

ORDINANCE NO. 20-2009

AN ORDINANCE OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF HARRISON, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY TO AMEND THE CODIFIED LAND DEVELOPMENT ORDINANCES OF THE TOWNSHIP OF HARRISON, SPECIFICALLY ARTICLE III CHAPTER 225-18.2 *ET SEQ* ENTITLED "C-4 FLEXIBLE COMMERCIAL DISTRICT" TO CLARIFY THE PARKING STANDARDS IN THE C-4 FLEXIBLE COMMERCIAL DISTRICT.

BE IT ORDAINED by the Township Committee of the Township of Harrison in the County of Gloucester as follows:

SECTION I. The codified Land Development Ordinances of the Township of Harrison are hereby amended by deleting and repealing Section 225-18.2 D. and replacing it with the new Section 225-18.2 D. to read as follows:

Section 225-18.2. C-4 Flexible Commercial District.

D. Uses.

- (1) Permitted uses. A lot may be used or occupied for any of the following purposes as of right:
 - (a) Any use permitted in the C-1 Village Center District.
 - (b) Any use permitted in the C-2 General Commercial District.
 - (c) Small community shopping centers developed pursuant to a general development plan having not more than 120,000 square feet of gross leasable floor area, which may include on or more buildings on a lot utilized for one or more of the uses permitted in this zone.
- (2) Accessory uses. Only those uses which are customarily incidental and subordinate to any of the above permitted principal uses may be established and located upon the same lot with the principal use.
- (3) Conditional uses.
 - (a) Drive-through restaurants. Restaurants with drive-through service are permitted only as a conditional use. A drive-through restaurant shall be approved upon a determination by the Planning Board that the use can be operated in a safe

manner, in such a way that will minimize the impact upon the adjacent properties, and that the design conforms to the Community Architectural Design Ordinance, §174-11 et seq. The developer shall be obligated to demonstrate the community architectural design standards as part of the application for approval. A drive-through restaurant shall meet the following conditions:

- (1) The use shall be permitted in the C-4 District only as part of a planned shopping center.
- (2) Minimum pad site width. The size of the pad site upon which this use is proposed may not be less than 160 feet in width as measured at the minimum building setback line.
- (3) Minimum pad site area. The total area of the pad site upon which this use is proposed may not be less than two acres.
- (4) Minimum building setback from any front lot line shall be 50 feet. Any corner lot shall be regarded as having two front lot lines.
- (5) Minimum building setback from any side lot line not abutting a street: 50 feet.
- (6) Minimum building setback from any rear lot line: 50 feet.
- (7) Maximum building height: 35 feet.
- (8) Minimum landscape buffer. The purpose of the landscape buffer is to create a visual barrier to protect the surrounding uses from headlights, noise and trash which is generated by this use. As a result it is a condition of this use that a landscape buffer be placed around a pad site in all setbacks and shall be a minimum landscape buffer which shall not be less than 30 feet in width. The applicant must submit a landscape plan designed to promote these goals, and the landscape plan and must be reviewed and approved by the Township Planning Board.

- (9) Minimum off-street parking requirements. Parking shall not be permitted within any front setback area. Parking shall not be permitted within 20 feet from the side yard or rear yard line. ~~There shall be a minimum of one off-street parking space per every two seats in the dining area, and there shall be no less than one parking space for each 50 square feet of gross floor area of the building.~~
- (10) Driveways providing ingress and egress to the site, including the off-street parking, and the drive-through lane, shall be arranged so that vehicles exiting the parking spaces or entering the site shall not block the drive-through lane or the 25 feet of driveway entrance aisle that is nearest any street line.
- (11) Only one drive-through restaurant is permitted per planned shopping center.
- (12) Site plan. In addition to the requirements of the Township ordinances regarding site plan review, an application for this use shall specifically illustrate on the site plan the landscaping proposed, including the specific plants proposed and the elevations of the plantings, the placement and a depiction of directional signs to be erected and painted directional markings on the impervious surfaces, and the lighting for the exterior of the site. The site plans shall include a scale diagram of the entire interior of the restaurant showing the location of all receiving, storage, food preparation, cooking, serving, seating and waiting areas waste removal and garbage disposal areas and the intended location of tables, counter seating and drive-through windows.
- (13) Provisions shall be made, including sidewalks and crosswalks, for pedestrian traffic traveling to and from the site, as well as within the site.
- (b) Gasoline station. A gasoline station must meet the requirements of §225-17D(3) and 225-17D(4) of the Codified Ordinances of the Township of Harrison.

- (c) Convenience store. A convenience store must meet the requirements of §225-17D(1) and 225-17D(2) of the Codified Ordinances of the Township of Harrison.

