



Ordinance of the Township of Bernards

1 Collyer Lane, Basking Ridge, NJ 07920
908-766-2510; www.bernards.org

ORDINANCE #2599

An Ordinance of the Township of Bernards, County of Somerset, State of New Jersey, Amending, Revising, and Supplementing the Code of the Township of Bernards, Chapter 21, "Land Development," Regarding Uses Permitted in the E-1, E-2, E-3, E-4, & E-5 Office Zones

BE IT ORDAINED by the Township Committee of the Township of Bernards, County of Somerset and State of New Jersey, that Chapter 21, "Land Development," of the Code of the Township of Bernards shall be amended, revised and supplemented as follows:

Part I. Existing Section 21-3, "Definitions," § 21-3.1, is amended to add as follows (new text is double underlined):

Critical IT Electrical Load - Shall mean aggregate electrical capacity dedicated to server, computing, and data processing equipment, excluding ordinary office HVAC and lighting loads.

Data Centers - Shall mean a building, structure, or premises primarily used for the storage, management, processing, routing, transmission, or hosting of digital data, applications, or computing services through the use of servers, networking equipment, or similar electronic infrastructure, including commercial colocation facilities, cloud computing facilities, server farms, cryptocurrency mining operations, and wholesale digital infrastructure uses.

Part II. Existing Section 21-10.3 "Prohibited Uses" is amended and supplemented as follows: (new text is double underlined; deleted text is ~~stricken~~):

- a. ~~Where a use is not specifically permitted in any zone, it is prohibited. Smoke shops and vape shops are expressly prohibited as uses in all zones within the Township. All uses not expressly permitted in each zone district are prohibited. The following uses are specifically prohibited in all districts, unless otherwise provided:~~
 1. Smoke Shops and Vape Shops. This general-use restriction shall apply to any and all classes of cannabis establishments, cannabis distributors, or cannabis delivery services for recreational purposes, including, but not limited to, cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, cannabis retailers, and cannabis delivery services. Such use shall be prohibited in all zones as stated herein. This prohibition does not apply to the delivery of cannabis items and related supplies by an outside delivery service.
 2. Data Centers. This general-use restriction shall apply to all types of data centers including commercial colocation facilities, cloud computing facilities, server farms, cryptocurrency mining operations, and wholesale digital infrastructure uses. This limitation shall not apply to hospitals, public safety facilities, or public utility infrastructure otherwise permitted by this chapter.

3. The term “Data Center” shall not include:

- (a) server rooms, network facilities, or computer processing facilities that are clearly incidental and subordinate to the principal permitted use on the property and that are operated solely for the internal business, administrative, communications, cybersecurity, operational, or utility functions of the principal occupant; or
- (b) accessory data processing facilities operated by financial institutions, public utilities, hospitals, educational institutions, governmental agencies, or similar entities, provided that:
 - (1) the floor area devoted to such use does not exceed 20 percent of the gross floor area of the principal building or 10,000 square feet, whichever is less;
 - (2) the facility does not constitute the principal use of the property;
 - (3) no portion of the facility is used primarily for cryptocurrency mining, high-density computational processing for off-site customers, or wholesale digital infrastructure services;
 - (4) the facility has a total critical IT electrical load not exceeding 2 megawatts;
 - (5) the facility is not served by a dedicated utility transmission substation installed primarily for the facility;
 - (6) no dedicated electric utility substation, switching station, or comparable major electrical infrastructure shall be constructed primarily to serve the facility; and
 - (7) the facility does not include standby generation exceeding 3 megawatts aggregate capacity;

Part III. Existing Section 21-10.5, “E-1, E-2, E-3, E-4 and E-5 - Office Zones,” is amended as follows (new text is double underlined; deleted text is ~~stricken~~):

§ 21-10.5 E-1, E-2, E-3, E-4 and E-5 Office Zones.

[Ord. #585, § 403D.2; Ord. #641; Ord. #1068, § 2; Ord. #1103, § 9; Ord. #1144; Ord. #1793, 7-12-2005 amended]

b. Uses.

- 1. Permitted Uses. These zones are designed for office and laboratory uses. The following uses are permitted:
 - (a) Administrative, business, or executive office buildings.
 - (b) Professional office buildings.
 - (c) Scientific or research laboratories.
 - (d) ~~Data processing centers.~~ (Reserved)

- (e) Hospitals and medical clinics.
- (f) Farming, agriculture and horticulture not including the raising or keeping of livestock.
- (g) Public parks, roads and other public purpose uses.
- (h) Child-care centers.

The following additional uses are permitted in specific zones:

- (i) Banks and other financial institutions in the E-2, E-3, E-4 and E-5 Zones only.
- (j) Radio or television studios in the E-2 Zone only.
- (k) Reserved.
- (l) Reserved.
- (m) Country inns and country inns with restaurants/taverns in the E-2 Zone only.

[No changes to the remainder of § 21-10.5]

The Township Clerk is directed to give notice at least ten days prior to hearing on the adoption of this ordinance to the Somerset County Planning Board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the ordinance as finally adopted with the Somerset County Planning Board as required by N.J.S. 40:55D-16. The Clerk shall also forthwith transmit a copy of this ordinance after final passage to the Township Tax Assessor as required by N.J.S. 40:49-2.1.

EXPLANATORY STATEMENT:

This ordinance amendment removes “data processing centers” from the list of uses permitted in the E-1, E-2, E-3, E-4 and E-5 Office Zone.

**TOWNSHIP OF BERNARDS
PUBLIC NOTICE**

Ordinance #2599 was introduced and passed on first reading by the Township Committee of the Township of Bernards in the County of Somerset on 05/26/2026 and then ordered to be published according to law. It will be further considered for final passage and adoption at a public hearing held at a meeting of the Township Committee at the Municipal Building, 1 Collyer Lane, Basking Ridge, NJ in said township on 06/23/2026, at 7:30 P.M., when and where, or at such time and place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance. A complete text of this ordinance is available in the Office of the Municipal Clerk, 1 Collyer Lane, Basking Ridge, NJ, from 8:30 A.M. to 4:30 P.M., Monday through Friday. Copies are also available via e-mail from ckieffer@bernards.org.

By Order of the Township Committee
Christine V. Kieffer, Municipal Clerk