

**Borough of Pennington**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 215 "ZONING", TO IMPLEMENT RECOMMENDATIONS  
CONTAINED IN THE BOROUGH OF PENNINGTON MASTER PLAN ADOPTED BY THE PLANNING BOARD  
ON MAY 13, 2026**

**WHEREAS**, the Borough of Pennington Planning Board, through a public process and in conformance with the requirements of the New Jersey Municipal Land Use Law, on May 13, 2026 adopted a new Master Plan; and

**WHEREAS**, the Land Use Plan Element adopted as part of the Borough Master Plan contained a number of recommendations for changes to zoning district boundaries, including the elimination of certain districts and overlay districts, the creation of new districts and amendments to existing zoning provisions; and

**WHEREAS**, the Mayor and Council desire to implement certain recommendations at this time.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Pennington, in the County of Mercer and State of New Jersey as follows:

**Section I.** Chapter 215 of the Borough Code "Zoning", Article VII "Zone Regulations", section 215-64 is hereby amended (with deletions crossed out and new language underlined) as follows:

**§215-64        Zoning Map.**

The boundaries of all zone districts shall be shown on a map attached to and made a part of this chapter and titled "Zoning Map", dated ~~March 2026~~ July 2026. Said map and all notations and references thereon are hereby incorporated into and declared to be a part of this chapter.

**Section II.** Chapter 215 of the Borough Code "Zoning", Article VII "Zone Regulations", section 215.70 "O-R Office-Residence Zone" is hereby repealed in its entirety.

**Section III.** Chapter 215 of the Borough Code "Zoning", Article VII "Zone Regulations", section 215.71.1 "TCB Town Center Buffer Zone" is hereby repealed in its entirety.

**Section IV.** Chapter 215 of the Borough Code "Zoning", Article VII "Zone Regulations", section 215.73 "O-B Office (Building) Business Zone" is hereby repealed in its entirety.

**Section V.** Chapter 215 of the Borough Code "Zoning", Article VII "Zone Regulations", section 215.74 "P-O Professional Office Zone" is hereby repealed in its entirety.

**Section VI.** Chapter 215 of the Borough Code "Zoning", Article VII "Zone Regulations", section 215.77 "MU-1 Mixed Use Zone" is hereby repealed in its entirety and retitled "E-3 Education Zone" and is hereby amended (with deletions crossed out and new language underlined) as follows:

**§215-77 E-3 Education Zone**

**A. Permitted primary uses.** The permitted primary uses allowed in the E-3 Education Zone shall be as

follows:

- (1) Public schools.
  - (2) Administrative offices and facilities of the Hopewell Valley Regional School District.
- B. Permitted secondary uses. The permitted secondary uses allowed in the E-3 Education Zone shall be as follows:
- (1) Garage and storage buildings necessary to store any vehicles, equipment or materials on the premises, in conjunction with a permitted primary use.
  - (2) School-related off-street parking facilities, including those for the storage of school buses operated by the Hopewell Valley Regional School District.
  - (3) School-related maintenance, utility and service facilities.
  - (4) Playground equipment, sports courts and playing fields.
  - (5) Signage.
  - (6) Utility structures.
  - (7) Fences.

**Section VII.** Chapter 215 of the Borough Code “Zoning”, Article VII “Zone Regulations”, section 215.78 “MU-2 Mixed Use Zone” is hereby repealed in its entirety and retitled “PR Parks and Recreation Zone” and is hereby amended (with deletions crossed out and new language underlined) as follows:

**§215-78 PR Parks and Recreation Zone.**

- A. Permitted primary uses. The permitted primary uses allowed in the PR Parks and Recreation Zone shall be as follows:
- (1) Publicly owned park and recreation facilities.
  - (2) Cemeteries.
- B. Permitted secondary uses. The permitted secondary uses allowed in the PR Parks and Recreation Zone shall be as follows:
- (1) Off-street parking facilities.
  - (2) Restroom facilities.
  - (3) Playing fields and sports courts.
  - (4) Playground equipment and fitness stations.
  - (5) Gazebos, pavilions and other shade structures.
  - (6) Amphitheater, band shell or stage structures.
  - (7) Gardens, community gardens and wildlife habitats.
  - (8) Tables, benches, bike racks, seating and other site furniture.
  - (9) Signage, including interpretive signage.
  - (10) Sheds or other storage structures for maintenance equipment.
  - (11) Other temporary uses approved by permit issued by the Borough, including but not limited to concerts, festivals, markets, vendors selling food or wares, concessions and food trucks.

