

2nd & FINAL READING:

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXXI, ZONING, OF AN ORDINANCE ENTITLED “AN ORDINANCE ADOPTING AND ENACTING THE REVISED GENERAL ORDINANCES OF THE CITY OF LINDEN, 1999,” PASSED NOVEMBER 23, 1999 AND APPROVED NOVEMBER 24, 1999, AND AS AMENDED AND SUPPLEMENTED

WHEREAS, in connection with the redevelopment of the General Motors manufacturing facility, the City of Linden (the “City”) established, by Ordinance No. 58-59 adopted on November 12, 2014, a new commercial zone titled the “C-1B Commercial District” zone (the “C-1B District” and sometimes alternatively identified as the C1-B district) for property identified on the City of Linden Tax Map as: Block 470, Lot 9.01 with a street address of 1200 W. Edgar Road, Linden; Block 470, Lot 9.02 with a street address of 925 Pleasant Street, Linden; Block 470, Lot 9.03 with a street address of 837 Pleasant Street, Linden; Block 470, Lot 61, with a street address of 933 Smith Street, Linden; and Block 471, Lot 7.01 with a street address of 1300 W. Edgar Road, Linden; and

WHEREAS, the City amended certain provisions of the C-1B District by Ordinance No. 60-1, adopted on February 16, 2016, Ordinance No. 66-35 adopted on May 18, 2022, and Ordinance No. 66-65 on November 22, 2022; and

WHEREAS, the City Planning Board has prepared and recommended an amendment to certain provisions of the C-1B District; and

WHEREAS, the City Planning Board found the proposed amendments to be potentially inconsistent with the City’s master plan, but deemed such amendments desirable as such changes are designed to effectuate the land use plan element; and

WHEREAS, having reviewed the Planning Board’s recommendation, the City desires to amend certain provisions of the C-1B District to further facilitate redevelopment of the Property, notwithstanding any potential inconsistency with the City’s Master Plan; and

WHEREAS, the City Council accepts the Planning Board’s findings and to the extent the proposed amendments could be considered in any way inconsistent with the City’s master plan, the City Council desires to adopt the proposed amendments to effectuate the development of an area, that has for years remained undeveloped, with uses that the City Council finds desirable to support the successful growth of the surrounding area.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINDEN:

Section 1. That Chapter XXXI, Zoning, Section 31-12 shall be and the same is hereby amended as follows:

REVISE §31-12.1 PERMITTED USES as follows:

- a. Section 31-12.1.a.11 is hereby added and reads as follows:
 11. Parking lots for the parking and storage of the following vehicles in connection with off-site commercial (including warehouse) and industrial uses, which shall be subject to those additional zoning requirements set forth in subsection 31-19.18:
 - a. Passenger vehicles; or
 - b. Delivery cars or delivery sprinter vans.

For purposes of this Section 31-12.1.a.11, a sprinter van is a van with a maximum length of 290 inches.

Section 2. That Chapter XXXI, Zoning, Section 31-19.18 shall be added and shall read as follows:

§31-19.18 PARKING LOTS.

Where parking lots are the principal use on a property, such use shall adhere to the following additional zoning regulations:

- a. Parking lots in the C-1B Commercial District may not be used for: (i) the parking or storing of commercial trucks (this does not include sprinter delivery vans); (ii) airport taxi service businesses; and (iii) car rental facilities.
- b. In the C-1B Commercial District, no vehicle may be parked or stored for longer than 90 consecutive days.
- c. The construction or alteration of any parking lot must conform to all applicable zoning regulations, including those for buffers per Section **31-22**, subject to any variance relief that may be granted pursuant to Section 40:55D-70.c of the Municipal Land Use Law, where the use is permitted as a principal permitted use.
- d. Parking lots in the C-1B Commercial District may only be used for those off-site commercial and industrial uses that are situated on a parcel, tract or area of land, used or developed as a collective or unit, that is located within 1,000 feet of the boundary of the C-1B Commercial District, provided, however, that the Planning Board may waive this distance requirement if the Planning Board determines that such use will not cause a deleterious impact on the surrounding area.
- e. In the C-1B Commercial District, delivery sprinter van parking operations shall only occur between the hours of 6AM and 10PM, provided, however, that sprinter vans may be parked overnight.

