

TOWNSHIP OF MOORESTOWN

2ND AMENDED

ORDINANCE NO. 18-2008

AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN AMENDING CHAPTER 180 (ZONING) TO REVISE PROVISIONS FOR THE SPECIALLY RESTRICTED INDUSTRIAL (SRI) DISTRICT AND THE CONDITIONAL USE CHECKLIST IN CHAPTER 158 (SUBDIVISION OF LAND)

Section 1. §180-2 “Definitions” shall be amended to add the following:

ACCESSORY TRUCK TERMINAL – An accessory truck terminal is an incidental use to the primary warehouse/distribution use. Accessory truck terminal facilities are used for the loading and unloading of freight at a facility where goods are transferred or stored or pending transfer, and which may include truck dispatching, parking and minor maintenance and repair. Minor maintenance and repair includes safety checks for lights, tire pressure or fluid levels, excluding tire and fluid change and fueling. An accessory truck terminal does not include overnight accommodations for truck drivers.

EMPLOYEE CAFETERIA - A restaurant, not open to the public, in which patrons are served at, and carry food from, a counter or a serving line to tables for consumption. A cafeteria may also permit patrons to bring their own food for consumption at tables, and may include vending machines.

LIGHT INDUSTRIAL – The fabrication, assembly or processing, or the storage in bulk, of goods and materials inside of a building and able to meet the conditional use and performance standards listed in this ordinance.

HEAVY INDUSTRIAL – All industrial uses not defined as light industrial.

SELF SERVICE STORAGE – A warehouse type structure containing relatively small storage spaces usually in varying sizes which are leased or rented individually. Individuals are typically permitted to access their storage spaces directly without appointment during designated business hours. A self service storage use is also known as a mini-warehouse.

WHOLESALE – An establishment with the set purpose of selling commodities or goods in large quantities typically to a retail merchant for resale.

WAREHOUSE/DISTRIBUTION- A warehouse/distribution use includes structures, or part thereof, or areas used principally for the storage or distribution of goods and merchandise to retailers, non-residential users, or to other wholesalers. This use may include “Accessory Truck Terminals” but does not include “Truck Terminal.”

Section 2. §180-2 “Definitions” shall be amended to delete the existing definition for “truck terminal” and substitute the following in its place:

TRUCK TERMINAL – A truck terminal is a facility used primarily for the fueling, loading and unloading of trucks, where storage of cargo is incidental to the primary function of motor freight shipment, and minor maintenance and repair of these types of vehicles is performed.

Section 3. §180-68, 180-69, 180-70 A(1) through (5) and 180-70 C(3) shall be deleted in their entirety and the following shall be substituted in their place:

§180-68 Intent.

The SRI Specially Restricted Industrial District is designed to encourage office, administrative, laboratory research centers, a variety of light manufacturing and warehouse uses developed as part of a planned industrial park in a campus type theme. The SRI District is intended to encourage only those types of uses which would not constitute a hazard or a nuisance to the residents of adjacent areas and which would contribute to the continuation of appropriate development within and adjacent to the district.

§180-69. Permitted, Conditional and Prohibited Uses

A. In the SRI Specially Restricted Industrial District, the following uses, and no others, of land and buildings are permitted:

1. Municipal uses.
2. Agricultural use, for the growing and harvesting of crops, including nurseries.
3. A roadside stand for the sale of farm products, provided that such stand shall be located on a lot of at least five acres being used for the growing and harvesting of crops and shall be situated no less than 30 feet from any street line. The following restrictions shall apply:
 - (a) Minor site plan approval shall be required for such stands not in existence on September 1, 1992.
 - (b) Such stands shall not be used during the months of January, February and March.
4. An office building or offices or corporate headquarters for an administrative, executive, business, utility, professional or similar organization.
5. Gyms, health clubs and indoor sports facilities.
6. **Child care centers**

B. Accessory Uses

1. Signs
2. Outdoor storage in accordance with Performance Standards in §180-70.A.10.
3. Employee Cafeterias
4. Other uses customarily incidental to the principal use.

C. The following uses shall be permitted subject to meeting and following the conditions set forth in subsection D. and the Performance Standards in §180-70 below:

1. Scientific research or development laboratory devoted to research, design, and/or experimentation.
2. Warehouse/distribution.
3. Light manufacturing or the assembling or repairing or packaging of products.
4. Printing, publishing or engraving.
5. Light industrial uses.
6. Food processing.
7. Manufacture or preparation of pharmaceutical products and medical supplies.
8. Seasonal Warehouse Sales.

D. Conditions of Use.

1. All activities, except for vehicles and personnel entering and exiting the site shall be contained within the building.
2. No measurable vibration shall be permitted beyond the property line.
3. No tractor trailers may enter or exit the property between the hours of 10:30 pm to 6:00 am.
4. No motor vehicles shall run idle on the property, subject to NJDEP standards (NJAC 7:27-14.3 as amended) between the hours of 10:30 pm and 6:00 am each day.
5. No trucks shall operate between the hours of 10:30 pm and 6:00 am within 100 feet of a residential district boundary or residential property line.
6. No buildings, parking lots, driveways, outdoor storage and solid waste stations shall be located within 100 feet of a residential district boundary or residential property line.
7. Adequate water and sewer service must be available for the proposed use. Prior to issuance of a permit, the Department of Public Works shall review and approve the proposed use.
8. The Fire District shall review and approve the proposed use in accordance with the New Jersey Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et. seq.) and all regulations promulgated pursuant thereto.
9. The Construction Official shall review and approve the proposed use in accordance with the Uniform Construction Code (N.J.A.C. 5:23 et. seq.) and all regulations promulgated pursuant thereto.

