

Ordinance No. 2153-13  
ORDINANCE AMENDING THE  
LAND USE ORDINANCE  
OF THE TOWNSHIP OF LAWRENCE  
TO REVISE SECTIONS 110 AND 420

**WHEREAS**, the Township Council of the Township of Lawrence, a municipal corporation in the County of Mercer, State of New Jersey, finds that the public health, safety, morals, and general welfare of the community shall be promoted by the revision and amendment of the Land Use Ordinance of the Township pertaining to Section 110 entitled, Conformance with Regulations; Exceptions, and Section 420, Highway Commercial (HC) District; and

**WHEREAS**, the Planning Board of the Township of Lawrence has adopted a Master Plan that comprehensively provides for the appropriate use, regulation and development of lands in the Township in a manner which will promote the public health, safety, morals, and general welfare; and

**WHEREAS**, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; however, a governing body may adopt a zoning ordinance or zoning map wholly or partly inconsistent with such land use plan element provided that the reasons for so doing are set forth in a resolution and recorded in its minutes; and

**WHEREAS**, the Planning Board has determined that the revisions and amendments to the Land Use Ordinance are consistent with said Master Plan, represent sound land use regulation and therefore favorably recommends to the Township Council that the regulations pertaining to Sections 110 and 420 be so amended; and

**WHEREAS**, this Ordinance does involve a classification and boundary change recommended in a periodic reexamination of the Master Plan pursuant to *N.J.S.A. 40:55D-89*.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Lawrence that the Land Use Ordinance be hereby amended as follows:

Section 1. §110, Conformance with Regulations; Exceptions, as modified, shall be further revised as follows:

**§110 Conformance with Regulations; Exceptions.**

A. [Unchanged]

B. Principal Building: Yard and Lot Regulations.

1. More than one principal building shall be permitted on a lot except for any lot containing atrium, duplex, patio home, semi-detached, and single family detached dwellings; and fee simple quadraplex and townhouse dwellings. Multiple buildings on a single lot may be used for different purposes in accordance with the use regulations established for the zoning district in which the buildings are located or by duly authorized variance.

2. [Unchanged].

[C-G shall remain unchanged.]

Section 2. §201, Definitions, shall be modified by the addition or revision of the following definitions to be inserted in alphabetical order:

**CONVENIENCE STORE** - A retail store which sells a limited variety of prepackaged sundries, dry goods and food.

**HEALTH CARE FACILITY** - A building or portion of a building where the establishment is principally engaged in providing services for inpatient and outpatient services for physical health maintenance, diagnosis (including testing) and treatment of human diseases, pain or other physical condition of patients. Care may be provided on a short term or long term basis. Outpatient services may also be provided as a secondary service. Inherent within this use are laundry and kitchen facilities for patients, cafeterias and gift shops for patients and their visitors, incidental laboratory uses and offices for social, psychological and medical personnel, but not to include a behavioral health care facility or long-term care facility.

**MEDICAL OFFICE** - A building or portion of a building principally engaged in providing services for health maintenance, diagnosis (including overnight testing) and treatment of human diseases, pain or other physical or mental condition of patients solely on an outpatient basis. No overnight patients shall be kept on the premises. Examples of medical offices shall include but not be limited to general physicians, dentists, chiropractors, psychologists, cardiologists and other various specialties, but shall not include medical clinics, urgent care centers or behavioral health care facility.

**MINUTE CLINIC** - An accessory walk-in use within a pharmacy or supermarket for the diagnosis and treatment of common household illnesses such as strep throat and ear, eye, sinus, and other infections; the treatment of minor wounds; abrasions and joint sprains; the injection or ingestion of common vaccinations; wellness services and routine lab tests.

PAD SITE - A pad site is a freestanding parcel of commercial real estate located in the front of a larger shopping center or retail establishment where the ratio of pad site building to larger building is no less than 1:3.

URGENT CARE CENTERS - A medical use in a building or portion of a building, whether private or institution, principally engaged in providing walk-in, extended hour access for acute illness and injury care that is either beyond the scope or availability of the typical primary care practice or medical clinic. Patients shall be served solely on an outpatient basis and no overnight patients shall be kept on the premises.

Section 3. §420, Highway Commercial (HC) District, as modified, shall be further revised as follows:

**§ 420 Highway Commercial (HC) District.**

- A. Purpose. The Highway Commercial (HC) district is intended to serve both the residents of the municipality and the general public with uses typically oriented towards motorized travel. The HC district is the primary retail zone for localized sales and services that are not regionally based. It differs from the NC-1 and NC-2 districts by including automobile business uses and excluding residential uses, with the exception of certain senior citizen housing. The Highway Commercial district is also intended to support the retail uses in the Regional Commercial district.
- B. Permitted Uses. In the HC district, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:
  - 1. Automobile sales through franchised new car dealers.
  - 2. Automobile accessories and car washes.
  - 3. Banks, including drive-in facilities.
  - 4. Bars and taverns.
  - 5. Convenience stores.
  - 6. Department and discount stores.
  - 7. Governmental uses.
  - 8. Indoor recreational facilities.
  - 9. Medical Offices.
  - 10. Offices.
  - 11. Retail sales of goods and services.
  - 12. Restaurants, including fast food restaurants.
  - 13. Shopping centers.
  - 14. Theaters and entertainment.
  - 15. Urgent care center.

