

**Borough of Pennington
Ordinance No. 2014- 5**

**AN ORDINANCE AMENDING CHAPTER 215, ZONING, OF THE CODE
OF THE BOROUGH OF PENNINGTON BY ADDING A NEW SECTION ENTITLED
ROUTE 31 CORRIDOR BUSINESS OVERLAY ZONE AND REVISING THE ZONING
MAP.**

WHEREAS, based on the land use recommendations of Maser Consulting in its June, 2013 Route 31 Redevelopment Study, the Borough seeks to create a Route 31 Business Overlay Zone;

WHEREAS, the proposed Route 31 Business Overlay Zone will be located on lands known as Block 206, Lots 3, 4 and 12 in the B-H Zone District and lands known as Block 206, Lots 5, 6 and 7 in the R-80 Zone District;

WHEREAS, the proposed Route 31 Business Overlay Zone will replace the existing Affordable Housing Overlay Zone located on the lands known as Lot 5 in Block 206 in the R-80 Zone District;

WHEREAS, the proposed ordinance is consistent with the Borough Master Plan and Development Regulations Periodic Reexamination Report adopted by the Borough Planning Board on October 19, 2013;

WHEREAS, on November 13, 2013, the Planning Board reviewed a version of the proposed ordinance and proposed it for consideration by Borough Council;

WHEREAS, Borough Council has amended the ordinance as initially proposed to clarify the relationship between the Overlay Zone and underlying zoning;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that Chapter 215, Zoning, of the Code of the Borough of Pennington, is hereby amended as follows:

1. Section 215-78.2, providing for an Affordable Housing Overlay Zone, is repealed.
2. The following new Section 215-78.2 providing for a Route 31 Corridor Business Overlay Zone is adopted as follows:

SECTION 215-78.2. ROUTE 31 CORRIDOR BUSINESS OVERLAY ZONE (AS SHOWN ON REVISED ZONING MAP).

- A. Purpose. To create a mixed-use, pedestrian-friendly development that is aesthetically pleasing. The permitted uses are intended to be compatible with and complement each other to create a pedestrian-oriented shopping environment consistent with the character of the surrounding community.

All new development and redevelopment on lands within the Route 31 Corridor Business Overlay Zone shall comply with the provisions of the Overlay Zone.

B. Permitted primary uses.

- (1) Retail businesses as listed in Section 215-72 (B-H zone).
- (2) Personal service establishments as listed in Section 215-72 (B-H zone).
- (3) Office uses as listed in Sec. 215-73 (O-B zone).
- (4) Restaurants.
- (5) Banks and financial institutions.
- (6) Child care centers.
- (7) Studios, including art, dance, music, etc.
- (8) Health clubs/exercise facilities.
- (9) [(10)] Passive and/or active recreation areas.
- [(11)] (10) Municipal services, including emergency response services.
- [(12)] (11) A mixture of one or more of the aforementioned uses within a structure or on a parcel.

C. Permitted secondary uses.

- (1) Off-street parking facilities for the use of clients, customers, employees and residents.

- (2) Sidewalk sales by adjacent retail merchandise stores when authorized by a permit issued by the Borough Clerk.
- (3) Outdoor dining contiguous to restaurants.
- (4) Signs.
- (5) Fences, walls and retaining walls in accordance with the provisions of § 215-24.
- (6) Roof-mounted solar panels.

D. Conditional uses.

- (1) Retail businesses with drive-through facilities.
 - (a) Drive-through facility shall be located to the rear of the building.
 - (b) For queuing purposes, room for at least 2 automobiles per drive-through window shall be provided.
- (2) Banks and financial institutions with drive-through facilities.
 - (a) Drive-through facility shall be located to the rear of the building.
 - (b) For queuing purposes, room for at least 3 automobiles per drive-through window shall be provided.

E. Prohibited uses.

- (1) Retail uses where an individual store/tenant is greater than 10,000 square feet.
- (2) Auto repair, service, and/or gas stations.
- (3) Automobile sales.
- (4) Drive-through facilities related to a restaurant.

F. Bulk standards.

- (1) Minimum lot size shall be 10,000 square feet.
- (2) Minimum lot width shall be 100 feet.
- (3) Setbacks for structures shall be as follows:
 - (a) Minimum front yard along Broemel Place shall be 10 feet; the minimum setback along Route 31 shall be 20 feet, except where sight triangles are needed at intersections.
 - (b) Maximum front yard shall be 50 feet.
 - (c) Minimum side yard shall be 20 feet.
 - (d) Minimum rear yard shall be 50 feet.
- (4) Minimum distance between buildings on the same property shall be 20 feet.
- (5) Maximum lot coverage shall be 65%.
- (6) Maximum building height shall be 3 stories and 40 feet.