E. The following are prohibited uses:

1. Truck terminals
2. Self Service Storage Facilities
3. Heavy Industrial Uses
4. Retail uses not including warehouse sales
5. Uses which utilizes in process any substance listed in N.J.A.C. 7:27 Appendix 1, Table 1, Toxic Air Pollutants To Be Reported in Emission Statements.
6. Uses that involve fabrication, research, experimentation or warehousing of explosives, industrial solvents, pesticides, fertilizers, insecticides,

biohazards, liquid petroleum products, or other hazardous and/or flammable chemicals as defined as having any NFPA rating of greater than one (1) in any category or process.

7. Gas stations or fueling stations.
8. Garden centers, selling landscaping equipment and tools and/or landscaping supplies, including but not limited to fertilizers, pesticides, topsoil, decorative stone or mulch.

§180-70. Area restrictions and regulations.

A. Area, Yard, Height and Other Bulk Requirements

1. Minimum lot: 120,000 square feet
2. Minimum lot frontage: 200 feet
3. Minimum lot width at the building line: 200 feet
4. Yards:
 - Front: 100 feet minimum along main thoroughfares
75 feet minimum along other streets
 - Side: 50 feet minimum each
 - Rear: 25 feet minimum
5. Impervious surface: 35% building
60% total coverage
6. No building shall exceed three stories or 45 feet in height; provided, however, that structures housing auxiliary mechanical equipment, the use of which is incidental to the permitted use, may exceed the actual building height by no more than 12 feet.

All auxiliary structures housing rooftop mechanical equipment shall be screened from ground level views with a visually impervious structure architecturally compatible with the exterior materials of the building's façade. If the required screening is not achieved by such structure, the equipment screen shall be set back a minimum of 15 feet from the vertical plane established by the façade of the uppermost floor. The total area encompassed by the mechanical equipment screening shall not exceed 45% of the total roof area.

Section 4. §180-70E "Loading and Unloading" shall be deleted in its entirety.

Section 5. §180-71 "Height Restrictions and Regulations" shall be deleted in its entirety and the following inserted in its place.

§180-71. Performance Standards

- A. The following performance standards shall be met for permitted uses, accessory uses and conditional uses:
 1. No noise greater than that provided by the New Jersey Noise Control Statutes (NJAC 7:29 et seq, as amended) shall be permitted.

2. No noxious odor shall be emitted that is detectable by the human olfactory sense at or beyond an adjacent property line.
3. Notwithstanding the provisions of 180-69E.6. above, any activity involving or resulting in the manufacture, utilization or storage of flammable, combustible and/or explosive materials, such utilization and storage shall be conducted in accordance with the regulations promulgated by the New Jersey Department of Labor, New Jersey Department of Environmental Protection and **Uniform Fire Safety Act (N.J.S.A. 52:27D-192 et. seq.) and all referenced standards therein,** whichever is more restrictive.
4. No material or wastes shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces or be allowed to enter the air or any stream, watercourse or wetland.
5. Outdoor storage shall not be stored in a manner that constitutes a fire hazard or be edible or otherwise attractive to rodents or insects.
6. All permanent outdoor solid waste receptacles shall be screened on all sides by a fence or wall no less than six feet in height. In no case shall the receptacle be visible. **Receptacles shall not be permitted closer than 15 feet to any building located on the site.**
7. Trucks and trailers used in conjunction with activities conducted on each site shall be parked only in spaces designated for same on a site plan.
8. Loading docks shall not face adjacent residential properties or streets. Loading docks shall be suitably screened from the street and residential properties or views by appropriate landscaping, evergreen trees, berm, walls, fences or combinations thereof to a height which will screen any parked vehicle.
9. No industrial or commercial building which is located within 500 feet of a residence district boundary line or residential property line shall have any continuous wall plane facing such district or property which is longer than 100 linear feet without architectural and landscaping features to vary the texture and visual appearance of the wall. The total maximum length of such wall shall be 300 feet.
10. Outdoor storage of materials and products shall not be permitted in a front yard or a side yard abutting a street, but may be permitted elsewhere on a lot if screened from the view from any point off the premises by means of a wall, planting or opaque fence no greater than 10 feet in height. The screening must be accompanied by landscaping which must include a combination of evergreen and deciduous materials designed in conjunction with the overall site landscaping plan. Materials stored within an outside storage area shall not be stacked higher than the height of the screening material. **An opening of adequate size shall be provided in order to facilitate fire-fighting operations.**

Section 6. §180-86 B(6) shall be deleted in its entirety.

Section 7. §180-107A, B, C, D, E and G shall be deleted in their entirety.

Section 8. §158 “Attachment 6 Conditional Use Checklist” shall be amended to add the following:

12. _____ For uses permitted conditionally in the Specially Restricted Industrial District, proof of compliance with §180-69.D. and §180-71.

Section 9. In all other respects, Chapters 180 and 158 shall remain in full force and effect.

Section 10. 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 11. Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid 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 12. Effective Date. This Ordinance shall take effect twenty (20) days after the first publication thereof, after final passage and in accordance with law.

Section 13. Short Title. This Ordinance shall be known as Ordinance 2nd Amended 18-2008.

CERTIFICATION

I hereby certify that 2nd Amended Ordinance No. 18-2008 was introduced and adopted on first reading by the Township Council at a meeting held on October 27, 2008. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on November 17, 2008.

<u>VOTE:</u>	
ABERANT	YES
ROCCATO	YES
BRODER	YES
SEGAL	ABSENT
ERON	YES

PATRICIA L. HUNT, RMC
Township Clerk