**Section VIII.** Chapter 215 of the Borough Code “Zoning”, Article VII “Zone Regulations”, section 215.78.2 “Route 31 Corridor Business Overlay Zone”, is hereby repealed in its entirety.

**Section X.** Chapter 215 of the Borough Code “Zoning”, Article VII “Zone Regulations”, section 215.72 “B-H Highway Business Zone”, is hereby retitled “C-B Crossroads Business Zone” and is hereby amended (with deletions crossed out and new language underlined) as follows:

**§ 215-72 ~~B-H Highway Business Zone.~~C-B Crossroads Business Zone.** The purpose of the Crossroads Business Zone is to provide opportunity for a variety of commercial uses that are compatible with the

**goal of reducing congestion, improving pedestrian safety, minimizing access points to adjacent roadways through shared access and improving stormwater management to address flooding.**

A. Permitted primary uses. The permitted primary uses allowed in the ~~B-H Highway Business~~**C-B Crossroads Business** Zone shall be as follows:

(1) Retail business and personal service establishments which are clearly of a community service character, such as, but not limited to, the following:

- (a) ~~Stores selling groceries, meats, baked goods, and other such~~**Retail shops and markets, including the sale of food items or clothing.**
- (b) Drug and pharmaceutical stores.
- (c) **Barbers, beauty salons and nail salons.**
- (d) **Makerspace, art galleries and studios for photography and dance.**
- ~~(c) Stationery, tobacco, and newspaper stores.~~
- ~~(d) Luncheonettes and confectionery stores.~~
- ~~(e) Department and general merchandise stores.~~
- ~~(f) Hardware, appliance, furniture, and radio and television stores.~~
- ~~(g) Clothing, accessory and jewelry stores.~~
- ~~(h) Restaurants~~ **without drive through facilities.**
- ~~(i) Barber and beauty shops.~~
- ~~(j) Shoe repair shops.~~
- ~~(k) Tailor shops, dry-cleaning pickup shops, and self-service laundries.~~
- ~~(l) Business and professional offices, banks, and financial institutions.~~
- ~~(m) Commercial schools conducted for profit.~~
- ~~(n) Residential professional offices~~**Medical, dental, physical therapy office or urgent care.**
- ~~(o) Theaters and other similar places of public assembly.~~ **Distillery or craft brewery.**
- (j) Commercial and indoor recreation including virtual reality and sports simulators.**
- (j) Fitness studios and gyms.**

~~(2) Animal hospitals.~~

~~(3) Lumber and building materials yards.~~

~~(4) Wholesale business establishments other than cannabis wholesalers.~~

~~(5) Other business uses which in the opinion of the Planning Board acting as a Board of Adjustment are similar in scale and service nature to those permitted above.~~

B. Permitted secondary uses. The permitted secondary uses allowed in the ~~B-H Highway Business~~**C-B Crossroads Business** Zone shall be as follows:

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

(2) Private garage space for the storage of commercial vehicles used in conjunction with a permitted business use.

C. Conditional uses. The conditional uses allowed in the ~~B-H Highway Business~~**C-B Crossroads Business** Zone shall be as follows and shall be further subject to the provisions of Article VIII:

(1) Public utility uses.

