

ORDINANCE NO. 2002

AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AMENDING AND SUPPLEMENT THE ZONING ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD BY ADOPTION OF THE MASTER PLAN AND LAND USE PLAN AMENDMENTS ADOPTED BY THE BOROUGH OF SOUTH PLAINFIELD PLANNING BOARD PURSUANT TO A RE-EXAMINATION OF THE MASTER PLAN.

WHEREAS, the Borough of South Plainfield Zoning Board of Adjustment provided Annual Reports for the years 2011 and 2012 finding, in part, that provisions in Article X of the South Plainfield Zoning Ordinance for “filling stations and public garages is outdated and needs to be updated”; and

WHEREAS, the Borough adopted Ordinance 1990 on June 28, 2013 to update the Zoning Ordinance to provide for automotive gasoline stations, automotive repair shops and automotive gasoline station Convenience Marts within the Borough pursuant to the recommendation of the Borough Planning Board; and

WHEREAS, litigation was filed by Jazzyxpress, Inc. alleging that the Ordinance Amendment was inconsistent with the Master Plan; that proper notice had not been provided concerning the adoption of said Ordinance Amendment; that the adoption of the Ordinance Amendment constituted spot zoning; and made further allegations, which litigation remains pending; and

WHEREAS, the Borough Council deemed it in the best interests of the Borough, based upon the litigation claims and advice of counsel, as well as the previous reports of the Zoning Board and the Borough Planner to authorize a reexamination of the Master Plan which was performed by Stanley Slachetka resulting in a report which was considered by the Borough Planning Board on May 13, 2014, and adopted and recommended by said Board; and

WHEREAS, the Planning Board noted it had previously considered the issue of conditional use standards for gas stations in connection with the Borough Council's adoption of Ordinance No. 1990 in June 2013, finding at that time said Ordinance to be consistent with the Master Plan, and voted to recommend approval of the aforesaid Ordinance; and

WHEREAS, the Planning Board reaffirmed its findings in that regard on or about May 13, 2014 and continues to recommend the combination of limited convenience store uses with gas stations in certain locations within the Borough as both reflective of the current market place, and as an appropriate means to promote efficiency of traffic flow; and

WHEREAS, the Planning Board concluded that the 2014 Reexamination Report of the Master Plan by Stanley Slachetka of T&M Associates accurately and completely outlines major problems and objectives relating to the land use development in the municipality and approved and recommended the 2014 Reexamination Report of the Master Plan.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey as follows:

SECTION ONE

Article II (Definitions) is hereby amended and supplemented to add the following definitions:

AUTOMOTIVE GASOLINE STATION shall mean any establishment servicing motor vehicles with fuel, but not include repairs, changing of tires, or any other replacement of essential or accessory parts. Automotive gasoline stations may service automobiles by adding oil, windshield washer fluid or similar fluids, but shall not provide any services which require bays or lifts, such as oil changes or lubrication of chassis.

AUTOMOTIVE GASOLINE STATION CONVENIENCE MART shall mean any automotive gasoline station which has on the same site a retail store selling convenience household items, such as pre-packaged food items, ice cream, baked goods, beverages, paper products and similar items geared for the use and convenience of the motorists utilizing the gasoline pumps. It is the intent that a convenience store provides convenience items to the motoring public which will generally be utilized or consumed at a separate destination and not on site, though tables and chairs may be provided for incidental use by customers upon approval by the Board with proper jurisdiction over the site plan application. The mart may also include convenience banking/ATMs, on-premises baking, a deli counter with customary deli style items such as salads, soups, cold cuts, hot and cold prepared sandwiches and foods, and similar convenience oriented offerings.

AUTOMOTIVE SERVICE STATION shall mean any establishment, whether or not serving gasoline, serving motor vehicles with vehicle maintenance not requiring extensive or prolonged mechanical work (for the purpose of this Ordinance, extensive or prolonged mechanical work shall mean work which requires a vehicle to be on the site for a period of more than 30 days) before completion. Service work offered shall be limited to oil changes; lubrication; tune-ups; minor engine or drive train repairs; installation of tires, batteries and accessories; wheel balancing and alignment; and the replacement of mechanical parts, such as hoses, spark plugs, ignition wiring, brakes, alternators, water pumps and similar parts not requiring extensive repairs. Repair facilities which provide repairs and service to any large trucks or equipment, such as semi-tractors or heavy grading equipment shall not be considered automotive service stations. Repair facilities which provide automotive body or collision repairs shall not be considered automotive service stations.

