

Referred to the Planning  
Board on 5/27/15

THE TOWNSHIP OF EWING  
COUNTY OF MERCER, NEW JERSEY

ORDINANCE NO. 15-17

1st Reading 5-26-15

Date to Mayor \_\_\_\_\_

2nd Reading &  
Public Hearing \_\_\_\_\_

Date Returned \_\_\_\_\_

Date Adopted:  
\_\_\_\_\_

Date Resubmitted to Council \_\_\_\_\_

Effective Date:  
\_\_\_\_\_

Approved as to Form of Legality  
\_\_\_\_\_

Township Attorney  
\_\_\_\_\_

ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF  
MERCER, AMENDING ZONING WITHIN THE TOWNSHIP

First Reading						
MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter	X					
Schroth	X					X
Steward	X					
Wollert	X				X	
Keyes-Maloney	X					

Second Reading						
MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter						
Schroth						
Steward						
Wollert						
Keyes-Maloney						

By \_\_\_\_\_

Date \_\_\_\_\_

Accepted \_\_\_\_\_

Rejected \_\_\_\_\_

Mayor

Reconsidered

By Council \_\_\_\_\_

Override Vote YEA \_\_\_\_\_

NAY \_\_\_\_\_

\_\_\_\_\_

President of the Council

\_\_\_\_\_

Municipal Clerk

**TOWNSHIP OF EWING  
ORDINANCE NO. 15-17**

**ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF  
MERCER, AMENDING ZONING WITHIN THE TOWNSHIP**

*“Interpretive Statement”*

*This ordinance will amend Chapter 215, Article II, Section 215-8 of the Township Code, entitled “Definitions” of the Land Development Ordinance, and to add to Chapter 215, Article II, Section 215-31 “TC - Town Center Zone”, and to amend Chapter 215, Article II, Section 215-35 “Conditional Uses”, and to amend the Official Zoning Map.*

**WHEREAS**, the Mayor and Council of the Township of Ewing wish to implement the Township’s Master Plan through updating the Township’s Land Development Ordinance; and

**WHEREAS**, the Mayor and Council of the Township of Ewing wish to enhance and create a sense of place that encourages economic vitality and community activity through well-designed land development that is consistent with established and planned land use patterns and preserves the community's suburban and urban landscapes alike, which make Ewing Township a unique and desirable place to both live and work; and,

**WHEREAS**, the Township’s Master Plan and subsequent Reexamination Reports identify the need to implement the recommendations for a town center for the former General Motors and Naval Warfare sites through redevelopment and zoning; and

**WHEREAS**, the Township’s Master Plan and subsequent Reexamination Reports identify the need to analyze existing land use patterns and underlying zoning and make recommendations for changes where incongruous land uses directly abut one another; and

**WHEREAS**, the Township’s Master Plan and subsequent Reexamination Reports identify the need to Ensure that any redevelopment efforts in the West Trenton area are inextricably linked to and consider pedestrian, vehicular, bicycle and mass transit circulation patterns; and,

**WHEREAS**, amending the Township’s Land Development Ordinances to be consistent with its Master Plan is within the purpose and intent of the Municipal Land Use Law, N.J.S.A. 40:55D- et.seq, and;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Township of Ewing, County of Mercer, State of New Jersey, as follows:

1. Chapter 215, Article II, Section 215-8 of the Township Code, entitled “Definitions” of the Land Development Ordinance, is amended as follows:

**Definitions - ADD**

**Multipurpose Fueling Stations** – An establishment that includes gasoline, CNG and low flow Diesel sales, but not service repairs for automobiles with “Convenience Retail Establishment” includes on premise.

**Convenience Retail Establishment** – 1) Typically between 2,500 and 6,000 SF; 2) Have off-street parking and/or convenient pedestrian access; 3) Extended hours of operation with many open 24 hours, seven days a week; 4) Stock at least 500 stock keeping units (SKU s); and 5) Product mix includes grocery type items, and also includes items from the following groups: beverages, snacks (including confectionery), and tobacco.

**Gasoline Service Station** – An establishment that may include gasoline, CNG and low flow Diesel sales, service repairs for automobiles but no “Convenience Retail Establishment” included on premise, although limited sales of tobacco products, quarts of oil, or other auto-related fluids may be offered.

2. Chapter 215, Article II, Section 215-31 of the Township Code, is added with the following additions:

TC - Town Center Zone.