~~(2) Motor vehicle service establishments.~~

~~(3) Motels.~~

~~(4) Motor vehicle sales establishments.~~

~~(5) Cannabis retailers (without cannabis consumption areas).~~

[Added 8-9-2021 by Ord. No. 2021-9]

~~(6) Cannabis delivery services.~~

[Added 8-9-2021 by Ord. No. 2021-9]

~~(7) Medical cannabis dispensaries (without cannabis consumption areas).~~

[Added 8-9-2021 by Ord. No. 2021-9]

D. Prohibited uses. Any use not hereby specifically permitted in the ~~B-H Highway Business~~**C-B Crossroads Business** Zone is prohibited. The following uses are hereby specifically prohibited:

[Added 8-9-2021 by Ord. No. 2021-9[1]]

**(1) ~~(1)~~ Cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, medical cannabis cultivators, medical cannabis manufacturers and clinical registrants.**

**(2) Gas stations, service stations or a gas or service station in combination with a convenience store.**

[1]Editor's Note: This ordinance also provided for the redesignation of former Subsection D as Subsection E.

E. Other provisions and requirements.

(1) Off-street parking space for the use of customers and employees shall be provided as ~~follows:~~**provided below. Shared parking strategies may be utilized and are encouraged.**

(a) Retail ~~business uses:~~ one space for each ~~100-250~~ square feet of sales floor area.

(b) **Distillery, craft brewer, Ppersonal and business service establishments, service, fitness studios, gyms, makerspace and studios:** one space for each 300 square feet of floor area.

(c) Professional, **medical** and business offices: one space for each 200 square feet of floor area.

(d) Restaurants: one space for each four seats, plus one space for each two employees.

**(e) Commercial and indoor recreation: one space for each 350 square feet of floor area.**

~~(e) Theaters and other similar places of public assembly: one space for each three seats.~~

~~(f) Wholesale business establishments and lumber and building materials yards: one space for each 500 square feet of building area.~~

(2) Truck loading and unloading facilities shall be provided on the property in other than the front yard area in sufficient amount to permit the transfer of goods in other than a public street. Such space shall not infringe upon area required for off-street parking.

(3) Parking areas may be located within any of the required yard areas, provided they are not within 25 feet of the boundary of a residence zone **or 10 feet of a street line.** Driveways shall be limited to ~~two for each 200 feet of frontage on a public street.~~ **the number that are required for safe and reasonable access and** shall be in accordance with the standards specified in Figure 1, **or in the case of State or County roads, in accordance with applicable standards of the reviewing agency.**[2] Wherever practical, acceleration and deceleration lanes shall be provided. **Shared access and cross access is encouraged.**

[2]Editor's Note: Figure 1 is included as an attachment to this chapter.

**(5) Crosswalks at driveways shall utilize high-visibility markings to enhance pedestrian safety.**

**(6) All sidewalks shall be separated from the curb by a minimum of three feet.**

~~(4) Uses in this zone requiring site plan approval shall consider the site and building design standards of the Northwest Quadrant Detailed Design Plan.~~

~~(54)~~ As further provided in Article VIII, the operating hours of cannabis retailers and medical cannabis dispensaries shall be exclusively from 9:00 a.m. to 8:00 p.m. daily.

[Added 8-9-2021 by Ord. No. 2021-9]

**Section XI.** Chapter 215 of the Borough Code "Zoning", Article V "Nonconforming uses", section 215.52 "Continuation of use of existing buildings", is hereby amended (with deletions crossed out and new language underlined) as follows:

§ 215-52 Continuation of use of existing buildings.

Except as otherwise provided in this article, the lawful use of buildings existing at the date of the adoption of this chapter may be continued although such use or building does not conform to the regulations specified by this chapter for the zone in which such building is located; provided, however, that:

A. No nonconforming lot shall be further reduced in size.

B. No nonconforming building shall be enlarged, extended or increased, ~~unless such enlargement would tend to reduce the degree of nonconformance;~~ provided, however, that alterations or enlargements that do not increase the degree of nonconformity are permitted. Increasing the degree of nonconformity **related to required front, side or rear yard setbacks shall be permitted so long as such alteration or**

**enlargement represents a 25% or less increase as compared to the original length of the building plane or portion of the building plane that is nonconforming. Increasing the degree of nonconformity by construction or alteration is considered to be a further reduction of permitted front, side or rear yard setbacks or further increase over permitted lot coverage, or further increase in permitted building height, or further extension above the permitted building plane.**

**Section XII.** Chapter 215 of the Borough Code “Zoning”, Article V “Nonconforming uses”, section 215.57 “Alterations”, is hereby amended (with deletions crossed out and new language underlined) as follows:  
§ 215-57 Alterations.