SECTION TWO

Article II (Definitions) is hereby amended to delete Definition #27, "Garage, Public".

SECTION THREE

Section 1001 (Service Stations and Public Garages) is hereby amended and supplemented to delete Section 1001, and the following inserted in its place:

Section 101

Automotive Gasoline Stations; Automotive Service Stations; and Automotive Gasoline Station Convenience Marts

A. Automotive Gasoline Stations, Automotive Service Stations, and Automotive Gasoline Station Convenience Marts shall only be permitted when authorized as a conditional use by the Planning Board in accordance with the following standards:

1. Automotive Gasoline Stations and Automotive Service Stations shall be a permitted conditional use only in the OBC-1, 2 and 3 zones.
2. Automotive Gasoline Station Convenience Marts shall be permitted as a conditional use in compliance with the following standards:
 - a. An Automotive Gasoline Station Convenience Marts shall have frontage on Durham Road or on Stelton Road;
 - b. The property boundary of the parcel to be developed or redeveloped for an Automotive Gasoline Station Convenience Marts shall be within one thousand (1,000) linear feet of the intersection of an entrance or exit ramp of the interchange of Route 287 with a County or Borough roadway.
 - c. An Automotive Gasoline Station Convenience Marts may not be located in a zone district which allows residential uses.
3. Lot Area, Frontage and Coverage Requirements

Minimum lot area, lot frontage and lot coverage shall be as follows:

	Minimum Lot Size	Minimum Lot Frontage	Maximum Bldg. Coverage
Automotive Gasoline Station	30,000 sq. ft.	150 feet	10% Bldgs.; 30% Bldg. & Canopy
Automotive Service Station	40,000 sq. ft.	200 feet	10% Bldgs.; 30% Bldg. & Canopy
Automotive Gasoline Station Convenience Marts	65,000 sq. ft.	300 feet	10% Bldgs.; 25% Bldg. & Canopy

4. Permitted Accessory Uses for Automotive Gasoline Stations and Automotive Service Stations: the retail sale of pre-packaged food, beverages and other non-automotive related items, including vending machines, is limited to a maximum floor area of two hundred (200) square feet of display area.
- B. Zoning Standards for Automotive Gasoline Station Convenience Marts. The following zoning standards shall apply to an Automotive Gasoline Station, Automotive Service Station, and Automotive Gasoline Station Convenience Marts. A variation of deviation from the zoning standards in this subsection shall be addressed by the Board of proper jurisdiction as a bulk variance.
1. Off-Street Parking.
 - a. Off-street parking for Automotive Gasoline Station Convenience Marts: Parking shall be provided onsite for the retail use at one (1) space per two hundred (200) square feet of retail space, and one (1) space for each employee on maximum shift. Pump locations are not counted as parking spaces.
 - b. Off-street parking for Automotive Service Stations: There shall be four (4) parking spaces for each repair bay, plus one (1) space for each employee on maximum shift. In addition, on-site parking shall be provided for any accessory retail use as permitted in §1001.A.4 at one (1) space per two hundred (200) square feet of retail space.
 - c. Off-street parking for Off-street parking for Automotive Gasoline Stations: There shall be one (1) parking space, plus one space for each employee on maximum shift. In addition, on-site parking shall be provided for any accessory retail use as permitted in §1001.A.4 at one (1) space per two hundred (200) square feet of retail space.
 2. Landscaping. For an Automotive Gasoline Station, Automotive Service Station, and Automotive Gasoline Station Convenience Marts site, there shall be provided a minimum five (5) foot wide curbed and landscaped area in the front yard of all site pavement areas. The width of the landscaped area shall be measured from the street property line to the interior curb. All areas of the site that are not paved or on which a building is located shall be landscaped.
 3. Outdoor Display. Outdoor display of products for sale or rental, including convenience, household, beverages and food items at a Convenience Marts shall not be permitted.
 4. Canopies. A cantilevered cover or canopy may be permitted within twenty-five (25) feet of the front property line. The canopy shall comply with the

maximum height requirement and the required minimum side are rear yard setbacks of the applicable zone district. Any kiosk located beneath a canopy shall be located no closer than fifty (50) feet from any front property line.

5. Curb Cuts and Driveways.

- a. On a corner lot, a driveway shall be at least twenty-five (25) feet from the street intersection as measured along the property line.
- b. Driveways shall be no less than twenty-five (25) feet and no more than thirty-five (35) feet wide. The driveway shall be flared or slanted at the curb line to facilitate auto ingress and egress.
- c. Curb cuts shall be no less than twenty-five (25) feet from any property line. Where County or State standards apply, the stricter standard shall prevail.
- d. Any two (2) driveways giving access to a single street shall be separated by a curbed island of at least twenty (20) feet.
- e. There shall not be more than two (2) curb cuts providing access to any one (1) street.