A. Permitted principal uses.

- (1.) Restaurant, bar or other similar establishment serving food or beverages.
- (2.) Professional Office in accordance with the Principal and Accessory Use regulations of the PRO- Professional Research Office Zone
- (3.) Retail goods and services in accordance with the Principal and Accessory Use regulations of the BN- Neighborhood Business Zone ([with exception to single-family housing](#))
- (4.) Office in accordance with the Principal and Accessory Use regulations of the OP3- Office Park – 3 Zone
- (5.) Hotels
- (6.) Combination of two or more compatible uses permitted within one unit.
- (7.) Existing Gasoline Service Stations

B. Permitted accessory buildings and uses.

- (1) Off-street parking facilities, including garages and charging stations.
- (2) Fences, walls and hedges as regulated by § 215-63.
- (3) Signs as regulated by ordinance.
- (4) Satellite communications dish receiving antennas, provided the dish antenna does not exceed 15 feet in diameter; is not located in a front yard; conforms to the rear and side yard requirements for a principal building; and does not exceed 17 feet in height. Microwave transmission antennas or facilities are not permitted as an accessory use.
- (5) Other uses customarily incidental to the permitted principal use.

C. Conditional uses.

- (1) Residential Mixed-use
- (2) Expansion and Retrofitting of Existing Shopping Centers
- (3) Multipurpose Fueling Stations / Convenience Stores

D. Bulk requirements.

- (1.) Principal building.
  - (a.) Lot area, corner lot: 22,500 square feet, minimum.
  - (b.) Lot area, interior lot: 20,000 square feet, minimum.
  - (c.) Lot width, corner lot: 150 feet, minimum.
  - (d.) Lot width, interior lot: 100 feet, minimum.
  - (e.) Front yard: 15 feet minimum; 85 feet, maximum. [All street frontages shall be considered a front yard.](#)
  - (f.) Side yard, each: 12 feet, minimum.
  - (g.) Rear yard: 12 feet, minimum.
  - (h.) Height: Unless additional regulations are imposed by the FAA; (*See also E.(12). Below*).
    - i. Stand alone Retail, Restaurants: One and one-half stories (1 ½) 20' Minimum.
    - ii. Mixed-Use; Retail, Residential, Office: Two and one-half stories (2 ½) Minimum. Five (5) story maximum (~75') with exception to special architectural considerations which may reach six (6) stories, but for no more that 25% of a typical block area (generally 200' x 400'). Varied heights within the block's design is mandatory.
      - a) Minimum heights along Parkway Avenue shall be one-and-one-half (1- ½ ) stories with three (3) stories being the ideal at points of key visual interest.
      - b) All heights above three (3) stories, unless otherwise specified in each Zoning District Sections, are encouraged to use design techniques that enhance a small town appeal, such as Stepbacks or architectural widths greater that 140' wide
      - c) The following shall be considered roof appurtenances and may penetrate the maximum height limit by no more than twenty-five (25) feet so long

as, in the aggregate, the appurtenances do not occupy more than 10% of the topmost roof:

- i. Chimneys and flues
  - ii. Elevator or stair bulkheads, water tanks and mechanical equipment (such as air conditioning condensers)
  - iii. Parapets, cornices and other decorative architectural elements will not count toward roof coverage so long as they are not higher than five feet above the roof slab.
- d) The Zoning Board, may modify the height regulations set forth in this Section for any development pursuant to the requirements and limitations of the MLUL in the course of site plan review. As a condition for such modification, the Board shall find that;
- i. The design standards of the Zone are met.
  - ii. The project is providing additional or improving existing open space or public gathering spaces,
  - iii. The modified proposal provides adequate access of light and air to surrounding streets and properties.
- e) The Board may also prescribe appropriate conditions and safeguards to protect and minimize any adverse effects on the surrounding community.

(2.) Accessory building.

- (a.) Distance to side lot line: five feet, minimum.
- (b.) Distance to rear lot line: five feet, minimum.
- (c.) Height: one story, not to exceed; 15 feet, maximum.

(3.) Lot coverage.

- (a.) Total impervious surface lot coverage shall not exceed 75%.

E. General requirements.

(1) All buildings and uses shall be served by public water and sewage.

(2) Separation of parking from public streets. Along each street line, as defined, bounding the district an additional minimum of seven-feet (7') of landscaped strip shall be provided for the first row of parking proposed; ten feet (10') for two rows. An additional five-feet (5') for each row of parking proposed in addition to the first two rows will also be required. Such strip shall suitably landscaped to work with and in addition to the requirements of the streetscape requirements, and access-ways. The landscaped strip shall be separated from the parking area by continuous concrete curbing except at access-ways designed for pedestrian access to the public right-of-way.

