

O:2014-13

**ORDINANCE AMENDING THE CODE OF THE TOWN OF
PHILLIPSBURG, CHAPTER 625, ENTITLED ZONING, TO ADD THREE
NEW ZONES, TO AMEND EXISTING ZONE REQUIREMENTS AND TO
ADD ADDITIONAL ZONE REQUIREMENTS**

BE IT ORDAINED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, as follows:

Section A

Chapter 625 ENTITLED Zoning, Article III, entitled Zones, is hereby amended by amending Section 625-4 entitled Establishment of Zones, in order to create three (3) new zones as follows:

R-MF Residential Multifamily zone;
B-5 Business – South Main zone
B-6 Business – Neighborhood zone

Chapter 625 ENTITLED Zoning, Article III, entitled Zones, is hereby amended by amending Section 625-4 entitled Establishment of Zones, in order to amend the following zone as follows:

B-2 Business-General zone is hereby changed to Business-Highway

Chapter 625 ENTITLED Zoning, Article III, entitled Zones, is hereby amended by amending Section 625-5 entitled Zoning Map, as follows:

The location and boundaries of the zones shall be shown on a Zoning Map of the Town dated February 2014 which is hereby made a part of this chapter. This map, and all notations, references and designations shown thereon, shall be as much a part of this chapter as if the same were all fully described and set forth herein.

Chapter 625 ENTITLED Zoning, is hereby amended by adding a new Article X.A, Chapter 625-53.1 entitled Residential – Multifamily Zone as follows:

ARTICLE X.A: R-MF Residential Multifamily

§625-53.1. Permitted uses.

In the Residential Multifamily (R-MF) Zone, no lot shall be used and no structure shall be erected, altered or occupied for any purpose except the following:

A. All uses permitted in the Residential (R-50) Zone and subject to R-50 standards.

B. Multifamily dwellings.

§625-53.2. Permitted accessory uses.

Permitted accessory uses shall include those uses and structures customarily associated with and incidental to multifamily dwellings including but not limited to garages, parking areas, recreation facilities and community rooms for the exclusive use of residents and guests, storage and maintenance facilities, and management offices.

§625-53.3. Design requirements.

A. Density and Bulk

- (1) Tract size. The minimum tract size shall be five acres.
- (2) Density. The gross density shall not exceed 20 dwelling units per acre.
- (3) Lot coverage. Maximum lot coverage by residential buildings shall not exceed 50%, excluding common facilities such as clubhouses, gazebos, maintenance sheds, and similar structures. A minimum of 15% of the total site shall be landscaped recreation and open space area.
- (4) Building height. Garden apartments shall not exceed a height of three stories or 40 feet. Stand-alone apartment buildings shall not exceed a height of five stories or 60 feet.
- (5) Setbacks.
 - (a) Minimum setback from property boundary: 25 feet or 35 feet from an active railroad.
 - (b) Minimum distance between buildings: 1/2 of the height of the taller face of the abutting principal buildings.

B. Signs shall comply with the general requirements of Article VIII and the following:

- (1) A freestanding project identification sign not to exceed 30 square feet and a height of six feet measured from the ground line, located a minimum of 25 feet from the property line and limited to one per any street frontage or entrance. Such sign may be internally illuminated with nonglare lights or illuminated by shielded flood- or spotlights.
- (2) Building identification signs, not to exceed four square feet each, and limited to one per building face for faces fronting on either a street or parking lot.

C. Internal circulation and off-street parking.

- (1) All interior roads and off-street parking spaces shall be provided in accordance with applicable residential site improvement standards (RSIS), N.J.A.C. 5:21.
- (2) No parking shall be permitted in the required twenty-five-foot setback area when adjacent to a residential zone.
- (3) A system of walkways shall be provided throughout the development, including its common areas, for safe pedestrian movement.

D. Recreation facilities appropriate to the size of the development shall be provided for the use of the residents.

E. Buffers.

- (1) Buffering shall provide a year-round visual screen in order to ensure privacy and minimize adverse impacts from traffic, noise, glaring light, and abutting non-residential uses.
- (2) Buffering may consist of a combination of either fencing or evergreens, or combinations of materials, to achieve the stated buffering objectives.

F. Establishment of owners' association. The developer shall provide for an organization for the ownership and maintenance of any common facilities and recreation facilities, landscaped areas and internal roadways for the benefit of owners and residents of the development.

Chapter 625 ENTITLED Zoning, Article XII, entitled B-2 Business-General Zone, is hereby amended by deleting said Article XII in its entirety and replacing in its place and stead the following:

ARTICLE XII: B-2 Business –Highway Zone

§625.57. Permitted uses and activities.

