TOWNSHIP OF BORDENTOWN
ORDINANCE 2017-1
AN ORDINANCE AMENDING THE SOUTHERN GATEWAY REDEVELOPMENT AREA

WHEREAS, the Township has adopted an Ordinance creating the Southern Gateway Redevelopment Area to encourage the redevelopment and revitalization of the land areas within this Redevelopment Area; and

WHEREAS, the Redevelopment Area was designated as a Redevelopment area in order to spur redevelopment of the area by permitting uses that will encourage other retail uses to locate in the area has authorized automobile filling stations with a convenience store as a permitted conditional use, along Routes 130 and 206, in the Southern Gateway Redevelopment Area; and

WHEREAS, the Township adopted the Ordinance creating the Southern Gateway Redevelopment Area after its last Master Plan review in 2008; and

WHEREAS, the Bordentown Township Planning Board reviewed the Southern Gateway Redevelopment Area and found the Redevelopment Area to be consistent with the goals and purposes of the Township’s Master Plan; and

WHEREAS, the Township Committee finds that the proposed amendments to the Southern Gateway Redevelopment Area, to revise certain definitions, design standards and other standards in the Southern Gateway Redevelopment Area, are substantially consistent with the goals and objectives of Bordentown Township’s most recent Master Plan adopted in 2008, as it relates to the goals for planning, land use development and redevelopment, and the specific recognition in the Township’s Master Plan about the need to address changing economic circumstances; and

WHEREAS, the Township Committee further notes that Southern Gateway Redevelopment Plan as adopted, expressly permits automobile filling stations and convenience stores and further that the Township Code also provides for automobile filling stations and convenience stores; and

WHEREAS, the Township Committee finds that the proposed amendments to the definitions, design standards and other standards in the Southern Gateway Redevelopment Area are substantially consistent with the goals and objectives of Bordentown Township’s most recent Master Plan. The Master Plan recognized that there changing economic circumstances and other changes which prompted evolving standards in land use and development such that it is appropriate to recognize and incorporate new or evolving types of uses including those contemplated herein, which amendment is designed to effectuate the specific intent of the Township’s Master Plan;
WHEREAS, the Township Committee finds that the proposed amendments to definitions, design and other standards within the Southern Gateway Redevelopment Area and the definitions are consistent with Bordentown Township's adopted Code or Zoning Plan, as amended, as it relates to the designation of uses and that the proposed amendments are designed to effectuate the stated goals and the intent of the Master Plan;

WHEREAS, the Township Committee finds that the proposed amendments to definitions, design and other standards within the Southern Gateway Redevelopment Area are designed to provide greater clarity as to the definition of certain terms and of certain design standards required; and

WHEREAS, the Township Committee finds that to the extent that the proposed amendment to the Southern Gateway Redevelopment Plan, may be "inconsistent" with the precise letter of the 2008 Master Plan, it is consistent with the stated goals and the legislative intent of the Master Plan, which specifically provides for, anticipates and encourages the re-examination of the types of uses permitted and zoning requirements in Redevelopment areas such as the Southern Gateway Redevelopment Area; and

WHEREAS, to the extent that the proposed amendments to the Southern Gateway Redevelopment Area may not be consistent with the Township's most recently adopted Master Plan, the Township Committee finds that the proposed amendments are appropriate amendments to provide clarity as to design standards and will promote the goal of responding to evolving economic conditions and will further fulfill the goals, purposes and intent of the Master Plan; and

WHEREAS, the Township Committee finds that the Master Plan's recommendation to review and consider different types of uses to be permitted and zoning requirements, anticipated and envisioned additional uses, such as automobile filling stations and convenience stores (which are provided for in the Township Code) such that even to the extent that the proposed revisions may be deemed to be inconsistent with the letter of the Master Plan, the clear intent and purpose of the Master Plan is fulfilled by the proposed amendments which are made in view of changing economic circumstances and evolution of certain types of uses, such as automobile filling stations and convenience stores; and

WHEREAS, by Ordinance #2016-12, introduced on or about September 12, 2016 and adopted after second reading on or about October 18, 2016, the Township Committee enacted legislation to revise certain design standards and definitions within the Southern Gateway Redevelopment Plan affecting the Southern Gateway Redevelopment area, which Ordinance was substantially consistent with the goals and objectives of the Redevelopment designation and plan as well as with the Master Plan; and

