

FIRST READING: January 5, 2021

ORD. NO. #65-01

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 established, by Ordinance No. 55-58 adopted on December 20, 2011, a new commercial zone titled the “Planned Commercial Development District” zone (the “PCD District”) for property identified on the City of Linden Tax Map as Block 469, Lots 38.05 and 38.06 (formerly Lot 38.01) (the “Property”); and

WHEREAS, the City amended certain provisions of the PCD District by Ordinance No. 58-59, adopted on November 11, 2014; and

WHEREAS, the City now desires to amend certain provisions of the PCD District to further facilitate redevelopment of the Property, consistent with the City’s Master Plan; and

WHEREAS, on January 5, 2021, the City Council referred the proposed amendment herein to the City Planning Board for review and comment; and

WHEREAS, the City Planning Board has reviewed and recommended the proposed amendment herein.

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

Section 1. That Chapter XXXI, Zoning, Section 31-11 shall be and the same is hereby amended as follows:

REVISE §31-11.2 PERMITTED USES as follows:

- a. Section 31-11.2.a.9 is hereby added and reads as follows:
 - 9. Convenience food stores with gasoline sales, which shall be subject to those additional zoning requirements set forth in Section 31-19.10. Notwithstanding the foregoing, the additional zoning requirements set forth in Sections 31-19.10.b and 31-19.10.d shall not be applicable in the PCD District.

REVISE §31-11.3 OVERALL DESIGN THEME as follows:

- a. Section 31-11.3.c is hereby added and reads as follows: “Notwithstanding subsections a. and b. herein, individual lot development shall be allowed to depart from the coherent design theme to the minimum extent necessary to allow for the use of national branding elements for the business for which the lot is being developed.”

REVISE §31-11.4 AREA AND BULK REGULATIONS as follows:

- a. Section 31-11.4.b.2 *Street Frontage* is hereby modified to read as follows: “A minimum street frontage of one hundred (100) feet shall be required along a public street or a private right-of-way, easement, or common way that provides access to a public street.”

- b. Section 31-11.4.b.6 *Lot Depth* is hereby modified to read as follows: The minimum lot depth shall be one hundred fifty (150) feet. For the purposes of this section, lot depth shall be the horizontal distance between any two points along the front and rear lot lines.
- c. Section 31-11.4.c *Building Height* is hereby modified to add:
 - 10. Convenience Food Stores with Gasoline Sales. Convenience Food Stores with Gasoline Sales buildings shall not exceed one (1) story or forty (40) feet in height. Any permitted canopy or other accessory building or structure shall not exceed thirty (30) feet in height.

REVISE §31-11.6 LANDSCAPING AND SCREENING as follows:

- a. Section 31-11.6.e.2 is hereby modified to read as follows: “Outdoor trash and recycling bins, sheds, and storage areas should be located a minimum of thirty (30) feet from any street or property line and ten (10) feet from any internal property line, and shall be appropriately screened and/or landscaped, provided, however, that outdoor trash and recycling bins may be located up to 5 feet to any internal property line for tracts being developed as a commercial center.”

REVISE §31-11.7 PARKING AND LOADING as follows:

- a. The title of Section 31-11.7 shall be renamed “PARKING, LOADING AND CIRCULATION”.
- b. Section 31-11.7.d is hereby added and reads as follows: “Off-street parking and loading areas may be located up to any internal property line for tracts being developed as a commercial center where cross-access is proposed.”
- c. Section 31-11.7.e is hereby added and reads as follows: “A driveway, exclusive of curb return radii, shall be not less than 24 feet in width. A curb return radius for a driveway at its entrance to a public street shall not exceed 50 feet, unless required by the Planning Board. The maximum width of a driveway exclusive of curb return radii shall not exceed 36 feet, except at loading/refueling areas where a maximum of 60 feet is permitted.”
- d. Section 31-11.7.f is hereby added and reads as follows:
 - 1. Drive-Through.
 - (a) Side-by-side drive-through lanes or side-by-side drive-through and by-pass lanes shall be permitted without a landscaped or non-landscaped island being located between the side-by-side lanes.
 - (b) Drive-through lanes shall be not less than twelve (12) feet in width.

REVISE §31-11.8 SIGNAGE as follows:

- a. Section 31-11.8.f.1(b) is hereby modified to read as follows: “Directory signs shall not exceed two hundred fifty (250) square feet in area on any one (1) side.”
- b. Section 31-11.8.f.1(d) is hereby modified to read as follows: “A directory sign may be located on any lot within an overall tract being developed as a commercial center and may include the name of the development of the overall tract as well as the names of each business or tenant within the overall tract development.”
- c. Section 31-11.8.f.2(a) is hereby modified to read as follows: “Each individual building shall be allowed one (1) ground sign within the overall tract, to be located along a right-of-way or an internal roadway.”
- d. Section 31-11.8.f.3(a) is hereby modified to read as follows: “Use of individually-mounted letters shall be permitted on all sides of buildings facing a public street, private access driveway or internal lot line.”

- e. Section 31-11.8.f.3(d)(4) is hereby modified to read as follows: “The maximum letter height of the message area shall be forty (40) inches, except that the maximum height of upper case letters may be forth-eight (48) inches.”
- f. Section 31-11.8.f.7 *Signage for Convenience Food Stores with Gasoline Sales Use* is hereby added and reads as follows:
 - (a) *Canopy Signage.* In addition to any other permitted signage, up to three (3) signs may be affixed to canopies, including canopy support structures, provided, however, that a maximum of six (6) signs total shall be permitted on the canopies and principal building. The maximum letter height of the message area on canopies shall be twenty-four (24) inches, except that the maximum height of upper case letters may be thirty (30) inches. Canopy signs shall not exceed 25 square feet in area.
 - (b) *Freestanding Ground Sign.* In addition to the freestanding ground sign permitted by Section 31-11.8.f.2(a), a convenience food store with gasoline sales shall be allowed one (1) additional freestanding ground sign along the Route 1&9 right-of-way for the display of gas prices, provided that such signage complies with Sections 31-11.8.f.2(b), (c) and (d), and is not located within 125 feet of any other freestanding ground sign.

Section 2. That Chapter XXXI, Zoning, Section 31-27 shall be and the same is hereby amended as follows:

- a. Section 31-27.19.cc is hereby added and reads as follows: “*Convenience Food Stores with Gasoline Sales* – 1 space per 150 square feet of gross floor area of the convenience store building plus 1 space for every 4 fueling positions.”

Section 3. 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 “convenience food stores with gasoline sales” is a permitted principal use in the PCD District.

Section 4. 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 5. 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 6. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 7. This ordinance shall take effect in the manner provided by law.

PASSED:

Council President

APPROVED:

ATTEST:

Mayor

City Clerk