

Ordinance No. 2350-19
ORDINANCE AMENDING THE
LAND USE ORDINANCE
OF THE TOWNSHIP OF LAWRENCE
PERTAINING TO ACCESSORY APARTMENTS, ADULT DAY CARE,
ADULT MEDICAL DAY CARE, CHILD CARE CENTERS,
RESIDENTIAL SHEDS, SHIPPING CONTAINERS, SIGNS, AND
APPLICATION SUBMISSION REQUIREMENTS

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; and

WHEREAS, the Zoning Board of Adjustment, has in its annual reports to the Township Council and the Planning Board pursuant to N.J.S.A. 40:55D-70.1, made numerous findings in its deliberations and applications for review that recommend revisions to the Land Use Ordinance; and

WHEREAS, the Planning Board of the Township of Lawrence has adopted a Master Plan that comprehensively provides a foundation 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, though the Township Council may approve such inconsistencies through procedures as set forth in the law; and

WHEREAS, the Planning Board of the Township of Lawrence has determined that the revisions and amendments to the Land Use Ordinance are consistent with the goals and objections of the Master Plan, represent sound land use regulation and therefore favorably recommends to the Township Council that the LUO be so amended; and

WHEREAS, this Ordinance does not involve a classification or boundary change requiring public notice to property owners under *N.J.S.A.* 40:55D-62.1.

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. §201, Definitions, shall be revised to modify or add the following definitions:

ACCESSORY APARTMENT: One or more rooms with private bath, kitchen facilities and a private entrance comprising an independent, self-contained dwelling unit on a single lot occupied by a single family detached dwelling as the principal use of the property.

ADULT DAY CARE: A non-residential facility operating for 6 and not more than 18 hours per day that provides meals, social and recreational activities under general supervision for elderly persons and adult persons with disabilities not eligible for school-based services.

ADULT MEDICAL DAY CARE: An adult day care facility that also provides care for persons with Alzheimer's and related dementias with one or more medical assistants or nurses on site during operating hours.

CHILD CARE CENTER: Any home or facility that is maintained for the care, development, or supervision of six or more children under 13 years of age who attend the center for less than 24 hours a day and may include, but not be limited to, day care centers; drop-in centers; night-time centers; recreation-type centers sponsored and operated by a county or municipal government recreation or park department or agency; day nurseries; nursery and play schools; cooperative child centers; centers for children with special needs; centers serving sick children; infant-toddler programs; school-age child care programs; employment-related centers; centers that had been licensed by the Department of Human Services prior to the enactment of the Child Care Center Licensing Act of 1984; and kindergartens and pre-kindergartens that are not an integral part of a private educational institution or system offering elementary education in grades kindergarten through sixth grade pursuant to *N.J.S.A. 30:5B-1 et seq.*

DAY CARE CENTER: See CHILD CARE CENTER

FAMILY DAY CARE: A private residence of a family day care provider, which is registered as a family day care home pursuant to *N.J.S.A. 30:5B-16.*

SIGN, CHANGEABLE COPY – A sign designed such that the message contained on the sign can be easily and periodically altered, and whose message does not change more than once per day.

Section 2. §400, General Regulations and Permitted Modifications, shall be amended to add a new paragraph J, Shipping Containers, as follows:

J. Shipping Containers. A shipping container shall not be used as a principal or accessory structure in any district except as permitted by §431.K.

Section 3. Renaming. In every instance where the term, Day Care Center,

- a. From tract perimeter: 300 feet
- b. From internal roadway: 35 feet
- c. Distance from another principal building: 50 feet
- 7. Accessory building required setback.
 - a. Conference center or power supply building: Same as principal building
 - b. Entrance lodges, guardhouses, walls, and gates: 75 feet
from tract perimeter
 - c. No accessory building in excess of 20 feet in height shall be located closer than 300 feet from the tract perimeter.
 - d. Distance from principal building: 50 feet
- 8. Maximum height.
 - a. Principal building: 50 feet or 3 stories, whichever is less
 - b. Accessory building.
 - (1) Conference center: 50 feet or 3 stories,
whichever is less
 - (2) Building within 300 feet of tract perimeter: 20 feet
 - (3) Power supply: 50 feet, except that
chimneys or ventilation
may extend to 65 feet
- F. Additional Requirements.
 - 1. Location of entrances. Internal or entrance roadways, streets or driveways shall not be located closer than 100 feet to any side or rear property line.
 - 2. [RESERVED].

