

**TOWNSHIP OF WANTAGE
AN ORDINANCE TO AMEND CHAPTER XIII OF THE REVISED
GENERAL ORDINANCES OF THE TOWNSHIP OF WANTAGE,
BEING THE ZONING CHAPTER**

Ordinance No. 2010-14

BE IT ORDAINED by the Township Committee of the Township of Wantage that Chapter XIII of the Revised General Ordinances of the Township of Wantage being the Zoning Chapter shall be and is amended to add a new section Planned Commercial Development Zone District as follows:

WHEREAS, the Township Committee and Land Use Board have concluded that a new approach to planning and zoning is required to manage future growth consistent with smart growth policies of the Master Plan, Sussex County Strategic Growth Plan and the New Jersey State Plan;

Section 1: Section 13-3.1 Zoning Districts. For the purpose of this chapter Wantage Township is hereby divided into use districts as follows:

<u>Symbol</u>	<u>Name</u>
PSC-B	Planned Small Community – Beemerville
PSC-C	Planned Small Community – Colesville
PSC-MC	Planned Small Community – McCoy’s Corner
RE-5	Residential Environs Residential District – 5 acre
R-2	Residential Single-family – 15,000 square feet
M-R	Multiple Family Residential
RC	Residential Commercial
NC	Neighborhood Commercial
HC	Highway Commercial
PCD	Planned Commercial Development
LI	Limited Industrial
I	Industrial
AH	Airport Hazard
ML	Mount Laurel

Section 2: Section 13-3.2a. Zoning Map-Boundaries is hereby modified:

“The boundaries of the Zone Districts described in section 13-3.1 are hereby established as shown on a map entitled “Zoning Map of the Township of Wantage” last revised July, 2006 prepared by Harold E. Pellow & Associates of Augusta New Jersey and dated July, 2007, which map accompanied and was declared to be part of this ordinance as amended from time to time by ordinance and now the attached July, 2007 revision to said map is herewith made a part of this section.”

Section 3: Section 13-9A Planned Commercial Development Zone (PCD) is hereby added:

In accordance with the Municipal Land Use Law, the Planned Commercial Development Zone is intended to permit the construction of permitted uses provided that any general development plan and/or preliminary and final site plan within the zone and any use of the property shall comply with the standards set forth in this subsection.

13-9A-1 *Purpose*. The purpose of the Route 23 Planned Commercial Development (PCD) area is to permit development of large tracts of land along Route 23 in a planned setting. A planned development will prevent an adverse impact on the community and enhance the existing uses, and permit the free flow of traffic on Route 23 to meet the State Access Management Code.

The intent of the Master Plan and Zoning Ordinance is to reinforce the concept of small community village centers in Wantage, which is consistent with the New Jersey State Development and Redevelopment Plan. The Planned Commercial Development area is intended to complement, not detract from, the commercial viability of the village center areas.

13.9A-2 *Permitted Uses*. The following uses are permitted principal uses in the PCD Zone.

- a. Office building for business, professional, executive, medical, chiropractic, insurance, real estate and administrative offices.
- b. Banks and banking offices.
- c. Commercial and retail uses.
- d. Restaurants which may include indoor dining and outdoor dining, planters and decorative fencing.
- e. Indoor theaters, indoor cinemas and indoor and outdoor recreation centers.
- f. Hotels and conference centers which may include health clubs and spas; catering facilities and restaurants open to the public but ancillary to the principal permitted use; access to all guest rooms shall be via hallways from a main lobby.
- g. Agricultural uses on five (5) acres or more. Refer to subsection 13-5.1b.
- h. Scientific, research and development laboratories.
- i. Hospitals and medical facilities, assisted living, independent living facilities and rehabilitation care facilities.
- j. Government uses
- k. Mixed uses with housing, multifamily and townhouse, and affordable housing as per the Growth Share Ordinance and affordable housing ordinances and offices, retail and commercial uses.

- l. Emergency service buildings such as firehouses and first aid and ambulance buildings.
- m. Quarrying and soil removal providing for final finished grades for permitted uses and quarrying shall be a transitional use leading to Board approved plans and uses.
- n. Day care.
- o. Drive-thru fast food.
- p. Public parking.
- q. Heliport
- r. Utilities
- s. Athletic and/or swim clubs
- t. Museum
- u. Houses of worship

13.9-A-3 *Conditional Uses*. The following uses are permitted as conditional uses in the PCD Zone:

- a. Schools and institutions.
- b. Wireless communication towers and antennae with a stealth design.

13.9-A-4 *Prohibited Uses*. The following uses are specifically prohibited in the PCD Zone:

- a. Kennels.
- b. Golf courses.
- c. Trucking terminals.
- d. Automobile, recreational vehicle, trailer and boat sales.
- e. On site dry cleaning.
- f. Gasoline stations and automobile service facilities.

13.9-A-5 *Accessory Uses*. Those uses customarily incident to the above including, but not limited to, accessory warehouse and storage buildings and accessory landscaping and nursery storage, display and sales.

13.9-A-6 *Specifically Discouraged Uses*. Any use which directly or indirectly utilizes hazardous materials as defined by NJDEP Brownfield Program.

13.9-A-7 *Required Standards*. All planned commercial developments shall meet the following minimum standards:

- a. Prior to approval of any planned development in the PCD zone, the Planning Board shall find the following:

- (1) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to N.J.S.A. 40:55D-65;
- (2) That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate;
- (3) That provisions through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
- (4) That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
- (5) In the case of a proposed development which contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

b. The development shall incorporate low-flow and water conservation devices, a beneficial reuse scheme of wastewater for any purpose that has been approved by the Township, federal and state regulatory authorities.

c. The planned commercial development shall have a minimum of at least twenty (20) acres with at least two hundred (200) feet of frontage on New Jersey State Highway Route 23 and/or access to an access road connecting the property to the adjacent properties and planned to preserve the critical environmental features as depicted in the Master Plan. There shall be no direct vehicular access from Route 23, except for existing roads and proposed new main roads or drives from a proposed roadway parallel to Route 23. There shall be a traffic light for the new access drive to Route 23 as approved by NJDOT.

d. The planned commercial development shall have a unified architectural and design scheme throughout the development consistent with the design standards of this ordinance which shall be subject to the review and approval of the Land Use Board at the time of preliminary site plan approval and consistent with the kit of parts for the site plan. The approved unified architectural and design scheme shall be complied with by the applicant and any future developers within the planned development. There shall be no substantial changes to the architectural and design scheme without the approval by the Land Use Board of the Township of Wantage. The unified architectural and design scheme shall include a unified architectural appearance on all facades of the buildings and shall provide for a common signage theme for all use on the property.

e. Signs. Signage in the planned commercial development shall be consistent with a kit of parts approved by the planning board for the site plan.

f. Minimum lot size for any one (1) building shall be 10,000 square feet, except that minimum lot size for Hotels shall be 40,000 square feet, except as may be modified by the Board.

g. In the planned commercial development, more than one (1) principal use may be permitted on the same lot or building, except for single family lots, single family townhouses, and duplex units not in mixed use areas.

h. The uses within a planned development shall provide for parking in accordance with the parking schedule. Parking for planned commercial developments shall generally be located within at least three hundred fifty (350) feet of each of the structures and uses for which the parking is provided. Some of the parking for the hospital may be further than 350 feet from the structure. Parking may be located underground and under buildings. Shared parking arrangements may be approved by the Board based upon the site plan specific parking analysis.

i. Maximum Impervious Coverage: Eighty-five (85%) percent on individual lots and seventy (70%) percent overall, except as otherwise approved by the Board. The landscape plan shall be consistent with the kit of parts for the site plan.

j. Maximum Disturbance: Since the property in the zone is approved and used for soil removal, no disturbance limit applies to this zone.

k. Landscape Plan. Any planned commercial development shall provide a landscape plan at the time of preliminary site plan approval setting forth landscape buffers between adjacent properties and the planned commercial development and within and between parking lots consistent with the design standards of the ordinance. The landscape islands within the parking lots shall be located at least every forty (40) parking spaces. The landscape plan shall provide for the initial planting of shade trees with a minimum caliper of two and one half (2 ½) inches and at least one (1) tree every twenty parking spaces within the parking area or on the perimeter of the parking area and on all property boundaries. Landscape buffers shall be coordinated between uses to screen parking lots, utility and loading areas.

l. Common Access Between Parking Lots. Any planned commercial development shall provide for the common ingress to and egress from parking lots and for common access between parking lots even if owned by separate property owners within the planned commercial development. A deed of common driveway and parking easements shall be submitted with any planned commercial development and shall be subject to the review and approval of the Land Use Board Attorney and Township Engineer. The common driveways shall be intended to limit the need for driveways to the access road and to prevent any need for driveways to Route 23.

m. Prior to the commencement construction of buildings based upon any general development plan and/or preliminary site plan approval, the applicant shall enter into a developer's agreement with the Township Committee of the Township of Wantage as authorized by the Municipal Land Use Law establishing certain minimum conditions relating to water, septic or sewer, fire protection, ingress to and egress from the proposed parallel road in the Master Plan, standards to ensure no direct ingress to and egress from

Route 23 for individual lots, timing and rate of development and construction of private and public improvements, performance guarantees for any common access ways and/or public improvements, maintenance guarantees for any common access ways or public improvements, and such other time period or statutory protection period applicable to the development, and such other standards and provisions as shall be deemed appropriate by the Governing Body of the Township of Wantage.

n. Pedestrian Walkways Between Buildings and Development Pods. All commercial buildings within a planned commercial development shall provide for safe vehicular and pedestrian ingress to and egress from parking lots and drives and building areas and shall be consistent with the design kit of parts for the site plan. In addition, a pedestrian plan shall be submitted with the application at the time of preliminary site plan application providing for pedestrian access from parking spaces devoted to particular uses to the buildings to which the parking spaces are devoted. The architectural scheme for the planned commercial development shall provide for internal pedestrian circulation within buildings and between uses within buildings and for connection between buildings and parcels. Such connections may include covered walkways and/or internal pedestrian walkways.

o. Evaluation Standards and Criteria. In order to foster the attractiveness of a site designated as a PCD, planned commercial development and the surrounding neighborhoods and thereby preserve property values, and in order to provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning and better serve the public health, safety and general welfare, the following standards and criteria shall be utilized by the Land Use Board in reviewing all site plans and subdivision plats relating to a PCD, planned commercial development. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation.

1. All PCD planned commercial developments shall provide a minimum front yard of fifteen (15) feet to any parking lots and twenty-five feet to any buildings from Route 23, which shall be a landscaped area dedicated to perpetual open space or active open space. The front yard area may include Board approved signs, detention and stormwater facilities and possible Township signs.

2. Proposed buildings shall be related harmoniously to other buildings in the vicinity that have a visual relationship to the proposed buildings.

3. The distance between buildings shall be sufficient to provide adequate light and air.

4. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement of parking areas that are safe and

convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

5. Special attention shall be given to property site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system to maximum extent practical.

6. All permanent utility lines, pipes and conduits shall be located below ground, and all other installations and appurtenances shall be adequately screened.

7. The size, location, design, color, texture, lighting and materials of all temporary and permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.

8. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

9. Adequate provision shall be made for a sewage disposal system which shall be of sufficient size, capacity and design to collect and dispose of all sewage from all present and proposed buildings in the PCD, planned commercial development and which shall be otherwise constructed and maintained in conformity with all applicable State, County and municipal regulations and requirements. However, until the sewage disposal is functional, the PCD zone may be developed on individual sewage disposal systems.

10. The planned development shall meet the requirements of this “green ordinance” of the Township of Wantage. The planned development shall employ means for achieving sustainability of the state’s natural resources. To achieve this goal, the planned commercial development will use treated effluent from the onsite wastewater treatment plant for beneficial reuse for all users as approved by the township and NJDEP. All commercial structures and properties in the PCD zone shall be connected to public sewers or the PCD onsite wastewater treatment system and beneficial reuse (purple pipe) distribution system, except individual uses may be constructed on septic systems (individual sewage disposal systems) prior to operation of the sewage treatment plant. The applicant shall enter into a developer’s agreement with the Township Committee that addresses the phasing of the development and septic and sewer timing issues.