SECTION II. The codified Land Development Ordinances of the Township of Harrison are hereby amended by deleting and repealing Section 225-18.2 E. and replacing it with the new Section 225-18.2 E. to read as follows:

E. Height, area, yard and building coverage regulations. The following regulations shall govern the building standards of the zoning district:

- (1) Lot size.
 - (a) For individual commercial uses: 20,000 square feet.
 - (b) For small community shopping centers: not less than five acres.
- (2) Lot width. At building line the lot width shall be 100 feet minimum for all uses except gasoline service stations, supermarkets, community shopping center and car washes, which shall have a minimum width of 160 feet.
- (3) Lot coverage: 50% maximum for an inside lot; 40% maximum for a corner lot for all uses, with the exception of shopping centers and gasoline service stations which may have a maximum of 30%.
- (4) Front setback: 50 feet minimum from lot line to building line.
- (5) Side yard. No building may be closer than 50 feet from any side yard lot line. No paved or improved area may be closer than 20 feet to any perimeter property line.
- (6) Rear yard: minimum of 50 feet from lot line to building line. No paved or improved area may be closer than 20 feet to any perimeter property line.
- (7) Height: 35 feet maximum or three stories.
- (8) Passageways: In the case of a series of abutting structures paralleling a public right-of-way, an open and unobstructed passage of at least 20 feet in width shall be provided at grade level at intervals of not more than 400 feet.

SECTION III. The codified Land Development Ordinances of the Township of Harrison are hereby amended by deleting and repealing Section 225-18.2 F. and replacing it with the new Section 225-18.2 F. to read as follows:

- F. Performance standards. The following performance standards shall be followed:
- (1) Streets. The minimum width of streets between curb lines which provide circulation through or around a community shopping center shall be in accordance with those standards set forth in the land subdivision regulations¹⁹. The minimum width from pavement edge to pavement edge of interior streets within the development no to be used as thorough streets shall be twenty-four-foot lanes with the necessary width for trucks and emergency vehicles.
 - (2) Parking.
 - (a) Shopping center, retail sales, trade, personal and business services: 5.5 spaces for each 1,000 square feet of gross leasable area. "Gross leasable area" is the total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines and upper floors, if any, expressed in square feet measured from center lines of joint partitions and exteriors of outside walls.
 - (b) General and professional offices, including banks: one space for each 400 square feet of aggregate floor area.
 - ~~(c) Eating and drinking establishments: one space for each five seats.~~
 - (c) Theater with permanent seats: one space for each four permanent seats.
 - (d) Any other permitted use: one space for each 400 square feet of aggregate floor area.
 - (e) Notwithstanding the foregoing, the off-street parking standards may be reduced to the extent that combined use of parking lots makes such reduction feasible in the judgment of the approving authority. Procedures and documentation to support a reduction in parking spaces shall be in accordance with §225-86B(2) of this chapter.

- (3) Street access. The accessways to a public street or highway of small community commercial centers shall be located at least 200 feet from the intersection of any street lines and shall be designated in a manner conducive to safe ingress and egress.
- (4) Appearance. All buildings shall be constructed or renovated in accordance with an overall plan and shall be designated as a single architectural scheme in compliance with the architectural design standards set forth in §174-11 et.seq. of the Codified Land Ordinances of the Township and shall be designed with appropriate common landscaping. Any fencing, wall or barrier must meet the requirements of the Building Code.
- (5) Grading. Topsoil shall not be removed from the site during construction but shall be stored and redistributed to areas most exposed to view and such areas shall be stabilized by seeding and planting.
- (6) Lighting. All lighting shall be in compliance with the Community Design Ordinance §174-14A and 174-14B of the Codified Land Ordinances of the Township of Harrison.
- (7) Garbage and recycling. Appropriate provisions shall be made for private garbage and trash collection and to meet Township recycling requirements. All trash, garbage or recycling disposal facilities shall be totally screened by masonry enclosures, and plans shall be submitted as part of the developmental site plan showing the location and types of screening thereof. The applicant must submit a maintenance schedule for the removal of trash and debris from the lot which must be reviewed and approved by the Planning Board Engineer.

SECTION IV. VALIDITY: The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this ordinance.

SECTION V. REPEALER: All Ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION VI. ENACTMENT: When effective. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

TOWNSHIP OF HARRISON

BY: _____
LOUIS F. MANZO, MAYOR

ATTEST:

**_____
DIANE L. MALLOY, Acting Municipal Clerk**

NOTICE

The above Ordinance was introduced and passed on first reading at the meeting of the Township Committee of the Township of Harrison, in the County of Gloucester, held on the 18th day of May 2009, and will be considered for final passage at a meeting to be held by the Township Committee at the Municipal Building located at 114 Bridgeton Pike, Mullica Hill, New Jersey, at 7:30 PM on the 1st day of June 2009, at which time and place any person interested will be given an opportunity to be heard.

INTRODUCED: MAY 18 2009

ADOPTED: JUN 01, 2009

**_____
Diane Malloy, Acting Township Clerk**