Section 9. §420.D, Conditional Uses Permitted, in the HC District shall be modified to renumber paragraph 7 as paragraph 8, and to insert a new paragraph 7 adding the following use:

- 7. Adult day care and adult medical day care, subject to the criteria of §430.G.

Section 10. §422.D, Conditional Uses Permitted, in the MX-2 District shall be modified by adding the following use:

- 3. Adult day care and adult medical day care, subject to the criteria of §430.G.

Section 11. §429.A, Accessory Apartments, shall be revised as follows:

- A. Accessory Apartments. Accessory apartments shall be subject to the following regulations:

1. There shall be no more than one accessory apartment per lot and per primary residence.
2. An accessory apartment may be created within an existing single family detached dwelling, as an addition to the same or within an existing accessory building on the lot containing the principal dwelling. If an accessory apartment is to be created within an accessory building on the premises, it shall meet the following requirements:
 - a. The minimum lot size for the creation of an accessory apartment shall be 3 acres.
 - b. The lot and the building shall have been in existence on January 1, 2015.
3. Accessory apartments shall be permitted only on those lots and in those primary dwellings that have no rental space; however, the accessory apartment itself may be rented or leased.
4. Each accessory apartment shall be used only for residential purposes for one household.
5. Each occupant of the accessory apartment; or, of the primary residence if the owner is to occupy the accessory apartment, shall be a member of the family of the owner of the property; or, a caretaker of an owner or member of the family of the owner.
6. An accessory apartment shall not contain an external entrance which faces the same street which the external entrance to the primary residence faces, except that this restriction shall not apply to dwellings with two or more such external entrances in existence on December 1, 1982; and,
7. Each accessory apartment shall be provided with one on-site parking space for sole use by its occupants(s).
8. An accessory apartment shall contain no more than a bathroom, kitchen and two habitable rooms.

Section 12. §429.N, Residential Tool Shed, shall be amended as follows:

- N. Residential Tool Shed. Private residential tool sheds shall comply with the following regulations:
1. Residential tool sheds shall be permitted in the EP-1, EP-2, R-1, R-2A, R-2B, R-3, R-4, R-5 zones and fee simple lots in the AT, SCR, PVD-1, PVD-2 and MX-1 zones, subject to the following limitations on the shed building coverage and distance to a side or rear property line:

a. Sheds accessory to a single family detached dwelling:

| <u>Lot Size</u> | <u>Maximum Shed Building Coverage</u> | <u>Minimum Distance to Side/Rear Property Line</u> |
|-------------------------|---------------------------------------|--|
| 22,500 sf. or greater | 200 sf. | 10 ft. |
| 9,000 sf. to 22,499 sf. | 120 sf. | 5 ft. |
| 7,500 sf. to 8,999 sf. | 96 sf. | 5 ft. |
| 7,499 sf. or less | 80 sf. | 5 ft. |

b. Sheds accessory to a townhouse dwelling or a semi-detached dwelling shall have a maximum building coverage of 80 sf., and shall be located no closer than 5 feet from a side or rear property line.

2. No shed shall exceed 12 feet in height.
3. No shed shall be located in a front yard.
4. No more than one tool shed per lot shall be permitted.

