

**TOWNSHIP OF CRANBURY
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

ORDINANCE # 03-13-10

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY, FURTHER REVISING CHAPTER 150, “LAND DEVELOPMENT,” OF THE CODE OF THE TOWNSHIP OF CRANBURY BY ADDING THERETO A DEFINITION OF “SUPERMARKET” AND BY AMENDING THE CONDITIONAL USE STANDARDS APPLICABLE TO CONVENIENCE STORES AND FUEL SERVICE STATIONS IN THE GENERAL COMMERCIAL (GC) ZONING DISTRICT

WHEREAS, on February 21, 2013, the Cranbury Township Planning Board adopted an amendment to the Land Use Plan Element of the Cranbury Township 2010 Master Plan; and

WHEREAS, the purpose of the amendment is “to reexamine the permitted uses and development standards of the non-residential zones along the Route 130 Corridor in Cranbury Township, and to recommend changes that will spur new development and redevelopment that will promote the purposes of the Cranbury Master Plan and the Municipal Land Use Law”; and

WHEREAS, the amendment *inter alia* recommends changes to the Highway Commercial (HC) and General Commercial (GC) zoning districts to spur new development or redevelopment within those zones, including by adding convenience stores and fuel service stations as conditionally permitted uses in the General Commercial (GC) Zoning District; and

WHEREAS, on February 25, 2013, the Cranbury Township Committee introduced on first reading Ordinance No. 02-13-08, which makes various revisions to Cranbury Township (“Township”)’s Land Development Ordinance (Chapter 150 of the Township Code)(“LDO”) to implement the recommendations set forth in the above-referenced master plan amendments; and

WHEREAS, following Ordinance 02-13-08’s introduction, it was referred to the Cranbury Township Planning Board (“Board”) for review pursuant to the provisions of the Municipal Land Use Law (“MLUL”) at *N.J.S.A. 40:55D-26*; and

WHEREAS, the Board undertook this review at a special meeting held on March 13, 2013; and

WHEREAS, the Board found Ordinance 02-13-08 to be consistent with the Cranbury Township Master Plan and endorsed its adoption, but *inter alia* recommended that as part of any future amendments to the Land Development Ordinance, a definition of the term “supermarket” be added to the LDO; and

WHEREAS, it has also become apparent that certain of Ordinance 02-13-08's conditional use standards applicable to convenience stores and fuel service stations in the GC district require modifications; and

WEHREAS, the Township Committee finds that it is in the best interests of the public to amend the LDO to add a definition of "supermarket" as recommended by the Board and to revise Ordinance 02-13-08's conditional use standards applicable to convenience stores and fuel service stations;

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, as follows:

Section 1. Definitions Amended. Section 150-7, "Definitions," in Chapter 150, "Land Development", of the Code of the Township of Cranbury ("Code") is hereby amended by adding thereto the following new definition:

SUPERMARKET — A retail establishment with 40,000square feet of gross floor area or more selling primarily food as well as other convenience and household goods, including the sale of fresh produce, prepared and pre-prepared foods for on- or off-site consumption, baked goods, cheese, meat, groceries, beer, wine, liquor, household items, flowers, gifts, cosmetics and pharmaceutical goods.

Section 2. Conditional Use Standards Applicable to Convenience Stores and Fuel Service Stations in General Commercial (GC) District Amended. Subsection 150-21C of the Code, which was amended by Ordinance #02-13-08 adopted on March 26, 2013, is hereby further amended by revising certain of the conditional use standards applicable convenience stores and fuel service stations in the General Commercial (GC) Zoning District, to read as follows (additions are underlined; deletions are in [brackets]):

C. Conditionally permitted uses.

- (1) Fuel service stations and convenience stores, subject to the following standards:
 - (a) No fuel pump shall be located less than 35 feet from [the] any [street] public right-of-way or [other] property line.
 - (b) At least two driveways shall be provided, at least 18 feet wide and no more than [25] 30 feet wide, and located not less than 20 feet from any adjoining property or corner of an intersecting public street. Such driveways shall be separated by a distance of at least 100 feet measured from the centerline of each driveway. No more than two curb cuts

may be permitted per street frontage, and no more than three curb cuts on corner lots.