Section 3. That Chapter XXXI, Zoning, Section 31-25 shall be and the same is hereby amended as follows:

REVISE §31-25.13 SIGNS IN THE C-1B COMMERCIAL DISTRICT as follows:

- a. Section 31-25.13 shall be revised to make the existing provision Section 31-25.13.A. and to add the below as subsection "B". Section 31-25.13.B. is hereby added and reads as follows:

Section 31-25.13.B. Freestanding Ground Signs for All Other Uses.

- a. Freestanding ground signs for all uses other than Convenience Food Stores with Gasoline Sales shall be subject to the same freestanding ground sign regulations that are set forth under § **31-11.8.f.2**.
- b. A freestanding ground sign may be located on any lot within the C-1B Commercial District for a use located on another lot within the C-1B Commercial District, provided that each individual building in the C-1B Commercial District may only have one (1) freestanding ground sign within C-1B Commercial District and any lot within the C-1B Commercial District may only contain up to one (1) freestanding ground sign.

Section 4. That the Schedule of Limitations: Permitted and Accessory Uses, which is referenced in Chapter XXXI, Zoning, Section 31-4.1, shall be amended to indicate that "parking lots" is a permitted principal use in the C-1B District.

Section 5. The remaining provisions of the chapter hereby amended and supplemented shall continue in full force and effect to the same extent as if herein fully repeated.

Section 6. If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefrom.

Section 7. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 8. This ordinance shall take effect in the manner provided by law.

PASSED:

Council President

APPROVED:

ATTEST:

Mayor

City Clerk

REMOVED FROM CONSIDERATION AT HEARING

Subsection 31-4.1, District Regulations – Schedule of Limitations, Permitted and Accessory Uses¹

	R-1a	R-1b	R-2a	R-2b	ROC	R-3	OPT	C-1	C-1A	C-1B	C-2 (40)	C-2 (60)	C-2 (100)	C-2 (HD)	PCD	LI	LI-A	HI	SA-1 ²	SA-2 ²	RPZ	EDD-R	SA-R	SGA 1&2-R	Infinium-R	Bayway - R	Landfill - R	Conoco - R	Merck - R	Theater - R	United Lacquer - R	Additional Requirements			
Airports	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X															
Animal hospitals	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	P	P	P	X	X															
Apartments, upper floors	X	X	X	X	C	X	X	A	X	X	C	X	X	X	X	X	X	X	P	P													Apartments shall only be permitted on upper floors. All apartments in the ROC & C-2(40) districts are subject to Section 19.9.		
Apartments, Garden	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X													All garden apartments are subject to Section 31-19.1.		
Artist and artisan studios and workshops	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	P															
Assembly and packaging	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X															
Automobile and truck dealerships	X	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	X	X	X	X														Section 31-19.13.	
Automobile showrooms & sales lots, excluding used cars	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X															
Automotive repair stations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X														No materials may be repaired or stored outdoors.	
Aviation uses	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X															
Banks	X	X	X	X	P	X	X	P	X	P	P	P	P	P	P	X	X	X	P	X														In the ROC district, offices & retail stores shall be limited to the first floor.	
Billboards	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X														Section 31-25.10.	
Bowling alleys	X	X	X	X	X	X	X	P	X	X	X	P	P	P	X	X	X	X	P	X															
Building material wholesale and lumber supply	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	P															
Car washes	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	X	X	X															Section 19.12.
Catering and Banquet	X	X	X	X	X	X	P	P	P	X	X	P	P	P	P	X	X	P	X	X															
Cemeteries	X	X	P	P	P	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X															
Child care centers	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P															In the OPT district family day care shall be permitted in residential buildings and

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2 – See Section 31-45.