(3) Screening or buffer strip. Along each side and rear property line which adjoins a residential district in the Township or a similar district in an adjoining municipality, a screen or buffer planting strip shall be provided consisting of massed evergreens and shrubs of such species and size as will produce an effective screen at time of planting. The screen or buffer strip shall be landscaped in accordance with a plan acceptable to the Planning Board. The width of the planted screen shall be a minimum of 25 feet, and it shall be the responsibility of the applicant to carry out this program and to promote such maintenance and care as is required to obtain the effect intended by the original plan.

(4) Landscaping. Those portions of all yards not used for parking, loading, circulation, unloading and service shall be planted and maintained at all times. Design shall be in accordance with the Township's Landscape ordinance.

(5) Entrances and exits. All entrances and exits upon a public street shall not be located within 100 feet of any major street intersection (County Routes) and 50 feet from any local street; the distance is to be measured from the intersection of the right-of-way lines at the corner affected and the closest point of such proposed driveway. No entrance or exit, at the curblin only, shall be closer than five feet from a side lot line. Entrance and exit sizes, locations and construction shall also be in accordance with requirements of the governmental agency having jurisdiction over the facility upon which the permitted use has frontage.

(6) Loading docks and service areas. No loading dock or service area may be on any street frontage. Provision for handling all freight shall be on those sides of any buildings which do not face any street or proposed streets.

(7) Outdoor storage areas. No use or accessory use shall be constructed to permit the keeping of articles, equipment, goods or materials in the open, exposed to public view, adjacent residences or a residential district. When necessary to store or keep such materials in the open, the area shall be fenced with a screen or buffer planting strip and be situated along a public street and not closer than 50 feet from a residential district line.

(8) Child-care center. Where a child-care center is developed within a nonresidential building, the floor area occupied by the center shall not be included in the calculation of permitted density of development or in the calculation of any parking requirement for that building or lot.

(9) Innovative stormwater treatment and storage is encouraged. Although above ground detention discouraged and not permitted along any street frontage, such above ground facility may be located along secondary streets so long as they are landscaped appropriately as bioretention facilitates or public spaces. All detention plans must be submitted as part of the projects comprehensive Landscape Plan submitted to the Board for approval.

(10) Development shall provide convenient linkages between existing mass transportation transfer points and pick-up points that are within a five minute walking distance from all residential units, or 1,500 feet. Bus facilities (stops and bus lanes, etc), as appropriate, shall be incorporated as part of the design considerations to ensure convenient access to said facility.

(12) Design Standards.

(a.) Design Goals for All Projects.

(i) Buildings shall be designed and sited so that they provide visual interest and create enjoyable human-scaled spaces.

(ii) Designs should recognize, in form and proportion, surrounding and neighborhood buildings in the general vicinity and proposed.

(iii) Building designers should strive for creativity in form and space wherever contrast and variety are appropriate to the larger aesthetic the Township seeks to create.

(iv) All street frontages shall be treated architecturally as if the front.

(v) Establishment of network of street and driveway configurations through cross-access easements and share driveways in order to enhance pedestrian and bicycle access while reducing curb cuts along major thoroughfares.

(b.) Design Guidelines for All Building Types.

(i) Proportion. A development's buildings should be designed so as to relate to the proportions of architectural forms, planes, and details within the existing physical context of the site. Proportions are the ratios established by the length, width, and height and may exist as planar or volumetric measurements. Doors, windows, stairs, porches, pediments, architraves, roof shapes, and entire facades are frequently used as the elements that create proportion.

(ii) Horizontal building elements. Buildings shall be designed with a base, middle, and top facade.

(iii) Scale. Designs should incorporate architectural elements that give scale, or a sense of scale to buildings. Scale being the relationship of a person to a building.

(iv) Entrances. Entrances should clearly identify important access points, provide an introductory architectural statement to the building and be landscaped in a fashion complementary to the architectural elements of the entranceway.

(v) Building elevation. All elevations of a building's exterior should be coordinated with regard to color, materials, architectural form and detailing.

(vi) Facade treatment. The number of different materials on exterior facades should be limited to three types.

