

ORDINANCE NO. AMENDED 93-26
AN ORDINANCE AMENDING SECTIONS 202, 401, 402, 403, 404, AND 405
OF THE METUCHEN LAND DEVELOPMENT ORDINANCE

WHEREAS, the Borough of Metuchen has previously passed the Metuchen Land Development Ordinance known as Ordinance No. 89-1; and

WHEREAS, the Metuchen Land Development Ordinance reflected amendments in the Master Plan; and

WHEREAS, for the past thirteen months the Planning Board of the Borough of Metuchen has been reviewing certain properties restrictively zoned for high density residential use only; and

WHEREAS, economic conditions have substantially changed since the passage of the restrictive high density zoning on four tracts commonly known as Hampton, Oakite, Gulton, and EFCO; and

WHEREAS, the Planning Board of the Borough of Metuchen has made two amendments in the Master Plan, the first, concerning the Gulton Tract on January 21, 1993, and the second, concerning Oakite, Hampton, and EFCO Tracts on September 2, 1993, wherein commercial and industrial uses were allowed, together with residential uses; and

WHEREAS, the Planning Board of the Borough of Metuchen has exhaustively reviewed all of the properties, as well as, adjacent properties of EFCO, in a complete review of the future uses of the affected properties; and

WHEREAS, the amendment of the Master Plan encourages the orderly development of the affected properties with uses which promote and further the purposes of the New Jersey Municipal Land Use Law; and

WHEREAS, the Mayor and Council of the Borough of Metuchen wish to implement the amendments to the Master Plan as amendments to the Metuchen Land Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF METUCHEN, IN THE COUNTY OF MIDDLESEX, AND STATE OF NEW JERSEY, AS FOLLOWS:

1. SECTION 202 - Meaning of Terms is amended as follows:

Distribution Center - Any building or premises in which the principal use involves the handling and distribution of wholesale goods to purveyors but not for resale to the general public or individual members of "wholesale clubs."

Light Industrial - An activity which involves the assembly or fabrication of products from previously prepared materials.

Warehouse - Any building or premises in which the principal use involves the storage of goods and materials.

2. SECTION 401 - Applicability and General Provisions is amended by adding a new section as follows:

F. Off-Tract Roadway Improvements

Developers shall contribute to the cost of off-tract roadway improvements in an amount deemed necessary to mitigate traffic impacts created by traffic generated by their proposed facility. The improvement and associated costs deemed necessary are to be determined by the New Jersey Department of Transportation, County of Middlesex and the Borough of Metuchen.

3. SECTION 402-B. - Zoning Map is amended as follows:

- 1) The portion of the current R-6 Zone bounded by the Lehigh Valley Railroad, Hampton Street and Durham Avenue and the

portion of the current B-3 Zone bounded by the Lehigh Valley Railroad, Middlesex Avenue and Factory Street (Oakite Property) is redesignated as an LI - Light Industrial District overlaid with an R-6 Overlay Residential District. This rezoning affects the following lots:

Lots to be Rezoned from R-6 to LI

Block 43	Lot 3 (part)
Block 43	Lot 33 (part)
Block 69	Lot 125.07
Block 71	Lot 37 (part)

Lots to be Rezoned from B-3 to LI

Block 43	Lot 3 (part)
Block 43	Lot 33 (part)
Block 71	Lot 37 (part)

- 2) The portion of the current R-6 Zone bounded by Durham Avenue, Central Avenue, the B-3 Zone boundary adjacent to Middlesex Avenue and the Lehigh Valley Railroad is redesignated as a B-4 Restricted Business District.

This rezoning affects the following lots:

Lots to be Rezoned from R-6 to B-4

Block 82	Lots 1.01, 1.02, 2.01, 2.02, 8, 16.01, 16.02, 20, 30, 32, 34, 36, 38, 40, 43, 47, 48, 53.01 through 53.13, 60 & 63
Block 83	Lots 1 through 8, 9.01, 9.02, 10, 28 & 29

Block 83.01 Lot 34 (part)