WHEREAS, in order to ensure that the adoption of the legislation revising certain design standards and definitions for the Southern Gateway Redevelopment Plan affecting the Southern Gateway Redevelopment area is appropriate and proper, the Township Committee does hereby authorize the rescission of its prior legislation, Ordinance #2016-7 and # 2016-12 upon the effective date of this Ordinance; and
WHEREAS, the Township Committee finds that the proposed amendments to definitions, design and other standards within the Southern Gateway Redevelopment Area are substantially consistent with the goals and objectives of Bordentown Township’s adopted Master Plan and are designed to effectuate the master plan as the proposed amendments are a clarification and refinement of various uses envisioned and incorporated in the Township’s most recent Master Plan and which were included in the Southern Gateway Redevelopment Plan originally adopted, which specifically provides for automobile filling stations and convenience stores; and

WHEREAS, in adopting the proposed amendments or revisions to the Ordinance, to the extent that such revisions to the Ordinance governing the Southern Gateway Redevelopment Area may, in any fashion, be inconsistent with the Master Plan, the Township Committee is specifically exercising its legislative initiative to enact the revisions because the proposed amendments to the Ordinance governing the Southern Gateway Redevelopment Area will further the goals and intent of the Master Plan adopted in 2008 and the Township Committee is doing so as a function of its role as the Redevelopment Authority for the Township and in recognition of the evolving economic conditions, the need for adjustment to development and design standards for this Area; and for the other reasons as stated herein and as may be set forth in the record at the hearing on the proposed amendments to the Ordinance.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, as follows:

Section One. Amendment:
I. Existing Section D.3 of the Southern Gateway Redevelopment Plan, and the Gateway Commercial – South (GWC-S) Zoning District, is hereby deleted and replaced as follows:

   D. CONDITIONAL USES:
3. Automobile Filling Stations, which are defined as business establishments whose function is the storage of gasoline, diesel and other automotive fuels, motor oils and other fluids, travel aids and minor automobile accessories for the primary purpose of selling or offering for sale any such items, and which include a convenience store offering items for retail sale, such as: pre-packaged and perishable foods, made to order sandwiches and meals, beverages and meals; home care and personal care products; licensed lottery sales; periodicals, tobacco products and other tangible goods, primarily self-service by the consumer for off-site and consumption; shall be a permitted conditional use within the designated Southern Gateway Redevelopment Area.
   (1) Location and Bulk Standards
      (a) Property must front upon and be accessed by either US Route 130 or US Route 206
      (b) Minimum Lot Size is 80,000 square feet
      (c) Total building coverage including canopy and principal building shall not exceed 20% of the lot area.
   (2) Accessory Uses
      (a) Exterior accessory uses permitted.
(i) Fuel pumps dispensers, attendant stations kiosks, pump-dispenser islands and pump-dispenser island canopies;
(ii) Retail sales of motor oils and other fluids, travel aids and minor automobile accessories stored on pump-dispenser islands. Display areas are limited to one per pump-dispenser island and shall not obstruct required vehicle or pedestrian access. Display areas shall not exceed ten (10) square feet at the base and six feet (6') feet in height;
(iii) Window cleaning, hand cleaning, pressurized air and water services for vehicles; and
(iv) Propane and kerosene sales for domestic consumption;

(b) Interior accessory uses permitted, not to exceed a total Building Coverage of 10% for the principal use and accessory use(s):
(i) Convenience stores offering items for retail sale, such as pre-packaged and perishable foods, beverages and meals; home care and personal care products; licensed lottery sales; periodicals. Tobacco products and other tangible goods, primarily self-service by the consumer for off-site use and consumption;
(ii) Limited service restaurants and snack and non-alcoholic beverage bars, such as fast food restaurants and coffee and tea shops, for off-site consumption; and

(ii) Automated teller banking machines (ATMs).

(c) Expressly prohibited as accessory uses or secondary principal uses:
(i) Drive-thru services of any type;
(ii) Major service and repairs, such as engine, body, frame, painting, welding, tire changes, etc.
(iii) Minor service and repairs, such as ordinary maintenance; inspections; oil, filter and fluid changes; lubrication and incidental repair;
(iv) Outdoor vending machines, except for pressurized air service;
(v) Taxi service, and vehicle towing, storage and off-site parking;
(vi) Vehicle parts and supplies sales;
(vii) Vehicle sales, rental and leasing; and
(viii) Vehicle washing and detailing.