Section 13. §429.E, Family Day Care, shall be revised as follows:

E. Family Day Care. Family day care shall be allowed as a home occupation when permitted in any residential district, as regulated in §429.H, Home Occupations, provided that no operator shall provide child care for more than 5 children at any one time exclusive of children legally related to the care provider and children being cared for under a cooperative agreement with their parents for which no payment is received. Covenants in age-restricted developments may prohibit family day care as provided for by statute. Providing child care for the number of children that exceeds the limitation herein shall be considered a Child Care Center pursuant to §430.C.

Section 14. §430, Conditional Use Criteria, shall be modified in its entirety, as follows:

§ 430 Conditional Use Criteria.

This section applies to conditional uses that occur in various zoning districts where the specific criteria are not listed in the individual district. Any requirement in the applicable zoning district that is not modified by the criteria herein shall remain in full force and effect. The following criteria, in conjunction with meeting the general standards in §705, shall be met for the specific conditional uses listed below:

A. Adult Day Care and Adult Medical Day Care. The following conditions shall be met by any facility providing adult day care or adult medical day care as defined in this Ordinance:

1. The minimum lot size shall be 2 acres.
 2. The minimum lot frontage shall be 200 feet.
 3. No building shall be located within 50 feet of a lot line.
 4. No adult day care or adult medical day care facility shall have access from a residential access street.
 5. Parking lots shall be properly screened and shall meet the following requirements:
 - a. No parking lot shall be permitted in a front yard; however, this shall not exclude drop off and pick up lanes.
 - b. Parking lots shall be setback from any side property line 50 feet and any rear property line 35 feet.
- B. Bed and Breakfast Accommodation. Bed and breakfast accommodation shall be permitted only in the EP-1, EP-2, R-2B and NC-1 districts that conform to the conditions herein. The following conditions shall be met for any bed and breakfast accommodation:
1. The use shall be located in the Lawrenceville Historic District.
 2. No more than five guest rooms or suites shall be permitted, except the NC-1 district.
 3. Off-street parking equal to one for each guest room or suite shall be required. Off-street parking may be accommodated off-site provided that the location is within 600 feet of the subject site and an adequate guaranty that establishes a right to the use of the off-tract parking is secured.
 4. No parking shall be permitted in the front yard.
 5. Only guests of the facility and their invitees shall be served food and drink on the premises.
 6. No cooking facilities shall be permitted in guest rooms or suites.
 7. There shall be a maximum residency limitation on all guests of 30 days.
- C. Child Care Centers. Child care centers shall be permitted in any non-residential district. In those districts combining residential and non-residential areas under a unified plan for development, the child care center shall be permitted only in the non-residential area. Any child care center shall be duly licensed pursuant to *N.J.S.A. 30:5B-1 et seq.* A child care center functionally integrated within a non-residential development owned or operated for the benefit of their employees, their tenant's employees, or employees within an office or business park or research and development complex shall not be required to provide additional off-street parking for the use. In the calculation of any floor area ratio applicable to an office or business park or research and development complex, the area occupied by a child care center shall not be included. The following criteria shall be met by any Child Care Center:
1. The minimum lot size shall be 2 acres.
 2. The minimum lot frontage shall be 200 feet.

3. No building shall be located within 50 feet of a lot line.
4. No day care center shall have access from a residential access street.
5. Parking lots shall be properly screened and shall be a minimum of 50 feet from surrounding properties and public roads.

D. Farm Market. The following conditions shall be met for any farm market:

1. No farm market shall exceed 3,000 square feet in gross floor area.
2. Access to a farm market shall be from a collector or arterial road.
3. No farm market shall exceed one story in height.
4. A farm market shall be set back from the right-of-way line a minimum of 100 feet and 150 feet from a side or rear property line.
5. At least 50% of the number of products sold on an annual basis shall be fresh food or perishables.
6. A farm market shall be designed to be visually integrated with the farmstead and in close proximity thereto.
7. Farm markets shall be permitted to have U-pick operations in accordance with §429.F.
8. Parking lots shall be properly screened and shall be a minimum of 100 feet from abutting properties and public roads.