- 3) The portion of the Gulton Tract which includes the building and associated structures/uses and immediately adjoining lands is designated as L-I overlaid with an R-5 Overlay Residential District including Block 37, Lots 6, 7.01, 7.02, 5.12 (part), 15.01 (part), 16.02 (part) and 17.01 (part), Block 42, Lots 1 - 7, and the remaining portion of the Gulton Tract is designated as R-2 Residential District overlaid with an R-5 Overlay Residential District including Block 37, Lots 1.02, 5.03, 5.05, 5.22, 13, 14, 16.03, 17.02, 20, 5.12 (part), 15.01 (part), 16.02 (part) and 17.01 (part).
 - 4) The boundaries of the F-1 Zone and R-2 Zone are amended by deleting Block 85, Lot 85 from the F-1 Zone and incorporating said lot within the R-2 Zone.
4. SECTION 402-C - Zoning Schedule of Density, Bulk and Coverage Controls is amended as follows:
- Zoning District B-4 Restricted Business District, minimum lot width at front setback line is amended to 100 (feet). Minimum lot coverage for open space is amended to 20 (%).
5. SECTION 403-A Gateway Development District, 3.c. is amended as follows:
- c. Warehouse, pursuant to Section 404-D. 24. of this Article.
6. SECTION 403-A B-4 - Restricted Business District is amended as follows:

1. Permitted Principal Uses
 - a. Personal service businesses.
 - b. Offices.
 - c. Banks and other financial institutions.
 - d. Eating and drinking establishments, except drive-thru restaurants.
 - e. Health clubs, gyms and spas.

2. Permitted Accessory Uses
 - a. Driveways, parking lots and loading areas.
 - b. Other uses deemed to be permitted accessory uses.
 - c. Plazas, courtyards, alleys and other similar type public and semi-public open spaces.

3. Permitted Conditional Uses
 - a. Planned Unit Residential Development, pursuant to Section 405-D P.U.R.D. in R-6 Residential District of this Article.
 - b. Inns and hotels on parcels of land with a minimum lot frontage of three hundred (300) feet on a minor arterial street as designated in the Borough of Metuchen Master Plan, provided that no parking lot shall be located within twenty-five (25) feet of a lot line on which there is a residential use.
 - c. New automobile dealerships, provided they are located on parcels of land with a minimum lot frontage of three hundred (300) feet on a minor arterial street as designated in the Borough of Metuchen Master Plan, and provided that they were in existence as of August 1993.
 - d. Supermarkets, pursuant to Section 404-D.16. of this Article.
 - e. Townhouses, pursuant to Section 404-D.7. of this Article.
 - f. Automobile washing establishments, pursuant to Section 404-D.8. of this Article.
 - g. Automobile repair establishments, pursuant to Section 404-D.9. of this Article.

7. SECTION 403-A - R-5 Residential District is amended by inserting the word "overlay" as follows:

R-5 Overlay Residential District

8. SECTION 403-A - R-6 Residential District is amended by

inserting the word "overlay" as follows:

R-6 Overlay Residential District

9. SECTION 403-A - Light Industrial District is amended in its entirety as follows:

LI LIGHT INDUSTRIAL DISTRICT

1. Purpose

It is the purpose of the Light Industrial District to provide sufficient space in appropriate locations for attractive office, light industrial and related uses which do not create any hazards or noise, vibrations, smoke, dust, odors, heat, glare and other objectionable influences, which would be offensive to adjoining lands.

2. Permitted Principal Uses

- a. Offices for executive, administrative, professional and business purposes.
- b. Properly certified scientific, research or testing laboratories provided that all activities and equipment are housed within the principal structure(s) and that no hazardous, noxious or offensive conditions or noise are generated outside the principal structure(s).
- c. Distribution Centers involving the handling and distribution of wholesale goods to purveyors but not for resale to the general public or individual members of "wholesale clubs."
- d. Light Industrial plants of a type which have no nuisance problems and which carry on processes within completely enclosed buildings, including the

assembly of articles of merchandise from the following previously prepared or refined materials: canvas, cellophane, cloth, cork film, felt, glass, tanned leather, paper, plastics, metals or sheet metal, textiles, wax, wire, wood and yarns.

Included are the following permitted industrial uses:

- (1) Assembly of toys, novelties, rubber or metal stamps and other molded rubber or plastic products.
- (2) Assembly of electrical appliances, electronic instruments and devices.
- (3) Establishments which produce clothing and fabricated products by cutting and sewing purchased woven or textile fabrics and related materials, such as tanned leather, rubberized fabrics, and plastics.
- (4) Establishments engaged in assembly of finished articles made entirely or mainly of wood or wood substitutes.
- (5) Assembly of furniture and fixtures.
- (6) Establishments which engage in the fabrication of paper and paperboard into converted products, such as boxes and envelopes.
- (7) Establishments engaged in printing and publishing and those establishments which perform services for the printing trade, such as bookbinding, typesetting and engraving.
- (8) Establishments engaged in the fabrication of metal products.
- (9) Establishments engaged in the assembly of instruments for measuring, testing, analyzing and controlling and their associated sensors

and accessories; photographic, medical and optical goods; watches and clocks.

