

**TOWNSHIP OF EWING**

**ORDINANCE NO.: 11-17**

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES CHAPTER 215, LAND DEVELOPMENT, OF THE TOWNSHIP OF EWING TO AMEND REGULATIONS WITHIN THE RESIDENTIAL MULTIFAMILY DISTRICT

**Whereas**, the Township desires to amend its Land Development Ordinance to permit retail uses within the Residential Multifamily District.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Ewing that Chapter 215 LAND DEVELOPMENT of the Code of the Township of Ewing is hereby amended as follows:

Section 1. Chapter 215, LAND DEVELOPMENT, ARTICLE III, ZONING DISTRICTS AND MAP, Section 215-17, RM, Residential Multifamily District, of the Code of the Township of Ewing is hereby AMENDED as follows:

A. Permitted principal uses.

(1) – (4) NO CHANGE.

(5) Commercial/Retail Uses, including but not limited to those uses identified in the B-H Highway Business Zone, Large Scale Retail Stores, restaurants (including fast food restaurants with drive through) with related outdoor seating, automobile gas dispensing service stations both as a subsidiary of a Large Scale Retail Store and as a separate entity and Convenience Store, subject to the following standards:

- (a) Lots to contain Commercial/Retail Uses shall be located at their closest lot line within 1,000 feet of the interchange of Bear Tavern Road and Interstate 1-95 depicted, which parcels are identified on the attached map.
- (b) Bulk Standards for Commercial/Retail Uses in the RM District shall be as follows:
  - (i) Lot area: 5 acres minimum.
  - (ii) Lot frontage: 150 feet, minimum.
  - (iii) Front yard: 75 feet, minimum prior to dedications.
  - (iv) Side yard: 25 feet/50 feet both.
  - (v) Rear yard: 35 feet.
  - (vi) Building Height: not to exceed 50 feet, maximum, subject to the following exception that roof structures for the housing of elevators, stairways, tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, parapet walls, skylights, towers, spires, steeples, flagpoles, chimneys, towers, spires, steeples, flagpoles, chimneys, smokestacks, radio and television towers, monuments, water tanks, silos or similar structures may be erected above the height limits prescribed by this chapter, provided that such features shall not exceed 20 percent of the total roof area of the building.
  - (vii) Total land coverage: Buildings and structures, not to exceed 30%.
  - (viii) Total Impervious surface lot coverage: not to exceed 80%.

B. Permitted accessory buildings and uses.

(1) – (6) NO CHANGE.

(7) Accessory uses for Commercial/Retail Uses shall be permitted as follows:

- (a) Off-street parking facilities.
- (b) Fences, walks and hedges as regulated by ordinance.
- (c) Signs as regulated by ordinance.
- (d) Other uses and structures customarily incidental to the permitted principal use.
- (e) Accessory uses and structures and public and municipal utility facilities can be located within any setback.

E. General Requirements.

(1) NO CHANGE.

(2) Requirements for Commercial/Retail Uses:

(a) Principal buildings

(i) A lot may contain more than one principal building.

(ii) Any one principal building may contain any number and combination of permitted uses.

(iii) While subdivisions are not usually required for nonresidential development, it is recognized that a commercial project to be developed pursuant to this chapter may be of such a size or type so as to make sectionalization by subdivision and the use of different forms of ownership a practical necessity. The Township recognizes that a technical subdivision for such a project may be required for marketing or financing purposes. (1)

An application for technical subdivision approval may be submitted with an application for approval of a nonresidential site plan, or subsequent to the issuance of such an approval.

(2) An application for technical subdivision approval may be submitted with an application for approval of a site plan for a residential development providing for low- and/or moderate-income housing units as part of the Township's affordable housing plan, or subsequent to the issuance of such an approval.

(3) Such an application shall be considered as a technical subdivision and treated as a minor subdivision application without the necessity to obtain bulk variances that would technically be required, subject to the following conditions:

(a) The purpose of the application is to create a new lot for the purpose of financing or transfer of ownership within a development which is, or has been, the subject of a site plan approval.

(b) A technical subdivision may not substantially modify or otherwise adversely impact on the integrity of a previously approved development plan.

(c) A technical subdivision must not reduce, limit or modify parking or access to parking.