6. Signs.

- a. Automotive Gasoline Station and Automotive Service Stations. The requirements of Section 801 (Signs) of the Zoning Ordinance shall apply to any automotive gasoline station and any automotive service station. Canopy signs shall be permitted on up to two (2) sides of a canopy for the purpose of advertising the name of the business only, provided that the sign does not occupy more than one-quarter (1/4) of the length of the face of the canopy on which it is located and does not extend above or below the face of the canopy.
- b. Automotive Gasoline Station Convenience Marts.
 - (1) One (1) free-standing site identification sign. The maximum sign area shall not exceed eighty (80) square feet.
 - (2) The maximum height of the free-standing site identification sign shall not exceed fifteen (15) feet.
 - (3) The minimum setback of the free-standing sign from the property line shall comply with Section 901 (Signs) of the Zoning Ordinance.

- (4) The façade and building-mounted signs shall comply with Section 801 (Signs) of the Zoning Ordinance.
 - (5) Canopy signs shall be permitted on up to two (2) sides of a canopy for the purpose of advertising the name of the business only, provided that the sign does not occupy more than one-quarter (1/4) of the length of the face of the canopy on which it is located and does not extend above or below the face of the canopy.
7. Lighting. All lighting shall be so designed, arranged and installed as to reflect all light down and away from adjoining properties and streets and highways. No string of multiple lights shall be permitted. Lighting under a canopy shall be recessed and directed downward. The proposed development shall comply with all Borough lighting standards.
8. Pavement. All parking, access and driveway areas shall be paved with a permanent surface, such as concrete or macadam in accordance with zoning standards and requirements.
9. Location of Pumps. All pump islands shall be a minimum of twenty-five (25) feet from any property line.
10. All lifts, lubrication equipment, service pits and automotive-related goods for sale shall be enclosed within the principal site station building.
11. The rental or exchange of twenty (20) pound or less propane gas cylinders, such as those used for outdoor cooking appliances, is a permitted accessory use for Automotive Gasoline Stations; Automotive Service Stations; and Automotive Gasoline Station Convenience Marts subject to the following standards:
 - a. The storage area for propane gas cylinders shall be fenced and shall meet the requirements of NFPA Section 58 as interpreted by the Fire Subcode Official and the fire Official of the appropriate district. Bollards shall be installed to protect the storage cabinets, tanks and equipment from vehicular impact.
 - b. The storage area for propane gas cylinders shall comply with all minimum setback requirements of the applicable zone district.

- c. The storage area for propane gas cylinders shall be located within the front yard of any lot shall be a minimum distance of fifty (50) feet from any street right-of-way line.
 - d. Storage cabinets shall be appropriately screened with fencing, walls or vegetation. With the exception of brick or masonry walls, screening plantings and fences shall not be located closer than five (5) feet from propane cylinder storage cabinets.
 - e. Filling of propane gas cylinders from an on-site propane tank shall not be permitted.
11. Trash and Garbage. A solid waste enclosure area shall be provided for the temporary storage of trash, garbage, tires and unusable automotive parts. Except for tires, all trash shall be stored in tight containers. The enclosed area shall be so designed that the trash shall not be seen from a public street or from adjoining properties. Adequate trash receptacles shall be provided adjacent to parking areas for Automotive Gasoline Station Convenience Marts.
13. Screening. The site shall be screened by a minimum six(6) foot high solid evergreen planting or combination of solid evergreen planting and fence on all sides, except within the required front yard setback. Such screening shall not extend into the required sight triangle for any access drive.

C. Prohibited Activities and Uses.

- 1. The sale or rental of cars, trucks, trailers, boats or any other vehicles on the premises of an automotive gasoline or automotive site station shall be prohibited.
- 2. The storage of cars, trucks, trailers, boats or any other vehicles not being serviced or repaired on the premises of an automotive gasoline station or automotive site station shall be prohibited.
- 3. Storage of any vehicle requiring body work or which is inoperable because of major repairs required shall not be permitted.
- 4. The storage of inoperable vehicles classified as junk cars or those not currently registered with the State of New Jersey shall not be permitted.
- 5. Drive-thru windows shall not be permitted in an Automotive Gasoline Station Convenience Marts.

This Ordinance shall take effect upon final passage, publication in accordance with New Jersey law, and filing with the Planning Board of the County of Middlesex.