G. Off-street parking, automobiles.

- (1) General design standards.
 - (a) All parking spaces within any parking area shall be clearly marked and maintained to show the parking arrangement within said parking area.
 - (b) All parking spaces shall measure no less than 9 feet in width by 18 feet in length.
 - (c) The number, location, size and marking of spaces shall conform to the design requirements required for such spaces by the State of New Jersey [barrier-free design (N.J.S.A. 52:32-12)] and the Americans with Disabilities Act of 1990.
 - (d) Parking lots shall be interconnected with adjacent parking lots to facilitate vehicular and pedestrian circulation.
 - (e) Parking lots shall be located to the side or rear of a building. A single row of parking shall be permitted within the front yard.
- (2) Schedule of off-street parking requirements.
 - (a) The following non-residential off-street parking requirements shall be followed:
 1. Retail businesses – one space for each 300 square feet of building floor area
 2. Personal service establishments – one space for every 300 square feet of building floor area
 3. Business, professional offices, banks and financial institutions – one space for each 250 square feet of building floor area
 4. Child care centers – one space for each 300 square feet of building floor area
 5. Studios and health club/exercise facility – one space for every 400 square feet of building floor area
 6. Restaurants – one space for each three seats, plus one space for each two employees employed therein

- (b) Shared parking. Nothing in the above requirements shall be construed to prevent the employment of shared parking, which may be implemented in one of two manners:
 - 1. On-site shared parking. For parcels containing a multiple occupant building or two or more buildings with different permitted uses, on-site shared parking may be implemented.
 - a. A 50% shared parking allowance shall be permitted for combining weekday uses with evening/weekend uses in the same building or in separate buildings on the same parcel. Office and retail uses are considered to be weekday uses, while residential and restaurant uses are considered to be evening/weekend uses.
 - b. 50% of the parking requirement of the evening/weekend use of the building may be met through parking already provided for the weekday use. For example, a building contains office space that requires 20 parking spaces and residential units that require 8 parking spaces. The residential parking is permitted to be reduced by 50% or 4 parking spaces. Therefore, the development would only be required to construct 24 parking spaces instead of 28.
 - 2. Off-site shared parking. For parcels that cannot accommodate all or a portion of their required parking spaces, the differential parking requirement may be shifted to an adjacent property determined by the Zoning Officer to have parking in excess of zoning requirements or parking that is demonstrated to be unused during normal hours of operation. This would require the submission of a memorandum of agreement between the two property owners, which demonstrates the shifting of parking spaces from one site to an adjacent site.

H. Off-street parking, bicycle.

- (a) For retail uses, one bicycle space shall be provided for every 10 retail employees and at least one bicycle space shall be provided for every 5,000 square feet of retail space for customers.
- (b) For non-residential uses other than retail, one bicycle space shall be provided for every 10 workers and at least one bicycle space shall be provided for every 10,000 square feet of space.
- (c) All bicycle racks shall be within 200 feet of the building entrance.

I. Off-street loading requirements.

(1) General requirements.

- (a) No off-street loading area or berth shall be located in any front or side yard except side yards for buildings on a corner lot. All loading areas/berths shall have unobstructed access that is at least 10 feet wide to and from a street. Such access may be combined with access to a parking lot.
- (b) All required loading areas/berths shall be on the same lot as the uses(s) to which they are accessory.

(2) Schedule of off-street loading requirements.

- (a) For restaurants, the number of berths shall be:
 - 1. One loading area/berth shall be provided for restaurants with less than 5,000 square feet of gross floor area.
 - 2. Two loading areas/berths shall be provided for restaurants with more than 5,000 square feet of gross floor area.

J. General Requirements .

(1) Landscaping.

Any front or side yard with a parking area visible from the street shall be screened with a row of shrubs at least 2 ft. high when mature. Street trees shall be planted along any street frontage 30-40 ft. on center and foundation plantings shall be included along the building façade. A landscaped or grass strip at least 5 feet wide shall be provided along the front and side yard property lines.

(2) On-site Circulation.

Driveways with appropriate cross easements providing access between adjacent lots shall be permitted and provided where feasible. On-site circulation systems and parking areas shall be designed to accommodate the interconnection between adjacent lots.

(3) Pedestrian Access.

Adequate and safe pedestrian access between uses or separate buildings in the development or on adjacent lots shall be provided, and the design of the development shall promote non-vehicular, pedestrian-friendly access, inclusive of bicycle racks, benches or other such amenities. Sidewalks shall be provided along street frontages and throughout the development.

(4) Building Design.

(a) All buildings shall have a dual pitched, single ridge roof (such as a true and complete gable, hip or gambrel roof or a mansard roof where the lower slope is steeper and deeper than the upper slope) with a minimum pitch of one foot vertical to eight feet horizontal. No flat roof shall be permitted; provided, however, that where roof-mounted equipment is necessary and/or preferable for the operation of the building, a facade roof treatment exhibiting the appearance of such a dual pitched, single ridge roof on all sides of the building may be permitted if specifically approved by the Planning Board as part of a submitted site plan application for the development.

(b) All portions of all buildings on one lot shall be compatibly designed with a common architectural motif, whether constructed all at one time or in stages over a period of time. The architectural design and material surface and color of all building walls on all sides of all buildings shall be suitably finished for aesthetic purposes and shall be compatible in design and scale with the surface materials existing within the area.

K. The revised Zoning Map prepared by Coppola & Coppola Associates, Princeton Junction, New Jersey, May, 2014, is hereby adopted.

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

Introduced: June 6, 2014
Advertised: June 12, 2014
Public Hearing: July 7, 2014
Adopted: July 7, 2014
Published: July 17, 2014

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

Anthony Persichilli, Mayor