

Ordinance No. 2159-13

**ORDINANCE AMENDING THE LAND USE ORDINANCE
OF THE TOWNSHIP OF LAWRENCETO 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, entitled 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/or 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.
Substitute the following for Subsection 110B1:

- “1. “More than one principal building shall be permitted on a lot except for any lot containing atrium, duplex, patio home, semi-detached, single family detached, 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.

PAD SITE - A pad site is a parcel of commercial real estate which may either be leased or subdivided from a larger parcel and is located in the front of a site for a larger shopping center or retail establishment where the ratio of pad site area to the larger retail establishment site area is no less than 1:3.

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. Membership club bulk retail outlets.
10. Offices.
11. Retail sales of goods and services.
12. Restaurants, including fast food restaurants.
13. Shopping centers.
14. Theaters and entertainment.

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. Off-street and structured parking.
5. Outdoor display of new and used motor vehicles only in association with a franchised new car dealer.
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.C.2 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 40 sf. in floor area when placed on a motor fuel pump island or 150 sf. when placed elsewhere on the site. Such booths may incorporate rest rooms.
 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:
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 may be combined with a convenience store or membership club bulk retail outlet on the same lot, provided that 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 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.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. 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.
 - g. 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.
 - h. 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 I-95/295.
5. Extended Stay Lodging Facilities conforming to the following conditions:
- 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.
 - i. For lots less than 5 acres: .25
 - ii. For lots 5 acres or larger: .30
 - i. Maximum impervious surface ratio:
 - i. For lots less than 5 acres: .70
 - ii. For lots 5 acres or larger: .75
 - j. Maximum building height: 35 feet
- 2. Accessory building. [Ord. 1585-99, 9/7/1999]
 - 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

F. 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, motor vehicles, equipment or similar material or objects shall be displayed, sold or stored outside except as approved by the Board of Jurisdiction and made a part of a site plan approval. The area of any outdoor sales or storage except for motor vehicle display shall be enclosed entirely by fences, walls, landscaping material or a combination thereof in order to provide a visual barrier between the outdoor sales and 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: May 21, 2013

RECORD OF VOTE

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