		R-1a	R-1b	R-2a	R-2b	ROC	R-3	OPT	C-1	C-1A	C-1B	C-2 (40)	C-2 (60)	C-2 (100)	C-2 (HD)	PCD	LI	LI-A	HI	SA-1 ²	SA-2 ²	RPZ	EDD-R	SA-R	SGA 1&2-R	Infinium-R	Bayway - R	Landfill - R	Conoco - R	Merck - R	Theater - R	Lacquer - R	United	Additional Requirements			
Churches and places of worship	P	P	X	X	X	X	X	P	X	X	X	P	P	P	X	X	X	X	X	P																childcare shall be permitted in commercial and mixed-use buildings.	
Clinics, assisted living facilities and nursing homes	X	X	X	X	P	P	P	P	X	X	X	P	P	P	X	X	X	X	P	X															Section 31-19.17.		
Clothing bins	X	X	X	X	X	X	X	X	A	X	X	X	A	X	X	X	X	X	X	X															Shall have minimum lot size of 60' x 100' for the first 5 patients. For each three patients or each exam room added, an additional 1,000 sq. ft. is required.		
Convenience stores	X	X	X	X	X	X	X	P	P	X	P	P	P	P	X	X	X	X	P	P															Section 31-20.26.		
Convenience stores, including gasoline sales	X	X	X	X	X	X	X	X	X	C	X	X	C	C	X	P	P	P	X	X															Section 31-19.10		
Data centers	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X																	
Data processing and communications studies establishments	X	X	X	X	X	X	X	P	X	X	X	P	P	P	X	X	X	X	P	X																	
Family day care	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X																In the OPT district family day care shall be permitted in residential blds. and childcare shall be permitted in commercial facilities.	
Federal, state and county government buildings	X	X	X	X	P	X	X	P	X	X	X	X	X	X	X	X	X	X	X	P																Section 31-19.17.	
Finance and real estate offices	X	X	X	X	P	X	X	P	X	X	P	P	P	P	P	X	X	X	P	P																In the ROC district, offices and retail stores shall be limited to the first floor.	
Fine art schools	X	X	X	X	X	X	X	P	X	X	X	P	P	P	X	X	X	X	P	X																	
Food stores	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	X	X	P	P																	
Four-family dwellings	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X																	Shall have a minimum area of 6,000 sq. ft. and a minimum rear yard of 30'.
Funeral homes	X	X	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P																Shall be a minimum of 500 feet from a church or place of worship.	
Galleries (Art)	X	X	X	X	P	X	P	P	P	X	P	P	P	P	P	X	X	X	P	P																	
Home occupation	P	P	P	P	P	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X																	Section 31-19.14.
Hospitals	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X																	Section 31-19.17.
Hotels	X	X	X	X	X	X	X	X	X	C	X	X	X	X	P	X	X	X	P	X																Section 31-19.11.	

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	R-1a	R-1b	R-2a	R-2b	ROC	R-3	OPT	C-1	C-1A	C-1B	C-2 (40)	C-2 (60)	C-2 (100)	C-2 (HD)	PCD	LI	LI-A	HI	SA-1 ²	SA-2 ²	RPZ	EDD-R	SA-R	SGA 1&2-R	Infineum-R	Bayway - R	Landfill - R	Conoco - R	Merck - R	Theater - R	United Lacquer - R	Additional Requirements			
Indoor theaters	X	X	X	X	X	X	X	P	X	X	X	X	X	P	X	X	X	X	P	X															
Industrial services uses	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X													Uses shall be setback a minimum of 1,000 feet from a residential zone boundary.		
Manufacturing, processing fabrication and assembly	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X													The use or storage of explosives as defined in the State Explosives Act or fertilizer or liquefied natural gas production or storage are strictly prohibited. No chemical or raw material processing is permitted.		
Martial arts instruction	X	X	X	X	X	X	X	P	X	X	P	P	P	P	X	X	X	X	P	X															
Medical campuses	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	P	X	X	X	X															
Motels	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X													Shall have a minimum of 50 rental units and direct access to Route 1. Section 31-19.15.		
Nonprofit clubs and lodges	X	X	C	C	X	C	X	P	X	X	X	P	P	P	X	X	X	X	P	P															
Oil offload facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X															
Offices, professional and business	X	X	X	X	P	X	P	P	X	P	P	P	P	P	P	P	P	P	P	P													In the ROC district, offices and retail stores shall be limited to the first floor. Section 31-19.18		
Parking lots	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X															
Parks and playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P															
Physical fitness studios/gyms	X	X	X	X	X	X	X	X	P	P	X	X	P	P	P	P	X	X	X	X															
Pool parlors and arcades	X	X	X	X	X	X	X	X	P	X	X	P	P	X	X	X	X	X	X	X															
Pools, private residential	A	A	A	A	A	A	X	X	X	X	X	X	X	X	X	X	X	X	X	X															
Printing and publishing establishments	X	X	X	X	X	X	X	P	X	X	P	P	P	X	P	X	X	X	X	P															
Private nonprofit and public schools	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X															
Private parking lots	X	X	X	X	P	A	A	P	A	A	P	A	A	A	A	A	A	A	A	A															
Private garages	X	X	X	X	X	X	X	P	A	A	P	A	A	A	A	A	A	A	A	P															
Public utilities	C	C	C	C	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X															
Public utility power generating stations	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X															
Recreation, commercial	X	X	X	X	X	X	X	X	P	P	X	X	P	P	P	P	X	X	X	P															

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Research laboratories	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	P	X	X	X	X	Subject to Section 31-46	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Subject to the Redevelopment Plan	Section 31-19.8.
Restaurants, including drive-ins and fast food	X	X	X	X	X	X	X	X	P	X	X	X	C	P	X	X	X	X	X	X																		In the ROC dist., offices & retail uses are limited to the first floor.
Restaurants, not including drive-ins and fast food	X	X	X	X	X	X	X	P	X	X	P	P	X	X	X	X	X	X	P	X																		New single-family homes shall not be permitted on Rt. 1. Subject to R-3 standards in the SA-2 district.
Storage yards	X	X	X	X	X	X	X	X	X	X	X	X	X	X	A	A	A	X	X	Section 31-19.7.																		
Retail sales	X	X	X	X	X	X	X	P	P	P	P	P	P	P	P	A	A	P	P	Shall comply with Taxi Licensing Ord. 4-35.																		
Retail service	X	X	X	X	P	X	X	P	P	X	P	P	P	P	P	A	A	P	P	Shall be located a minimum of 500 feet from a residential zone boundary.																		
Self storage facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X																			The construction of new two-family homes shall not be permitted on Route 1. Subject to R-3 standards in the SA-2 district.
Sidewalk cafes	X	X	X	X	X	X	X	A	A	X	A	A	A	A	A	X	X	X	A	A																		
Single-family dwellings	P	P	P	P	P	P	P	X	X	X	X	X	X	X	X	X	X	X	P	P																		Truck terminals are strictly prohibited.
Skating rinks	X	X	X	X	X	X	X	P	X	X	X	X	X	P	X	X	X	X	X	X																		As per Section 31-28
Supermarkets	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X																		
Tank farms	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X																		
Taxicab	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X																		
Theaters	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	X	P	P																		
Three-family dwellings	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X																		
Truck terminals	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X																		
Two-family semi-detached dwellings	X	X	P	P	P	P	X	X	X	X	P	X	X	X	X	X	X	X	X	P																		
Two-family dwellings	X	X	P	P	P	P	X	X	X	X	P	X	X	X	X	X	X	X	X	P																		
Warehouses and distribution centers	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X																		
Wholesale sales	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X																		
Wireless Towers	As per Section 31-28																																					
Wireless Antennas	As per Section 31-28																																					

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