(d) If a technical subdivision includes the division of parking or other common areas or facilities, the subdivision shall be conditioned upon appropriate easements for parking, access, drainage and/or utilities where necessary.

(b) Parking.

(i) Parking shall be permitted within the area between the front **yard** line and the street line.

(ii) Parking is permitted within the front, side and rear yard setbacks.

(iii) All parking shall be setback 25' from a public street right of way, and 5 feet from any side or rear property line.

(iv) Minimum parking stall size shall be 9 feet by 18 feet and 24 foot aisle width throughout.

(v) Loading shall be permitted in side or rear yards only.

(vi) Four (4) parking spaces shall be provided for each 1000 square feet of **gross leasable floor area** of Commercial/Retail Use.

(vii) For each restaurant, fast food or otherwise, one (1) parking space shall be required for every two (2) seats, plus one (1) per employee.

(c) Signage.

(i) Pylon signs. One such sign for each access driveway when at least 200 feet apart, not exceeding 65 feet in height and 900 square feet in sign area per side. Signs that incorporate architectural treatment, such as columns, features and design, may be increased in area by 20% when so approved by the Board.

(ii) Monument signs. One per entrance, not to exceed 12 feet in height and 200 square feet in size.

(iii) Facade/tenant wall signs. Each Commercial/Retail Use or business within a building shall be permitted a sign equal in size to 1.5 square feet for every linear foot of store frontage, up to a maximum of 300 square feet. Signs that incorporate architectural treatment, such as columns, features and design may be increased in area by 15% when so approved by the Board.

(iv) Directional signs. Directional signs shall be permitted in accordance with the following:

(1) Access directional signs. Directional signs indicating the path of motorists and pedestrians from the access points from public streets into and out of a site. These signs are limited to four square feet in area and five feet six inches in height. Traffic directional signs, fire lane and similar signage may be provided as part of a comprehensive signage plan and included as part of the directional sign category.

(2) Internal directional signs. Directional signs indicating internal circulation on large sites with two or more separate buildings. Such directional signage may contain identification or informational messages useful to guide employees and visitors from one building to another and may be up to 18 square feet in area and eight feet in height, but must be no closer than 50 feet from the tract perimeter.

(3) The number and location of Directional Signals shall be determined by the Planning Board.

(v) Flagpoles. Each building shall be allowed a maximum of three flagpoles not to exceed 40 feet in height, which may be illuminated.

(vi) Pylon, monument and/or directional signs shall be permitted within 10 feet of a lot line.

(d) Conflicts.

The requirements for Commercial/Retail Uses provided in this section apply where Commercial/Retail Uses are listed as permitted uses in the zoning district. To the extent that the provisions set forth above differ from the requirements of the zoning district(s) otherwise applicable to the site or other requirements of this chapter, the provisions of this section shall govern.

Section 2. Chapter 215, LAND DEVELOPMENT, ARTICLE II, Definitions, Section 215-8 of the Code of the Township of Ewing is hereby AMENDED as follows:

#### **COMMERCIAL/RETAIL USES**

Any activity involving the sale of goods or services (retail, outlet, wholesale, food service, etc.) conducted for profit, including sales conducted outside the building.

#### **CONVENIENCE STORE**

A retail establishment selling primarily food products, cigarettes, auto products, household items, newspapers and magazines, candy, and beverages, a limited amount of freshly prepared foods such as sandwiches and salads for both on and off premises consumption, and which may have a related, adjacent automobile gas dispensing service station.

#### **LARGE SCALE RETAIL STORES**

A building, structure or premises with a floor area of a minimum of 75,000 square feet in which Commercial/Retail uses and services are provided, with subsidiary adjacent automobile gas dispensing service stations, and outside sales areas permitted.

Section 3. If any section or part of this Ordinance shall be declared invalid by the judgment of any court of competent jurisdiction, such section or part shall be deemed to be severable from the remainder of this Ordinance.

Section 4. This Ordinance shall take effect upon final passage and publication according to law.

STATEMENT

An Ordinance to amend the regulations of the Residential Multifamily District to include retail uses within the principal permitted uses allowed within the Residential Multifamily District subject to such uses being located with 1,000 feet of the interchange of Bear Tavern Road and Interstate 1-95.