- (c) No servicing, repair, auto body work, automobile sales, towing or any other automobile-related activities shall be permitted except for the sale of automobile accessories such as oil or window washer fluid and the provision of one or more air pumps.
- (d) [No automobiles or trucks or commercial vehicles shall be parked overnight on the premises.] No overnight parking shall be permitted.
- (e) A canopy may be provided over the fuel service area, but such canopy shall not contain any signage[,] or logo, [or] and may only be painted in a solid color with non-fluorescent paint [bright or garish colors, nor shall the face of the canopy be illuminated].
- (f) Canopy illumination, if any, shall be limited to recessed lights installed underneath the canopy. Any such lights shall be directed downward and shall employ cut-off shields to minimize glare, nuisance to adjacent property owners, and sky glow. [Lighting below the canopy shall not exceed 10.0 foot candles in any location] Average light levels underneath the canopy shall not exceed 20 footcandles nor shall any light levels at the property line exceed 0.1 footcandles.
- (g) For a fuel service station, only one freestanding sign shall be permitted, which may include price information, and shall not exceed 60 square feet in area or [,be higher than] 20 feet in height, and shall not be located [no] closer than 20 feet from any [the] public right-of-way. If the site has frontage on a second public street, a second freestanding sign may be added, subject to the same dimensional limitations and setback requirements [permitted, but shall not be located within 100 feet of any intersecting streets, measured at the property line].

- (h) One wall sign on any convenience store or accessory fuel service station building shall be permitted per street frontage, and shall not exceed 40 square feet in area[, nor shall such sign be internally illuminated].
- (i) No storage or display of any kind shall be permitted outdoors.
- (j) A curbed, landscaped area, at least 15 feet in width, shall be installed and maintained and shall extend [across] along all front, side and rear property lines.
- (k) [In addition to the fuel service station, additional o] Off-street parking for fuel service stations shall be provided at a ratio of one space for each two pumps and a minimum of 4 spaces. This shall be in addition to the parking that may be required for a convenience store pursuant to subsection (m) below, if the fuel service station is located on the same property as the convenience store.
- (l) No convenience store shall exceed one story or 35 feet or have a floor area which exceeds 6,000 square feet.
- (m) Off-street [P]parking for the convenience store shall be provided at a ratio of one space for each 150 square feet of floor area. This shall be in addition to the parking that may be required for a fuel service station pursuant to subsection (k) above, if the convenience store is located on the same property as the fuel service station.
- (n) One truck loading space [of no less than] at least 10 feet wide by 50 feet long with a height clearance of 14 feet shall be provided for the convenience store and shall be located to the rear of the store. To the extent necessary to block views of the loading area from the street, a fence, wall, plantings or a combination thereof shall be provided to shield views of such loading space.

- (o) A standalone convenience store may have a freestanding sign of the same dimensions, height and location as that permitted by a fuel service station. However, if both uses are located on the same property, the convenience store may have a second such freestanding sign, provided the total area of the two signs does not exceed 100 square feet.

Section 3. Severability. If any section or subsection of this ordinance is adjudged invalid by a court of competent jurisdiction, such adjudication shall apply only to the specific section(s) or subsection(s) so adjudged and the remainder of the ordinance shall be deemed valid.

Section 4. Effective date. This ordinance will take effect upon its passage and publication and upon the filing of a copy of said ordinance with the Middlesex County Planning Board, as required by law.

The ordinance published herewith was originally introduced and passed upon first reading at a meeting of the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, held on March 26, 2013. The ordinance will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the meeting room of Town Hall, 23A North Main Street, in the Township of Cranbury on April 8, 2013 at 7 p.m., and during the week prior and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

Kathleen R. Cunningham, RMC, Clerk