

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2794-15

**AN ORDINANCE
TO AMEND
CHAPTER 271
OF THE CODE
OF THE
TOWNSHIP OF MAPLEWOOD
Entitled
"Zoning and Development Regulations"**

"Interpretive Statement"

This ordinance will define a convenience store with a fueling station, allow a convenience store with a fueling station to be a permitted use within the Highway Business Zone and will add professional offices as a permitted use in the Pedestrian Retail Business Zone.

WHEREAS, the Township of Maplewood ("Township") wishes to allow convenience stores with fueling stations as a permitted use within the Highway Business Zone; and

WHEREAS, the Township wishes to allow professional offices within the Pedestrian Retail Business Zone.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that Chapter 271 of the Code of the Township of Maplewood entitled "Zoning and Development Regulations" be amended as follows:

FIRST: Chapter 271: Zoning and Development Regulations

Article I: Title; Purpose; Definition

271-3 Definitions

GASOLINE SERVICE STATION

Any building, structure, place or location designated primarily to supply motor vehicles with gasoline, oil, grease and supplies for the inspection, testing and examination and repair thereof, and to maintain gasoline pumps and oil pumps for the purpose of selling gasoline and oil.

REPAIR GARAGE

Any business, service or industry, other than an automobile service station, which involves the storage, maintenance or major repair of motor vehicles.

CONVENIENCE STORE WITH A FUELING STATION

Any building, land area or other premises used for a convenience store, which is a store that

stocks a range of everyday items such as groceries, snack food, candy, toiletries, soft drinks, tobacco products and newspapers, with an associated automotive fueling station which involves the retail dispensing or sales of fuels and oil from a container for automobiles, light passenger trucks, and commercial trucks but does not include the installation of tires, batteries and similar vehicular accessories nor the renting, painting, cleaning or detailing, body work, servicing, storage or repair of any vehicles.

FUELING STATION

The dispensing, sale or offering for sale of motor vehicle fuel which is dispensed from fixed fuel pumps into the fuel tanks of motor vehicles.

OFFICE

A place for the transaction of business where services are rendered or reports are prepared or stored, but where no retail sales are offered and no manufacturing, assembling or fabricating takes place

PROFESSIONAL OFFICE

Office uses for the medical, legal, financial, design, real estate and scientific (excluding research) professions and the arts.

271-64 Zoning Districts

D. Neighborhood Business NB; Retail Business RB and Highway Business HB Districts.

(1) Permitted principal uses.

[Amended 2-18-1992 by Ord. No. 1879; 5-21-1996 by Ord. No. 1997-96; 12-30-2003 by Ord. No. 2238-03; 4-20-2004 by Ord. No. 2245-04]

- (a) Retail businesses, not including thrift shops, pawn shops and check cashing establishments.
 - (b) Convenience store with a fueling station in the HB District.
 - (c) Financial institutions.
 - (d) Restaurants, but not including fast-food restaurants.
 - (e) Dwelling units over stores.
 - (f) Offices, but not on the street level or lower in the RB District.
 - (g) Multiple dwellings in the NB District.
 - (h) Law enforcement facilities in the HB District.
- [Added 5-18-2004 by Ord. No. 2249-04]

(2) Accessory uses. Garages, off-street parking lots (except in the RB District), sheds, fences not over six feet in height in side or rear yards only, radio antennas, receiving dish antennas, solar collectors and other uses customarily associated with the permitted uses, provided that such accessory uses are subordinate to the principal use and serve only the principal use.

(3) Conditional uses. (See ' 271-10B).

- (a) Off-street parking lots in the RB District.
 - (b) Automobile service stations.
 - (c) Fueling Stations.
 - (d) Sales of new or used automobiles in the HB District only.
 - (e) Renting or leasing of motor vehicles, trailers or equipment in the HB District only.
 - (f) Car washes in the HB District only.
 - (g) Repair garages in the HB District only.
 - (h) Houses of worship or other places of public assembly.
- [Added 12-16-2003 by Ord. No. 2239-03]

(4) Area and setback requirements.

(a) Minimums.

[1] Minimum requirements for lot area, lot width and rear yard shall be as follows:

District Type	NB	RB	HB
Lot area (square feet)	5,000	2,500	5,000
Lot width (feet)	50	25	50
Rear yard (feet)	15	15	15

[2] Front yard. No front yard shall be required except on those lots which adjoin transitional lots, in which case the minimum front yard shall be 50% of that required in the district in which the transitional lot is located.

[3] Side yard. No side yard shall be required except on those lots which adjoin transitional lots, in which case the side yard shall be a minimum of 15 feet and buffered in accordance with the requirements of this chapter.