E. Golf Course. The following conditions shall be met by any golf course:

1. Minimum tract area.
 - a. 9-hole golf course: 60 acres
-with driving range: 65 acres
 - b. 18-hole golf course: 110 acres
-with social and dining amenities: 125 acres
2. The total floor area ratio of buildings on the golf course shall not exceed .02.
3. The golf course shall be designed with due consideration for safety of the public on adjacent lots, adjacent roadways and other golfers.
4. Sufficient horizontal separation shall be maintained between the golf course and accessory structures, buildings and uses and adjacent off-site uses as follows:
 - a. Minimum separation from any property line, road right-of-way or accessory structures, buildings and uses associated with the golf course (except shelters), unless duly waived by the Board, is as follows:
 - (1) From golf tee: 75 feet, excepting tees in -4.a(2) below
 - (2) Golf tees where the centerline of the hole is parallel or less

- than a 60° angle to a road or tract boundary: 150 feet
 - (3) From centerline of fairway or green and edge of driving range: 150 feet
 - b. All accessory structures and buildings associated with the golf course including fencing for a driving range (but not including cart paths, parking, shelters or the course itself), shall be a minimum of 200 feet from any adjacent property line or road right-of-way. Parking lots shall be properly screened and shall be a minimum of 200 feet from surrounding properties and public roads.
- F. Houses of Worship. The following conditions shall be met by any house of worship:
- 1. Any house of worship with a parochial school on the same premises shall meet the conditional use standards for public and private day schools as stated herein.
 - 2. Parking lots shall be properly screened and shall meet the following requirements:
 - a. No parking lot shall be permitted in a front yard; however, this shall not exclude drop off and pick up lanes.
 - b. Parking lots shall be setback from any side property line 50 feet and any rear property line 35 feet.
 - 3. The principal building shall be set back from any residential property line a minimum of 1½ times the height of the main roofline, or the zoning district requirement, whichever is greater.
 - 4. Accessory residential buildings shall comply with the yard requirements for such uses in the respective zone.
- G. Public and Private Day Schools. The following conditions shall be met by any public or private day school:
- 1. The minimum lot size shall be 4 acres.
 - 2. The minimum lot frontage shall be 200 feet.
 - 3. No building shall be located within 50 feet of a lot line.
 - 4. No school shall be located on a residential access street.
 - 5. Parking lots shall be properly screened and shall be a minimum of 50 feet from surrounding properties and public roads.

Section 15. §431.A, Child Care Centers, shall be RESERVED.

Section 16. §431.K, Temporary Construction Trailers, shall be amended as follows:

- K. Temporary Construction Trailers. Temporary construction trailers at work sites shall be permitted in all zoning districts for office use and the storage of equipment and supplies

during active construction activities. The installation of such trailers shall conform to the following requirements:

1. No trailer shall be installed at a work site prior to the issuance of a construction permit.
2. All such trailers shall be removed from the work site upon the issuance of a temporary or permanent certificate of occupancy to which the use of the trailer relates.
3. No trailer shall remain at a work site where active construction activity has ceased for a period of more than 30 days.
4. No trailer shall be located within 25 feet of a lot line or streetline. Such trailers shall be temporarily screened from public view by a combination of opaque fencing and/or landscaping.
5. No more than 6 temporary construction trailers shall be permitted per work site, unless an alternative number of construction trailers and their location is approved pursuant to a site plan.
6. Shipping containers may be used in lieu of a construction trailer for the temporary storage of tools and supplies at a work site only during active construction.

Section 17. §535.N Changeable Copy Sign Requirements, shall be amended as follows:

N. Changeable Copy Sign Requirements. Changeable copy signs, where permitted, shall comply with the following provisions and any more specific regulations in this section:

1. Changeable copy signs shall be allowed only as an integral part of a freestanding or façade sign, except as may be allowed in sub-paragraph –N.8 hereinbelow. The area of a changeable copy sign shall be included in the sign area calculation for the freestanding or façade sign and shall not exceed 50% of the total sign area, excepting movie theater marquee and variable message signs.
2. Changeable copy signs shall not be permitted on temporary or portable signage.
3. Copy shall not be changed more than once every 24 hours, excepting advisory data signs and variable message signs. Changeable copy signs that are changed more frequently shall be considered animated signs and are prohibited.
4. The maximum number of lines of changeable copy shall be 4 lines, except for variable message signs.
5. The minimum height of changeable copy letters shall be 4 inches.

6. No changeable copy sign, excepting advisory data signs, variable message signs, and fuel pricing signs, shall be changed by electronic or electro-mechanical means.
7. Changeable copy signs that are variable message signs shall adhere to the following standards and any other standards specific to the zoning district in which they are permitted:
 - a. The variable message sign shall be equipped with a dimmer control and a photocell which automatically adjusts the intensity of the display in response to natural ambient light conditions in accordance with the illumination standards of §535.I;
 - b. When first installed, the sign shall be calibrated and certified by the sign installer that the level of illuminance does not exceed the limitation set forth in §535.I.5.
 - c. The displayed message shall not change more frequently than once per 8 seconds. The sign shall only display static messages and shall be changed instantaneously from one message to the next;
 - d. The sign shall be equipped with a default mode of operation that turns the sign message entirely to black should a malfunction in static image display, dimmer control and/or photocell occur;
 - e. Prior to the issuance of a sign permit approving such sign under the provisions of this Ordinance, the owner of the sign shall prepare a report indicating the anticipated life span of the sign and the means whereby the sign's electronic components shall be recycled at such time. No new permit for a variable message sign replacing a previously installed variable message sign shall be issued until the owner shall certify to the satisfaction of the Zoning Officer that a credible means of recycling of the prior sign has been established. Once certified, the sign owner shall be permitted to replace modules within the variable message sign as needed.
 - f. Prior to the issuance of a building permit, or in the absence of a building permit being required, the sign permit, a structural engineer licensed by the State of New Jersey shall certify that the existing sign structure is capable of supporting the variable message sign intended to replace an existing static message sign. In the event that the sign structure is inadequate to support the static and live loads of the variable message sign, the structural engineer shall supply a credible design whereby the structure shall be reinforced to accept such variable message sign and shall certify upon completion that the sign has been reinforced in conformance with the design.

9. Changeable copy signs that are for fuel pricing shall adhere to the following additional standards and any other standards specific to the zoning district in which they are permitted.
 - a. The fuel pricing sign shall be equipped with a dimmer control and a photocell which automatically adjusts the intensity of the display in response to natural ambient light conditions in accordance with the illumination standards of §535.I.
 - b. The level of illumination of the fuel pricing sign shall not exceed the limitation set forth in §535.I.5.
 - c. The sign shall be equipped with a default mode of operation that turns the sign message entirely to black should a malfunction in static image display, dimmer control and/or photocell occur.

Section 18. §535.U, Signs Permitted in the EP-1, EP-2, R-1, R-2A, R2-B, R-3, R-4 and R-5 Districts, shall be amended as follows:

U. Signs Permitted in the EP-1, EP-2, R-1, R-2A, R2-B, R-3, R-4 and R-5 Districts.

1. [Unchanged]
2. Residential uses. One freestanding development sign for each collector or arterial roadway that provides access to the neighborhood or residential complex, provided that:
 - a. The sign is owned and maintained by a homeowner's or condominium association, or other duly constituted organization approved by the Board of Jurisdiction; or, the sign is owned by a private entity with responsibility for maintenance.
 - b. Each sign shall not exceed a height of 5 feet and shall meet the size limitations for freestanding signs.
 - c. At an approved rental or sales office installed pursuant to §431.I, one freestanding non-illuminated sign identifying the office for customers shall be permitted but not to exceed 16 square feet in area and more than 5 feet in height. Such sign shall be removed with the removal of the temporary office.
 - d. Real estate signs, the sole purpose of which is to direct the public to housing for sale or land development shall be permitted 4 temporary freestanding non-illuminated signs at key intersections within the housing development. Each sign shall not exceed 15 square feet in area and 8 feet in height above ground.