A nonconforming building **that is partially destroyed** may be reconstructed ~~but not enlarged or extended, unless said building is changed to a building conforming or more nearly conforming to the requirements of this chapter; provided, however, that alterations or enlargements that do not increase the degree of nonconformity are permitted.~~ **to its original condition but not enlarged or extended unless in conformance with the requirements of §215-52.B. Nothing in this section shall limit the ability to reconstruct only a portion of a building that is partially destroyed provided previous nonconforming conditions that existed at the time of partial destruction are not exceeded.**

**Section XIII.** Chapter 215 of the Borough Code “Zoning”, Article II “General Regulations”, is hereby amended to add new section 215-28.1 “Keeping of chickens” as follows:

**§ 215-28.1 Keeping of chickens.** The keeping of chickens shall be permitted on residential properties in the R-80 and R-100 zones that conform to the minimum lot area requirement for the zone in which the property is located subject to the following requirements:

- A. The keeping of chickens ~~and fowl~~ shall be prohibited on multiunit properties, including any property in common ownership as part of a homeowner’s association or owned or maintained by a management company or landlord.
- B. The keeping of chickens shall be prohibited on nonresidential properties and residential properties that do not meet the minimum lot size for the zone district in which the property is located.
- C. A maximum of nine (9) chickens may be kept on any one property.
- D. Roosters shall be prohibited.
- E. Chickens shall be provided an enclosure which is covered, ventilated, and predator/rodent resistant. Said enclosure shall provide a minimum of four (4) square feet per bird when outdoor space of equal or greater space is provided or ten (10) square feet per bird where outdoor space of equal or greater space is not provided. Enclosures shall be located within rear yards only and only one (1) enclosure shall be permitted on any property.
- F. Chickens and their enclosure shall be contained within an area completely enclosed by fencing a minimum of four (4) feet in height. Chickens shall not be permitted to roam freely outside of fenced areas.
- G. The enclosure and any fenced run shall be well drained so there is no accumulation of moisture. The floors and walls of the enclosure shall be kept in a clean and sanitary condition, with all droppings collected at least weekly. Animal solid waste shall be kept in a covered and secured container until composted, applied as fertilizer or transported off-premises.
- H. All enclosures shall be a minimum of 5 feet from a side or rear lot line.
- I. Any exterior lighting proposed shall be shielded so as not to shine on adjacent properties.

**Section XIV.** Chapter 215 of the Borough Code “Zoning”, Article VII “Zone Regulations”, Section 215-66 concerning the Schedule of Area, Yard and Building Regulations, is hereby amended (with deletions crossed out and new language underlined) as noted below. The referenced Schedule of Area, Yard and

Building Regulations dated July 2026 in the form attached to this ordinance is hereby adopted and substituted for the previous Schedule.

§ 215-66 Schedule of Area, Yard and Building Regulations.

The Schedule of Area, Yard and Building Regulations dated ~~March~~ **July** 2026 sets forth the regulations of this chapter with respect to minimum lot size, yard widths, maximum lot coverage, maximum height and minimum floor area for each of the various zones. Unless modified elsewhere in this chapter, such standards shall be deemed to be the minimum requirements or maximum intensity permitted to each of the several zones.<sup>[1]</sup>

#### **Section XV. Severability**

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Pennington declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

#### **Section XVI. *Effective Date.***

This ordinance shall take effect immediately upon passage and publication as prescribed by law.

APPROVED: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
Borough Clerk

Introduced:

Adopted: