

TOWNSHIP OF BORDENTOWN

ORDINANCE 2017-2

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE TOWNSHIP OF BORDENTOWN REMOVING
SERVICE STATIONS AS A CONDITIONALLY
PERMITTED USE IN THE HIGHWAY COMMERCIAL
(HC) AND COMMUNITY COMMERCIAL (CC) ZONES**

WHEREAS, the Township zoning ordinance, specifically, Section 25.408, provides for service stations as a conditional use in the Highway Commercial (HC) and Community Commercial (CC) Zones; and

WHEREAS, the 1990 Township Master Plan, which was prepared prior to the completion of the I-295 extension, described the proposed land use categories of the HC and CC Zones as:

Community Commercial areas (CC on the map) are designed to be community commercial uses such as supermarkets, other retail uses, business services and offices. Highway Commercial Uses would allow more flexibility, including shopping centers, theaters and mini-warehouse operations as conditional uses. Shopping Centers would require a minimum of 8 acres of land.

; and

WHEREAS, the 2008 Master Plan Reexamination report recommended that based on the dramatic change in the physical landscape of the Township, that a review of the land use element be undertaken, as well as review and revision of the Township's Statement of Goals and Objectives, and while such review was initiated, there has been no amendment of the Master Plan land use element; and

WHEREAS, the proliferation of service stations along the Township's highway corridors (specifically, the HC and CC Zones) limits the opportunity for the development of the type and variety of uses contemplated by the master plan and provided for in the zoning code, which other uses would benefit the Township and its residents;

WHEREAS, the Municipal Land Use Law, more particularly N.J.S.A. 40:55D-62, provides for a municipality to adopt or amend a zoning ordinance which in whole or in part is inconsistent with the land use plan element and housing plan element of its master plan; and

WHEREAS, the Township Committee recognizes that the elimination of service stations as a conditional use in its HC and CC zones is inconsistent with the existing Master plan but finds it necessary to preserve the opportunity for and to promote the development of those uses permitted in the HC and CC zones.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that Chapter 25 of the Township Code, entitled "Land Development Ordinance" be amended as follows: (additions are underlined, deletions indicated by strikethrough)

Section 1. Section 25, Land Development, of the Township Code is hereby revised as follows: (additions indicated by underline, deletions by strikethrough)

A. Section 25.202 Specific Definitions:

SERVICE STATION :

Lands and buildings providing for the sale of automotive fuel, lubricants, or automotive accessories. Maintenance and minor repairs for motor vehicles, primarily automobile, but not including trucks or vehicles with more than four wheels, may be provided, but no body repairs or painting shall be permitted. No storage of inoperable, wrecked or unregistered vehicles for more than seven days shall be permitted. Additionally, no car wash operation, car or truck rental, parking for a fee or other activity not specifically a part of the service station use shall be permitted. The term service station shall not include either a truck stop, truck repair station or a truck fuel station. The term service station shall include an automobile filling station with a convenience store.

B. Section 25.408 CC—Community Commercial; HC—Highway Commercial

A. Principal permitted uses on the land and in buildings

~~12. Service stations as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards)~~

C. Section 25.601

L. Service stations.

~~10. No more than three service stations shall be permitted within a linear mile.~~

Section 2. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 3. Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudicated by a court of competent jurisdiction to be involved or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 4. This ordinance shall take effect immediately upon adoption and publication according to law.

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