- C. Accessory Uses and Structures Permitted. Any of the following accessory uses and structures may be permitted when used in conjunction with a principal use:
1. Canopy for motor fuel equipment protection or passenger drop off.
  2. Fences and walls.
  3. Garages, storage buildings and tool sheds.
  4. Minute clinic within a pharmacy or supermarket.
  5. Off-street and structured parking.
  6. Outdoor seating associated with a restaurant, complying with the following standards:
    - a. Seating shall comply with the handicapped accessibility requirements of *N.J.A.C 5:23-7*.
    - b. No seating shall be located within 5 feet of any public or private parking and shall be adequately protected from vehicular traffic.
    - c. No glare from lighting for outdoor seating shall be created.
    - d. No impediment to the free flow of pedestrian or vehicular traffic shall be created by the outdoor seating.
    - e. Off-street parking for outdoor seating shall be provided in accordance with §530.C2 and Table 5.16.
    - f. The Zoning Officer may approve a plan conforming to these conditions without the necessity of site plan review pursuant to §801.
  7. Satellite dish and television antennae.
  8. Service station attendant booth, not to exceed 24 sf. in floor area.
  9. Signs.
  10. Accessory uses customarily incidental to a principal use.
- D. Conditional Uses Permitted. The following uses may be permitted when authorized as a conditional use by the Planning Board in accordance with §705:
1. Service station or repair garage conforming to the following conditions:
    - a. The minimum lot size for service stations or repair garages shall be 20,000 square feet and the minimum lot frontage shall be 150 feet.
    - b. Such use shall not be combined with any other use on the same lot, unless the minimum lot size, or minimum lease area in the event the service station is not within an individual lot, shall be a minimum of 1.5 acres. Notwithstanding this provision, no service station use shall be otherwise combined with solely office or medical office uses.
    - c. Notwithstanding any other provision to the contrary, service stations on

their own lot shall be permitted two entrances and exits on one street frontage and three per lot.

- d. All appliances, pits, storage areas and trash facilities other than motor fuel filling pumps or air pumps shall be within a building or roofed structure.
  - e. Motor fuel filling pumps, service station attendant booths, canopies and air pumps shall be permitted within the required front yard area of service stations but shall be no closer than 20 feet to any street line.
  - f. All lubrication, repair or similar activities shall be performed in a fully enclosed building and no dismantled parts shall be displayed outside of an enclosed building.
  - g. No junked motor vehicle or part thereof, or such vehicles incapable of normal operation upon the highway, shall be permitted on the premises of the repair garage, except as noted herein. No more than 8 vehicles awaiting repair or disposition at the repair garage shall be permitted on the premises for a period not exceeding seven days, except that up to 3 inoperable vehicles in an enclosed building may be permitted. It shall be deemed prima facie evidence of violation of this Ordinance if more than 3 motor vehicles incapable of operation are located at any one time upon the premises not within an enclosed building.
  - h. In addition to landscaping that is otherwise required pursuant to the provisions of this Ordinance; a minimum of 25% of the front yard shall consist of landscape screening of the building and front yard parking.
  - i. No exterior display of motor vehicles, recreational vehicles, boats, other forms of transportation, or equipment for sale shall be permitted.
2. Motels conforming to the following conditions:
- a. Any motel shall contain a minimum of at least 20 units of accommodation, exclusive of, but in addition to, a permanent, on-site superintendent's living quarters. The minimum number of units of accommodation in any single building shall be 10.
  - b. Each unit of accommodation shall contain a minimum floor area of 250 square feet. Ceilings shall be a minimum of 8 feet in height.
  - c. No more than 20% of the units may include cooking facilities.
  - d. There shall be a maximum residency limitation on all guests of 30 days. The residency limitation shall not apply to an employee living on the premises or to occupants of the allowed units with cooking facilities.
  - e. Minimum lot frontage shall be 300 feet.
3. Hotels conforming to the following conditions:
- a. Trip generation shall not exceed the peak hour rates of permitted uses of the zone.