- (10) Establishments engaged in the assembly of musical instruments.
 - (11) Establishments engaged in the assembly of toys and amusements, sporting and athletic goods.
 - (12) Establishments engaged in the assembly of pens, pencils and other office, and artists' materials.
 - (13) Establishments engaged in the assembly of jewelry, novelties, and buttons.
 - (14) Establishments engaged in the assembly of cash registers, typewriters, calculators, and other office machines.
- e. Planned Unit Residential Development in the R-5 Overlay Zone at a maximum permitted density of six (6) dwelling units per gross acre in accordance with Section 405-D.R-5 Residential District.
 - f. Planned Unit Residential Development in the R-6 Overlay Zone at a maximum permitted density of twelve (12) dwelling units per gross acres in accordance with Section 405-D.R-6 Residential District.

3. Permitted Accessory Uses

- a. Accessory storage within a wholly enclosed permanent building of goods and materials intended for processing on the premises.
- b. Driveways, parking lots and loading areas.
- c. Other uses deemed to be accessory uses that are normally ancillary to the permitted principal uses except that factory outlet type retail stores and sales shall not be considered an accessory use.

4. Permitted Conditional Uses

- a. Warehouse and mini-storage warehouses with individualized compartments pursuant to Section 404-D.24. of this Article.
- b. Automotive repair establishments inclusive of detailing and customizing but not including body repair or painting, pursuant to Section 404-D.9. of this Article.
- c. Machine shops pursuant to Section 404-D.13. of this Article.
- d. Arcades, amusement centers, bowling alleys, indoor tennis courts, skating rinks, handball courts, batting cages and billiard parlors, pursuant to Section 404-D.17. of this Article.
- e. Dance halls and discotheques, pursuant to Section 404-D.18. of this Article.
- f. Go-go dancing establishments and cabarets, pursuant to Section 404-D.19. of this Article.
- g. Artist's body painting studios, tattoo shops, modeling studios and massage parlors, pursuant to Section 404-D.20. of this Article.
- h. Adult book stores, adult gift shops and adult motion picture theaters, pursuant to Section 404-D.21. of this Article.

5. Prohibited Uses

- a. Residences of any type except as permitted in the R-5 and R-6 Residential Overlay Districts.
- b. Retail businesses of any type.
- c. Religious institutions and schools.
- d. Any process or storage use that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, gas fumes, noise,

vibration or similar substances or conditions is specifically prohibited.

- e. Refining, processing, distribution, transmission and storage of crude oil or refined petroleum products, or the manufacture of bottled fuel gas or any of the principal products or by-products of the petrochemical industry.
- f. Billboards and painted exterior wall signs.
- g. Trucking depots or terminals or truck maintenance facilities.
- h. Bus depots or terminals or bus maintenance facilities.
- i. Contractor's storage yards or equipment maintenance facilities.
- j. Processing, bottling, canning or manufacture of any food product.
- k. Storage tanks are specifically prohibited except when the material stored or storage of material is not the principal use of the site but only provides for an ancillary or utility function and not a process function to the principal use.
- l. The manufacture of chemicals.
- m. The manufacture of cellulose products, resins, dye stuff, glue, vegetable, animal or mineral fats or oils, explosives, combustible gases, soap and other surfactants, fertilizer, asphalt and tar products.
- n. The manufacture of cardboard, paper, paper pulp or paper products.
- o. The manufacture or production of metals and alloys in ingot form.
- p. The slaughtering, tanning, and/or processing of animals or fowl.
- q. The processing, sale, storage, auctioning, or reclamation of junk of any kind, including automobile wrecking and/or storing; recyclable

materials storage, processing or incineration.

- r. The manufacturing or refining of asphalt; blast furnaces, boiler works and forge shops; the manufacture or processing of cork, linoleum or oil cloth and glue or gelatin; the tanning of hides and skins; slaughter houses; the manufacture of paint, oils, lacquer or varnish.
- s. The manufacture or bulk storage of fire works and explosives, illuminating gas or poisonous gases.
- t. Any use involving the storage or manufacture of radioactive materials.
- u. Metal fabrication of trailers, truck bodies or other transportation equipment.
- v. Manufacture or processing of concrete or concrete products.