11. Adequate provision shall be made for a storm drainage and surface water detention system which shall be of sufficient size, capacity and design to collect, carry off and dispose of all predictable surface water runoff within the

PCD, planned commercial development and which shall be otherwise constructed and maintained in conformity with all applicable State, County and municipal regulations and requirements.

12. Adequate provision shall be made for a water system which shall be of sufficient size, capacity and design to supply potable water and fire protection to each of the approved buildings within the PCD, planned commercial development or approved phase(s) and which shall be otherwise constructed and maintained in conformity with all applicable State, County and municipal regulations and requirements.

13. Adequate provision shall be made for the collection and disposal and, where possible, recycling of garbage, trash and solid waste generated by the PCD, planned commercial development, and such system shall be maintained in conformity with all applicable State, County and municipal regulations and requirements.

14. Adequate provision shall be made for a system of interior roads sufficient to accommodate predictable vehicular traffic within the PCD, planned commercial development and to ensure safe and efficient vehicular access, including access of fire-fighting equipment to and from each of the buildings within the PCD, planned commercial development.

15. In the event that PCD, planned commercial development is to be constructed in sections over a period of years, then the provisions for the sewage and garbage disposal, storm drainage and water supply and for interior roads, specified in paragraphs 9, 10, 11, 12 and 13 above, need to be adequate only in respect to the sections of development which have previously received final approval and the section of development for which final approval is being sought. The developer shall supply to the Land Use Board information disclosing such adequacy and obtain the Land Use Board's approval thereof.

16. Except as otherwise provided in this section, there shall be no minimum width or frontage, no requirement as to front, side or rear yards, and no requirement concerning the location of accessory buildings or structures for any land use in the PCD, planned commercial development. However, no plan for a PCD, planned commercial development shall be approved unless the lot widths, depths and frontages, building setbacks, percentages of lot coverage, front, side and rear yards and locations of accessory buildings or structures provided for in the site plan and subdivision plan are consistent with the public health, safety and general welfare as reviewed and approved by the Wantage Land Use Board.

17. The height of any principal building within a PCD, planned commercial development shall not exceed fifty (50) feet, except that hospitals, hotels, multi-family and conference centers may have four and one-half (4 1/2) stories and a height of a maximum of sixty (60) feet. Decorative and architectural design features such as steeples, clock towers, parapets, mansard

roofs, chimneys, cupolas, or weathervanes are excepted and exempted from the height limitations. Water tanks for the PCD development are excepted and exempt from the height limitation but shall have a “stealth” design approved by the Board.

18. No building shall be located within a distance of fifty (50) feet of any exterior boundary line of the site designated for a PCD, planned commercial development, and no such building or structure other than those excepted above shall be located within distances of fifty feet of State or County roads unless and to the extent reviewed and approved by the Land Use Board in the planned development review and approval hearing process.

19. All commercial buildings and uses shall use beneficial reuse water from the sewer treatment utility, if available, except that individual uses may be constructed with septic systems (individual sewage disposal systems) prior to the operation of the sewage treatment plant or availability of public sewers.

p. Community Design Standards. In addition to the above standards and requirements, the applicant shall comply with Ordinance section 13-13A and the kit of parts for the site plan.

SECTION 4. This ordinance shall take effect after publication and passage according to law.

TOWNSHIP OF WANTAGE

Clara Nuss, Mayor

ATTEST:

James R. Doherty, Township Clerk

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Wantage Township Committee held at the Municipal Building, State Highway 23, Wantage, New Jersey on October 7, 2010, and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Committee of the Township of Wantage to be held at the Municipal Building, State Highway 23, Wantage, New Jersey, on October 28, 2010 at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same. PLEASE TAKE FURTHER NOTICE that the Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Sussex County Planning Board and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after a public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board as required by N.J.S.A. 40:55D-16.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WANTAGE

James R. Doherty, Township Clerk