Permitted uses and activities in the B-2 Business –Highway Zone shall be as follows:

- A. Uses and activities permitted in the B-1 Zone.
- B. Retail shops and service businesses.
- C. Hotels and motels.
- D. Restaurants and taverns.
- E. Parking garages and lots.
- F. Theaters, bowling alleys, skating rinks or other similar family entertainment facilities.
- G. Service stations.

§625-60. Supplemental Standards.

It is the Town's intention to provide alternatives to the strip development pattern currently found along the Route 22 corridor and to upgrade the corridor from an

economic, aesthetic and functional perspective. The following standards are to be applied to all development proposals located in the B-2 zone. Each application for development shall document how each standard is addressed.

A. General.

- (1) There shall be no outside display or storage of materials or merchandise in a required front yard area.
- (2) When a written agreement is provided by adjoining property owners, no side yard is required between properties of separate ownership where two or more commercial uses abut side to side. A series of abutting structures paralleling a public right-of-way shall provide an unobstructed passage of at least 30 feet in width at intervals of not more than 200 feet.
- (3) As viewed from the street, buildings shall have at least 50% of the front façade located as close to the street line as is allowed in the schedule of area requirements.
- (4) A required rear yard that is adjacent to a residential zone shall be no less than the rear yard requirements in the adjacent residential zone.
- (5) Abutting residential zones shall be buffered and screened in accordance with §625-12.
- (6) Whenever feasible, mass transit opportunities shall be enhanced through the incorporation of design features that accommodate bus and shuttle service such as shelters, street furniture, and pull-off lanes within reasonable proximity to major uses and destinations.
- (7) Sidewalks and appropriate landscaped areas shall be provided along the roadway edge.
- (8) Freestanding signs should be consolidated at strategic locations, complement the architectural style of the development, and avoid a cluttered appearance. Tenant directory signs should be located away from the right-of-way. Facade signs should complement and not interfere with, be out of proportion with, or cover over a building's architectural details.

B. Parking and circulation.

- (1) Safe and attractive pedestrian circulation systems shall be provided within each development with linkages to surrounding developments and neighborhoods.
- (2) Parking lots shall be located behind or next to buildings, so that the buildings can be closer to the roadway, be more visible and be more accessible to pedestrians.
- (3) Surface parking lots shall be extensively landscaped to provide visual relief from large expanses of parking, to guide circulation and to minimize impervious coverage.
- (4) Shared parking arrangements among adjacent properties not under common ownership may be permitted if the owners demonstrate that the supply of parking spaces will be adequate to service the aggregate demand of the uses sharing the parking based on such factors as alternating peak hours; and that the

shared arrangement will allow a reduction in impervious coverage of the site below the maximum permitted in the zone and will provide a more efficient circulation pattern including a reduction in curb cuts and access points on Route 22.

- (5) No parking space shall be closer than 10 feet to any building to allow for pedestrian circulation to and between stores.
- (6) In no case shall the number of parking spaces exceed the minimum requirements by more than 5%.

Chapter 625 ENTITLED Zoning, Article XIV, entitled B-4 Business – Central Business District Zone, is hereby amended by deleting said Article XIV in its entirety and replacing in its place and stead the following:

ARTICLE XIV: B-4 Business – Central Business District Zone

§625-66 Permitted uses and activities.

Permitted uses and activities in the B-4 Business – Central Business District Zone shall be as follows:

- A. Retail shops & personal services
- B. Hotels
- C. Restaurants
- D. Taverns
- E. Brewpubs
- F. Offices
- G. Cultural & educational facilities
- H. Studios
- I. Churches
- J. Public buildings
- K. Medical and dental clinics/labs
- L. Small business
- M. Residential above business
- N. Office above business
- O. Business services
- P. Theater

§625-68. Conditional uses.

Permitted conditional uses in the B-4 Business – Central Business District Zone shall be as follows:

- A. Non-profit clubs and fraternal organizations
- B. Residential infill where more than 50% of the tax parcels in the same blockfront is currently occupied by residential uses; and then subject to the standards for residential uses in the Residential (R-50) Zone.

Chapter 625 ENTITLED Zoning, is hereby amended by adding a new Article XIV.A, Chapter 625-69.1 entitled B-5 Business – South Main Zone as follows:

ARTICLE XIV.A: B-5 Business – South Main Zone

§625-69.1. Permitted uses and activities.

Permitted uses and activities in the B-5 Business – South Main Zone shall be as follows:

- A. Retail shops & personal services
- B. Hotels
- C. Restaurants
- D. Taverns
- E. Brewpubs
- F. Offices
- G. Cultural & educational facilities
- H. Studios
- I. Churches
- J. Public buildings
- K. Medical and dental clinics/labs
- L. Small business
- M. Residential above business
- N. Office above business
- O. Business services
- P. Theater
- Q. Planned Adult Community (PAC) overlay, restricted to Block 2806 bounded by Main Street, Carpentersville Road, the railroad rights-of-way and Pohatcong Township and subject to the standards in §625-69.2.