- e. One sign identifying a home occupation, not exceeding two square feet in area, attached to the exterior wall or porch of the dwelling.

[Paragraphs -3 through -5 shall remain unchanged]

Section 19. §535.Y, Signs Permitted in the HC District, shall be amended as follows:

Y. Signs Permitted in the HC District.

1. Any sign allowed without permit, pursuant to §535.G.
2. One freestanding sign for each collector or arterial roadway that provides access to the building or complex, pursuant to §535.R.
3. Freestanding signs shall be set back from all property lines a minimum distance of 15 feet.
4. Façade signs shall conform to §535.Q and shall not exceed 100 square feet, whichever is less, excepting shopping centers.
5. Façade signs for shopping centers shall conform to §535.Q and the following requirements:
 - a. Where a principal use occupying at least 750 square feet of segregated area has direct access from the outside, a façade sign conforming to §535.Q and not exceeding 80 square feet in area shall be permitted.
 - b. Where a principal use in a shopping center exceeds 20% of the total floor area or 50,000 gross square feet, the area of the façade sign may increase to not more than 300 square feet and shall conform to §535.Q.
6. One changeable copy sign pursuant to §535.N.
7. Directional signs pursuant to §535.O.
8. Directory signs pursuant to §535.P.
9. One off-premise sign with a non-commercial message in lieu of a freestanding sign.
10. Senior citizen residential uses shall be permitted signage in accordance with §535.V.
11. New car and truck nationally franchised dealerships with at least 400 feet of contiguous street frontage shall be permitted one additional freestanding sign, pursuant to the size limitations of Table 5.18. The additional sign may be attached to the primary freestanding sign or located on a second support structure.

12. Service stations shall also be permitted a changeable copy sign on each fuel dispensing pump not to exceed 3 square feet in area and on each freestanding sign not to exceed 18 square feet.
13. Fast food restaurants with a drive-thru facility shall be permitted two menu signs. Any such sign shall not be legible from the public right-of-way. The sign shall not exceed 60 square feet in area and 7 feet in height.
14. An A-frame sign for a tenant at a shopping center shall conform to the following:
 - a. The sign may be displayed only during business hours.
 - b. Each side of the sign may not exceed 6 square feet or 5 feet in height.
 - c. The sign shall be located on the sidewalk in front of the store to which it relates.
 - d. The design, materials and color of the sign and supporting frame shall complement the building design and shall be consistent with that of other A-frame signs at the shopping center, if applicable.
 - e. The location of the sign shall not interfere with pedestrian, vehicular traffic or clear sight distance requirements.
 - f. Pursuant to §535.E.6, no A-frame sign shall be placed within a public-right-of-way. Signs placed in such locations shall be subject to removal and confiscation by the municipality.

Section 20. §802, Submissions Required for All Applications, Table 8.2, Submission Checklist, Item No.43 shall be amended as follows:

43. Soil permeability tests, as witnessed by the designated Township official for such purposes.

Section 21. Continuation. In all other respects, the Land Use Ordinance of the Township of Lawrence shall remain unchanged.

Section 22. 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 23. 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 24. 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: December 17, 2019

RECORD OF VOTE

| COUNCIL | AYE | NAY | PRESENT | ABSENT | ABSTAIN | MOVE | SECOND |
|---------------|-----|-----|---------|--------|---------|------|--------|
| Mr. Kownacki | X | | | | | | |
| Ms. Lewis | X | | | | | X | |
| Mr. Powers | X | | | | | | X |
| Mr. Ryan | X | | | | | | |
| Mayor Bobbitt | X | | | | | | |