10. SECTION 404 - Conditional Uses is amended as follows:

D.7 Townhouses

- a. The tract shall be located in the B-4 General Business District and shall have frontage on Essex, Durham, Central or Middlesex Avenues.
- b. The tract shall have a minimum area of one (1) acre.
- c. The tract shall have a minimum lot width at the front yard setback line of one hundred twenty-five (125) feet.
- d. The tract shall be adjacent to a lot containing an existing townhouse and/or apartment use and shall have a minimum of two hundred (200) feet of side and/or rear lot lines abutting such existing adjacent use.

D.9 1. is amended to read as follows:

- 1. No such use shall be located on a lot having any of its lot lines located within five hundred (500) feet of a lot

containing a school, church, Borough operated public facility or within one hundred fifty (150) feet of any residential use or district.

D.16 Supermarkets

- a. Minimum lot size shall be five and a half (5.5) acres.
- b. Minimum lot frontage of five hundred (500) feet on a minor arterial street as designated in the Borough of Metuchen Master Plan.
- c. The maximum floor area shall be 0.25 F.A.R.
- d. There shall be a minimum of two (2) access drives provided which shall be separated by a minimum distance of one hundred twenty-five (125) feet between center lines of each.
- e. No parking lot shall be located within twenty-five (25) feet of a lot line on which there is a residential use. Parking areas shall be screened from view from all public street and residential use lot lines.
- f. One off-street loading bay, having minimum dimensions of fifteen (15) feet by forty (40) feet, shall be provided for each 10,000 square feet of gross floor area or part thereof. Access to the loading bays shall not interfere with pedestrian circulation or general vehicular circulation or parking on the site. All loading bays shall be completely screened from view from all street and lot lines.
- g. No satellite stores shall be permitted on the same parcel as a supermarket.

D. 17. is amended to read as follows:

17. Arcades, amusement centers, bowling alleys, billiard parlors, indoor tennis courts, skating rinks, handball courts, and batting cages.

- a. Not more than twenty-four (24) video games and/or pinball machines shall be located in any single establishment and there shall be a minimum of six hundred (600) square feet of floor area for such establishments.
- b. Food and beverages may be prepared and/or dispensed as an accessory use to a principal use provided the area devoted to the storage, preparation, service and consumption shall not exceed twenty-five percent (25%) of the gross floor area of the establishment and such use complies with all other applicable Borough Ordinances.
- c. Parking areas shall be provided for bicycles in addition to that parking required for automobiles in Section 410 of this Article.
- d. No such use shall be located on a lot having any of its lot lines located within five hundred (500) feet of a lot containing a school, church, Borough operated public facility, any residential use or district, or within five hundred (500) feet of a similar type use.

SECTION 404-D.24 is added as follows:

D.24. Warehouses

- a. No such use shall be located within one hundred (100) feet of a residential district or use unless there is an intervening street.
- b. All storage shall be inside structures.
- c. Warehouses shall not be used to store hazardous, toxic or corrosive substances as defined by the United States Environmental Protection Agency and/or New Jersey Department of Environmental Protection and Energy.

11. SECTION 405 - Planned Unit Residential Development (P.U.R.D.)

- C. General Requirements is amended by adding:

17. The provisions of Section 407 - Affordable Housing are complied with.

12. Validity. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

13. Adoption and Effect. This Ordinance shall be published as prescribed by law and become effective as follows:

This Ordinance shall not take effect as to those properties presently designated for inclusionary development in the Housing Element/Fair Share Plan until approval is granted by COAH to either (a) release those properties from the plan, (b) to permit those properties relief by approving Regional Contribution Agreements thereby removing the affected properties from the plan, or (c) such other relief as may be permitted by the rules and regulations or resolutions of COAH permitting the removal of the affected properties from the plan. Once approval is granted by COAH as to each affected property, this Ordinance will be immediately effective as prescribed by law for that property. All other portions of this Ordinance affecting other properties not designated for inclusionary development in the Housing Element/Fair Share Plan shall take effect immediately upon passage, approval, and publication as prescribed by law.

Introduced: *September 22, 1993*

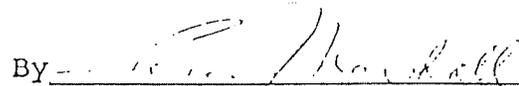
Adopted: *October 4, 1993*

ATTEST:



Alison Barrella, Borough Clerk

APPROVED:

By 

Susan Marshall, Mayor

JJL/pms
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