(3) Underground Tanks, Dispenser Islands, Canopies and Other Fixtures
(a) All gasoline, diesel and other automotive fuels shall be stored underground at least five feet (5') from any street or property line. No gasoline pump-dispenser shall be erected within twenty feet (20') of any street or property line.

(b) Canopies shall be set back at least ten feet (10') from property lines, after any required public right-of-way improvements shall be either flat or A-framed.
(i) Flat canopies: The maximum height of the canopy shall be sixteen (16) feet measured from grade, which includes the canopy band. The canopy band shall not exceed two (2) feet in width.
(ii) A-frame canopies. The minimum height of the underside of the canopy shall be fourteen (14) feet as measured from the grade to the
lowest point of the canopy. The maximum height of the canopy as measured from grade to the peak of the A-frame exterior shall be twenty-two (22) feet. No signs or bands are permitted along the eave, facia or soffit edge of an A-frame canopy.

(iii) All canopies shall be set back at least ten feet (10') from property lines, after any required public right-of-way improvements.

(c) Individual canopies shall have a maximum area of 7,500 6,000-square feet; multiple canopies shall be separated by a minimum distance of thirty feet (30').

(d) No more than twenty percent (20%) of the total lot area shall be covered by canopies.

(e) Canopies shall have a minimum bottom clearance height of fourteen feet (14') measured from grade to the underside of the canopy and a maximum top height of twenty-two feet (22').

(f) Solar panels installed on flat or slanted canopies may exceed the maximum top canopy height.

(g) Lighting for canopies shall be recessed so that the bottom of the lighting fixture is flush with the underside of the canopy, using a full-cutoff flat lense luminaire, such that no glare should be visible from the fixture. The light source (luminaire) for canopies shall not be visible from adjacent properties and roadways. The light source shall be flush with the underside of the canopy such that no glare should be visible from the fixture.

(h) Stormwater runoff from all canopies shall be channeled underground to a stormwater management facility and shall not be permitted to flow across the site.

(i) All fuel tanks shall be installed underground, except tanks less than 1,100 gallons in size used only for the storage of kerosene, and corrugated storage areas for propane gas cylinder exchange operations.

(j) Tank vents measuring ten feet (10') or greater shall be painted black, screened with evergreen plantings and/or incorporated into the building architecture.

(k) Windows. Architectural Elements or details. Windows are to be color-treated and the color(s) shall be complimentary to the overall color scheme and design of the building.

Section II. Amendment. Existing Sections D.I., D.J. and D.K. of the Southern Gateway Redevelopment Plan, and the Gateway Commercial – South (GWC-S) Zoning District, are hereby revised as follows, with additional text indicated by the underlining and deletions noted by strike-through of the deleted text:

Section D.I Site Planning Principles.

...6. The provisions set forth for site planning, design and landscaping are amended to indicate specifically that the site planning standards are guidelines; exceptions from these guidelines may be granted by the Planning Board as design waivers in approving the overall architecture and site plan for the proposed building and/or development.
8. Windows and Doors.

(g) (h). Fixed or retractable awnings are permitted at ground floor level...

i. Architectural Elements or details. Windows are to be color-treated and the color(s) shall be complimentary to the overall color scheme and design of the building.


...d. Towers are recommended on buildings located in prominent positions requiring special architectural treatment such as clock towers. Towers shall not extend more than fifteen feet (15') above the roof ridge line. Any tower structure shall be proportionate to the mass of the main structure and they shall be in character with the architectural style of the building. A tower’s floor plan shall not exceed fifteen feet (15') by fifteen feet (15').

10. The provisions set forth for building design are amended to indicate specifically that the building design standards are guidelines; exceptions from these guidelines may be granted by the Planning Board as design waivers in approving the overall architecture and site plan for the proposed building and/or development.

D. K. Landscaping.

...10. The provisions set forth for landscaping are hereby amended to provide that said provisions are guidelines; exceptions from these guidelines may be granted by the Planning Board as design waivers in approving the overall landscape design and site plan for the proposed building and/or development.

Section Two. Repealer, severability and effective date.

A. Repealer. Upon the effective date of this Ordinance, Ordinance # 2016-7 and Ordinance # 2016-12 be and hereby are repealed. In addition, any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

BORDENTOWN TOWNSHIP COMMITTEE

INTRODUCED: JANUARY 23, 2017
ADOPTED: FEBRUARY 13, 2017