[4] At convenience stores with fueling stations no fuel pumps shall be located within 20 feet from the lot line of any adjacent residential property.

(b) Maximums.

[1] Maximum requirements for curb cut, building coverage and lot coverage shall be as follows:

District Type	NB	RB	HB
Curb cut (percent of lot width)	24	*	24
Building coverage (percent)	50	80	50
Lot coverage (percent)	90	100	90

NOTES:

* Curb cuts are not encouraged in the RB District since they can interrupt the safe flow of pedestrian traffic.

[2] Building height. No building shall exceed 50 feet in height. However, that portion of the building over 30 feet in height shall be set back from the street line one foot for every foot in building height over 30 feet. These height and setback restrictions shall not apply to multiple dwellings in the NB District on South Orange Avenue, which shall have a maximum height of 100 feet above the four-hundred-sixty-foot elevation above sea level.

(5) Other provisions.

(a) In the RB District, on-site parking shall not be required. However, off-street parking either on-site or off-site shall be required where there is a conversion of residential use to nonresidential use in RB District. Parking for residential uses in the RB District shall be as required under ' 271-50J(14) and ' 271-50K of this chapter. Parking lots which serve multiple dwellings which are located in the RB District shall comply with the requirements of ' 271-50A through H, inclusive.

[Amended 4-19-1988 by Ord. No. 1747]

(b) Outdoor storage of goods, wares, merchandise or other material shall be regulated by those ordinances of the Township of Maplewood which govern used motor vehicle dealers; the storage, display or sale of new motor vehicles other than in a building; and gasoline selling or service stations and public garages.

(c) Within the RB and HB Districts, additional building coverage can be achieved as a bonus for undertaking street or sidewalk beautification projects. The amount of the bonus shall be related to the extent of the beautification project undertaken, but in any event it shall not increase the allowable coverage by more than 10% (i.e., a maximum of 88% in the RB District and 55% in the HB District).

J. Pedestrian Retail Business (PRB Zone).

[Added 8-3-2004 by Ord. No. 2261-04]

(1) Permitted principal uses.

- (a) Retail businesses, not including pawn shops, and check cashing establishments.
- (b) Financial institutions.
- (c) Eat-in and/or takeout restaurants, not including fast-food restaurants.
- (d) Dwelling.
- (e) Offices.
- (f) Professional offices.
- (g) Businesses that are primarily instructional.
- (h) Social/fraternal clubs and lodges and union halls.

(2) Accessory uses. Fences not over six feet in height in side or rear yards only, radio antennas, receiving dish antennas, solar collectors and other uses customarily associated with the permitted uses, provided that such accessory uses are subordinate to the principal use and serve only the principal use.

(3) Conditional uses: none.

(4) Area and setback requirements.

(a) Minimums.

[1] Minimum requirements for lot area, lot width and rear yard shall be as follows:

Type	Feet or Square Feet
Lot area	2,500 square feet
Lot width	25 feet
Rear yard	15 feet

[2] Front yard. No front yard shall be required except on those lots which adjoin transitional lots, in which case the minimum front yard shall be 50% of that required in the district in which the transitional lot is located.

[3] Side yard. No side yard shall be required except on those lots which adjoin transitional lots, in which case the side yard shall be a minimum of 15 feet and buffered in accordance with the requirements of this chapter.

(b) Maximums.

[1] Maximum requirements for curb cut, building coverage and lot coverage shall be as follows:

Type	Percent
Curb cut (percent of lot width)	*
Building coverage	80%
Lot coverage	100%

NOTES:

* Curb cuts are not encouraged in the PRB District since they can interrupt the safe flow of pedestrian traffic.

[2] Building height. No building shall exceed 50 feet in height. However, that portion of the building over 30 feet in height shall be set back from the street line one foot for every foot in building height over 30 feet.

(5) Other provisions. Within the PRB District, additional building coverage can be achieved as a bonus for undertaking street or sidewalk beautification projects. The amount of the bonus shall be related to the extent of the beautification project undertaken, but in any event it shall not increase the allowable coverage by more than 10% (i.e., a maximum of 88% in the PRB District).

SECOND: Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

THIRD: Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FOURTH: Effective Date

This Ordinance shall take effect after final passage and publication and as provided by law and upon notice of personal service or certified mail to the Municipal Clerk of all adjoining municipalities and the Essex County Planning Board, which shall be done within thirty (30) days following final adoption of this Ordinance.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the Township Committee of the Township of Maplewood, held on July 21, 2015, and that the Township Committee met again on August 18, 2015, at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Township Committee held a hearing and proceeded to consider the said Ordinance on final reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk