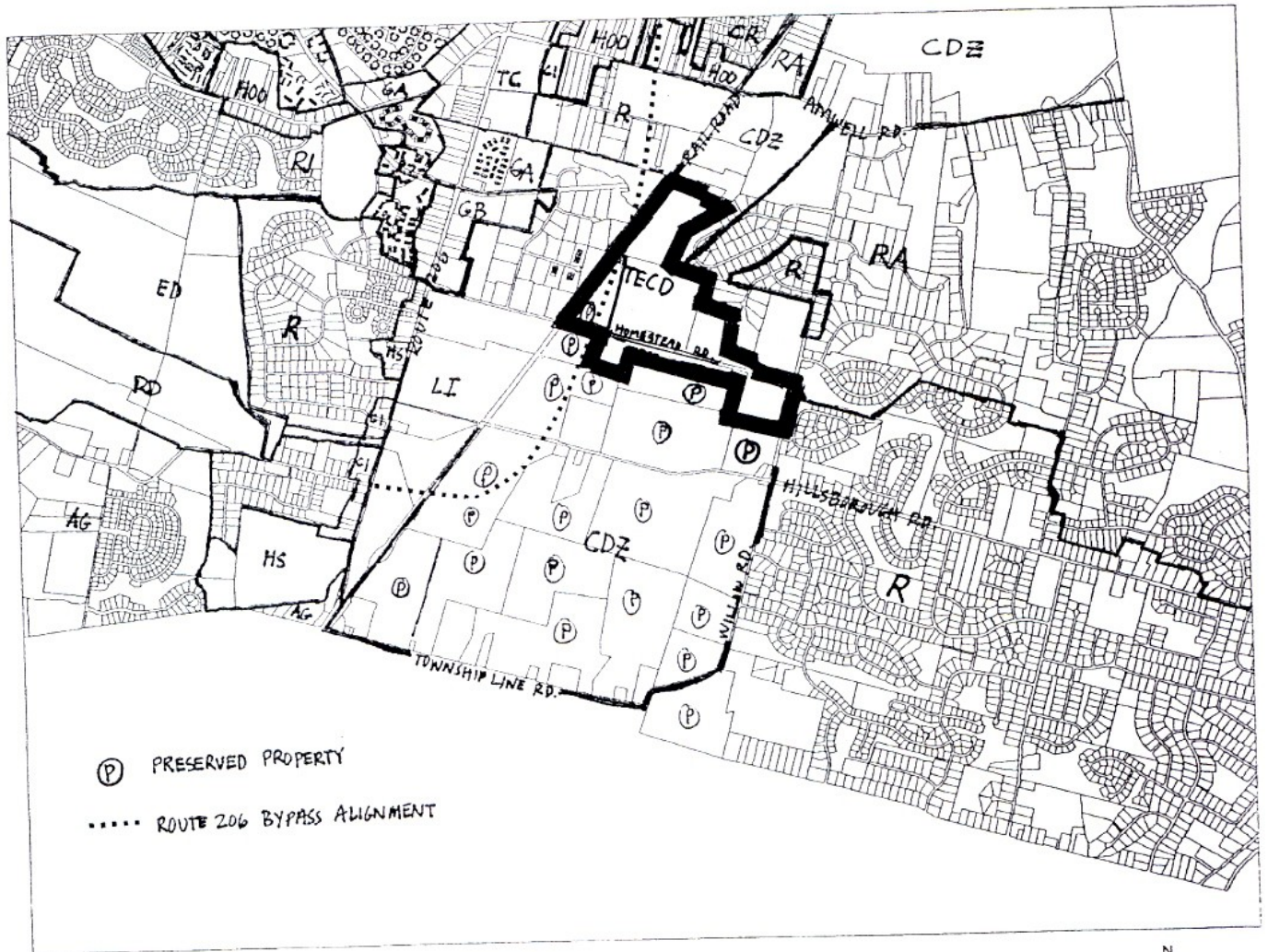
Michael A. Merdinger  
Acting Township Clerk

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Gloria McCauley  
Mayor

Introduced: 2/8/2011  
Published: 2/17/2011  
Public Hearing: 3/22/2011  
Adopted: 3/22/2011  
Published: 3/31/2011

### PROPOSED TECD DISTRICT MAP TOWNSHIP OF HILLSBOROUGH



Ⓟ PRESERVED PROPERTY  
..... ROUTE 206 BYPASS ALIGNMENT

SCALE 1 : 42,986



TO: Hillsborough Township Committee  
FROM: Robert Ringelheim, Township Planner  
RE: PROPOSED ORDINANCE TO CREATE THE TRANSITIONAL  
ECONOMIC DEVELOPMENT (TECD) DISTRICT **(REVISED)**  
DATE: January 28, 2011

The Planning Board reviewed the accompanying ordinance at the January 27 meeting at an 'informal' hearing which was noticed in accordance with Township policy. The ordinance was recommended for introduction by the Township Committee.

The highlighted change permits no buffer along a property line that is directly adjacent to the rail line. This provides flexibility to move buildings and infrastructure further from any nearby residences.

The Transitional Economic Development (TECD) District was recommended in the Master Plan Amendment-Land Use Element, as adopted on December 9, 2010. The Master Plan Amendment was prepared in response to concerns previously expressed at a public hearing to consider rezoning the Homestead Road area to LI, Light Industrial.

There are 7 lots in the proposed TECD District, 2 of which are owned by the NJ Department of Transportation (NJDOT). This leaves 5 potentially developable properties in the TECD District. It is noted that the property at the corner of Homestead Road and Willow Road is a former industrial site which is presently vacant.

The proposed ordinance follows the recommendations contained in the 2010 Master Plan Amendment-Land Use Element as provided below:

Does not permit uses which are not compatible with residential uses and limiting potential nuisances, such as lighting and noise, to the extent practicable.

Create larger minimum lot sizes than the LI District to decrease the potential build-out intensity.

Decrease the maximum building height from what is presently permitted in the CDZ District in order to be more in line with the surrounding residential development.

Create additional buffers from what is presently required in the CDZ District between the existing residential development and the proposed development.

The proposed TECD District Ordinance does not use either the existing Corporate Development District (CDZ) or Light Industrial District (LI) requirements which have more limited buffers and setback requirements as well

as permitting a higher building height. The TECD District is transitional in nature between these existing districts and the nearby residential districts. The TECD District also provides the residents with a buffer from the Route 206 Bypass. A quick comparison of the bulk requirements is provided below:

	<u>CDZ District</u>	<u>LI District</u>	<u>Proposed TECD District</u>
Minimum Lot Area	50 Acres	2 Acres	5 Acres
Minimum Front Yard	100 Ft	40 Ft	40 Ft
Minimum Side Yard	100 Ft	20 Ft	20 Ft/150 Ft where adjacent to dwelling or residential district
Minimum Rear Yard	100 Ft	75 Ft	75 Ft/150 Ft where adjacent to dwelling or residential district
Maximum Building Height	60 Ft	60 Ft	40 Ft
Minimum Buffer	50 Ft	20 Ft	20 Ft/100 Ft where adjacent to dwelling or residential district <b>(no buffer along any property line directly adjacent to the rail line)</b>

Uses which are permitted in the LI District, but are not permitted in the proposed TECD District, include veterinary hospitals, garden centers and plant nurseries, home improvement centers and contractor facilities.

Cc: Michael Merdinger, Township Administrator  
Albert Cruz, Esq.