§625-69.2. Planned adult community overlay.

(Note: The PAC Overlay, formerly §625-60, has been transferred here in its entirety with no changes to the original text.)

§625-69.3. Accessory uses.

Uses customarily associated with and incidental to a permitted principal use shall be permitted as an accessory use in the B-5 Business – South Main Zone.

§625-69.4. Conditional uses.

Permitted conditional uses in the B-5 Business – South Main Zone shall be as follows:

- A. Non-profit clubs and fraternal organizations

- B. Residential infill subject to the standards in §625-68.B.
- C. Bowling alley
- D. Skating rink
- E. Light manufacturing
- F. Wholesale trades
- G. Construction/contracting business

Chapter 625 ENTITLED Zoning, is hereby amended by adding a new Article XIV.B, Chapter 625-69.5 entitled B-6 Business – Neighborhood as follows:

ARTICLE XIV.B: B-6 Business – Neighborhood

§625-69.5. Permitted uses and activities.

Permitted uses and activities in the B-6 Business – Neighborhood Zone shall be as follows:

- A. Retail shops and personal services
- B. Banks
- C. Professional offices
- D. Restaurants
- E. Food stores
- F. Cultural & educational facilities
- G. Public buildings
- H. Non-profit clubs and fraternal organizations
- I. Churches and similar places of worship

§625-69.6. Accessory uses.

Uses customarily associated with and incidental to a permitted principal use shall be permitted as an accessory use in the B-6 Business – Neighborhood Zone.

Chapter 625 ENTITLED Zoning, Article XV:, entitled I-1 Industrial – Light Zone, is hereby amended by adding a new Section 625-72.1 entitled Conditional Uses, as follows

§625.72.1. Conditional Uses.

- A. Townhouses and accessory structures or uses customarily incidental to the townhouses shall be permitted as a conditional use in the I-1 Industrial – Light Zone on Block 2007 and Block 2101 subject to the following standards:
 - (1) Townhouse development shall complement the surrounding residential neighborhoods, the Riverfront Heritage trail system, and the Town’s overall riverfront revitalization effort. It should provide a transition from the high-density multi-family development along the river to the single-family

neighborhood along Mercer Street and enhance the entrance to Delaware River Park.

- (2) No rear walls of any buildings shall face a public street.
- (3) Townhouse developments shall include a rear alley to provide access to garages and additional parking as well as for deliveries and garbage pickup. The alley is to be designed to discourage through traffic, accommodate safe pedestrian circulation and minimize paved areas.
- (4) Parking is prohibited in the front yard and shall be appropriately screened from the railroad right-of-way rail-trail.
- (5) Accessory structures and uses are prohibited in the front and side yards and shall be otherwise located to provide convenient access, to maintain safe pedestrian and vehicular circulation on site, and so as not to have a detrimental impact on adjacent properties.
- (6) Townhouse developments shall adhere to the following area, lot and bulk requirements:
 - (a) Minimum Tract Area – 2 acres
 - (b) Individual Lots:
 - i. Minimum Lot Area – 3,000 square feet
 - ii. Minimum Lot Width – 30 feet
 - iii. Minimum Corner Lot Width – 35 feet
 - (c) Minimum Front Yard – 15 feet
 - (d) Minimum Side Yard – 0 feet interior; 15 feet on corners
 - (e) Minimum Rear Yard – 45 feet
 - (f) Maximum Density – 20 units/acre
 - (g) Maximum Height – 3 stories or 35 feet
 - (h) Maximum Impervious Coverage – 65%

Chapter 625 ENTITLED Zoning, Article XVII:, entitled Minimum and Maximum Requirements, is hereby amended to incorporate the revised Schedule of Area, Lot and Bulk Requirements dated February 10, 2014.

Chapter 625 ENTITLED Zoning, Article XX:, entitled Miscellaneous Provisions, is hereby amended by adding a new Section 625-99 entitled Redevelopment Areas, as follows:

§625-99. Redevelopment Areas

All redevelopment areas in the Town of Phillipsburg shall be subject to the requirements of the redevelopment plan adopted for that area by the Phillipsburg Town Council.

Section B

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

Section C.

If any section, subsection, paragraph, phrase or sentence of this ordinance is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

Section D.

This ordinance shall take effect immediately upon final publication as provided by law.

CERTIFICATION

I, Victoria L. Kleiner, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council of the Town of Phillipsburg at their _____, 2014 Meeting.

Victoria L. Kleiner, Acting Municipal Clerk