- b. Each unit of accommodation shall contain a minimum floor area of 250 square feet. Ceilings shall be a minimum of 8 feet in height.
  - c. No more than 20% of the units may include cooking facilities.
  - d. There shall be a residency limitation on all guests of a maximum of 30 days. The residency limitation shall not apply to an employee living on the premises or to occupants of the allowed units with cooking facilities.
  - e. Minimum lot frontage shall be 300 feet.
  - f. Restaurants and nightclubs shall be permitted as an accessory use within the hotel.
  - g. Barber shops and hair salons, gift shops, newspaper stands, smoking shops and similar uses shall be permitted as accessory uses provided there is no direct access to the outside for customers and no exterior signage.
4. Continuing Care Retirement Center pursuant to the regulations of §410 conforming to the following condition:
- a. Any such use shall be located east of U.S. Route 1 and south of its intersection with 1-95/295.
5. Extended Stay Lodging Facilities conforming to the following conditions: [Ord. 1567-99,3/2/1999]
- a. Accessory uses shall be permitted as follows:
    - i. Exercise facilities.
    - ii. Business services, such as access to fax, copier, personalized voice mail, meeting rooms and computers and Internet access, etc.
    - iii. Limited recreation facilities, such as a swimming pool, jogging trails and child play areas.
  - b. Trip generation shall not exceed the peak hour rates of permitted uses of the zone.
  - c. Each unit of accommodation shall contain a minimum floor area of 325 square feet. Ceilings shall be a minimum of 8 feet in height.
  - d. All access to individual units shall be from interior hallways.
  - e. Bulk requirements:
    - i. Minimum lot size: 2 acres
    - ii. Minimum lot width/frontage: 200 feet
    - iii. Maximum FAR: .30
    - iv. Maximum building height: 3 stories and 45 feet
    - v. Maximum impervious coverage: .60

- f. Off street parking shall be provided based on a minimum of one parking space for each guest unit, inclusive of units occupied by resident employees.

6. All other requirements not modified herein shall apply to all conditional uses.

E. Area, Yard, Height and Building Coverage. Except as otherwise modified, the following bulk standards shall apply to all lots:

1. Principal building.

- a. Minimum lot area: 40,000 sf.
- b. Minimum lot frontage: 200 feet
- c. Minimum lot width: 200 feet
- d. Minimum lot depth: 175 feet
- e. Minimum front yard: 25 feet
- f. Minimum side yard: 25 feet
- g- Minimum rear yard: 60 feet
- h. Maximum floor area ratio: .25
  - i. For lots less than 5 acres: .30
  - ii. For lots 5 acres or larger: .70
- i. Maximum impervious surface ratio: .75
  - i. For lots less than 5 acres: .75
  - ii. For lots 5 acres or larger: 35 feet
- j. Maximum building height: 35 feet

2. Accessory building.

- a. No accessory building shall be permitted in the front yard.
- b. Minimum distance to side line: 20 feet
- c. Minimum distance to rear line: 20 feet
- d. Minimum distance to other building, separation area not used for parking or vehicular circulation: 25 feet
- e. Minimum distance to other building, separation area used for parking or vehicular circulation: 50 feet
- f. Maximum height: 20 feet

Additional Regulations. The following additional regulations shall apply to the HC district:

- 1. No pad site shall be built and occupied in advance of the construction and occupancy of the larger retail building to which it is related.

2. All buildings shall be separated by a minimum of 25 feet provided such separation is to be used solely for pedestrian circulation. All buildings shall be separated by a minimum of 50 feet when any part of such separation is to be used for parking or vehicular circulation. However, the separation requirements should not be construed to prohibit covered pedestrian walkways when the roof or covering of such walkway extends between the buildings.
3. Any principal building may contain no more than five establishments unless it is a shopping center, provided that the total building coverage of the combined activities does not exceed the maximum floor area ratio specified for the district and, further, that each activity occupies a minimum gross floor area of 750 square feet.
4. No merchandise, products, equipment or similar material or objects shall be displayed, sold or stored outside except as approved by the Board. The area of any outdoor sales or storage shall be enclosed entirely by fences, walls, plant material or a combination thereof in order to provide a visual barrier between the storage areas and any street, residential zoning district or parking area.
5. All buildings shall be compatibly designed whether constructed all at one time or in stages over a period of time. All building walls facing any street or residential district line shall be suitably finished for aesthetic purposes. See also §521.
6. Where appropriate, agreements providing for cross access for pedestrians and vehicles between adjacent lots or tracts shall be provided to reduce the amount of traffic on adjacent roads.

Section 4. Continuation. In all other respects, the Zoning and Land Use Regulations Ordinance of the Township of Lawrence shall remain unchanged.

Section 5. Severability. If any portion of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Land Use Ordinance as a whole, or any other part thereof.

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.



Section 7. Enactment. This Ordinance shall take effect upon the filing thereof with the Mercer County Planning Board after final passage, adoption, and publication by the Township Clerk of the Township of Lawrence in the manner prescribed by law.

Adopted: April 2, 2013

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame							
Ms. Lewis							
Dr. Maffei							
Mr. Powers							
Mayor Kownacki							