(vii) Color and texture. The color and texture of a building aids in the

expression of scale, location of entrances, and provides architectural unity to the building. Offsets in walls and building masses should be used to create visual interest in simple buildings.

(viii) Roof Design Guidelines.

- a) Roof shape, color, and texture should be coordinated with the exterior materials of the building's facade.
- b) Roof design should minimize the negative impact of roof protrusions by grouping plumbing vents, ducts, and other utility structures together.
- c) All rooftop mechanical and electrical equipment, including elevator penthouses, shall be screened from the view of persons at ground level by a parapet wall, within the roof structure itself, or removal to a screened ground level structure.
- d) Buildings under 6,000 gross square feet in footprint should be designed with a pitched roof such as a gable, hip, or gambrel not less than 4 inches in rise for every 12 inches in run.

(c.) Design Guidelines for Professional Office. The following additional design standards for professional offices shall apply:

- (i) Parking lots shall be primarily oriented to the side and rear of the building line established by the front wall of the building. A maximum of 10% of the project's parking requirement may be satisfied with the front yard.
- (ii) Dormers should be used to visually break up large roof masses.
- (iii) Windows should be double hung sash types with the glass area divided by horizontal and vertical muntins.
- (iv) Exterior materials should be brick, stone, horizontal siding or wood shingle, or a combination of such materials.
- (v) A pedestrian circulation plan must be detailed on the plans.

(d.) Retail and Commercial Design Standards (including Restaurants). The following additional design standards for retail uses shall apply:

- (i) Retail stores oriented towards a street shall have a minimum of 50% of the first floor building facade consist of glass display windows.
- (ii) Building entrances should be oriented towards the street.
- (iii) Common concrete block shall not be used on any elevation visible from a public street. Where permitted, common concrete block shall be painted or otherwise finished.
- (iv) A pedestrian circulation plan must be detailed on the plans.

(f.) Streetscape. All streetscape shall be designed to present a uniform look along all streets in the TC Zone. The landscaping standards shall be applied to all projects. A minimum of Fifteen (15') sidewalk easement applied as follows shall be required of all projects;

- (i) Three (3') foot landing zone. Brick.
- (ii) Seven (7') foot sidewalk. Concrete
- (iii) Planting Strip / Landscape Easement (5') feet Minimum. London Plane Trees planted Thirty (30') on-center and in accordance with Township Standards. Alternatives may be considered by the Planning Board.

3. Chapter 215, Article II, Section 215-35(c) of the Township Code, is amended with the following additions:

(13) Expansion and Retrofitting of Existing Shopping Centers in the CC Zone

- (a.) New buildings should relate to the street upon which it fronts and be at least one-and-a-half to two-and-a-half stories in height with active uses or in architectural treatments
- (b.) Apartment uses above the first floor are encouraged.
- (c.) Sidewalk and streetscape standards shall be met.
- (d.) Pedestrian pathways shall be established from any rear parking lot to the street sidewalk

system in the front and side(s) of a building (if applicable) and shall be a minimum of 5 feet wide.

- (e.) First and second or higher floors should be separated by means of belt or string courses, pent roofs, awnings, porte-choceres or similar architectural elements.
- (f.) Retail stores oriented towards a street or a pedestrian walkway connecting to other adjacent lots shall have a minimum of 50% of the first floor building facade consist of glass display windows. No more than 6 linear feet out of each 25 feet shall be permitted to be blank wall.
- (g.) Exterior building materials should primarily be brick, wood siding, wood shingle, or stucco.
- (h.) The primary entrance to a building should be accessed directly from a public street with secondary access oriented towards parking lots.
- (i.) Entrances to apartments on upper floors should be oriented towards associated parking.
- (j.) Parking garages are encouraged.
- (k.) Locations for the parking of bicycles shall be provided.
- (l.) Drive-thru services are prohibited.
- (m.) New fast food establishments are prohibited
- (n.) Landscaping requirements are met unless site constraints require deviation.
- (o.) Sign regulations are met. No pylons of any type are permitted, nor is expansion of existing pylons that may be grandfathered. The Board may entertain an increase in size depending upon site context and community character.

#### (14) Multipurpose Fueling Stations

- (a.) Site shall be a minimum of 4 acres in size.
- (b.) Site shall be located on the corner of two streets.
- (c.) Site plan must be fully integrated with all adjacent properties and their associated uses in; building orientation, layout, and access both pedestrian and vehicular. Cross access easements shall be required in order to minimize curb cuts and promote efficiencies in parking lot design.
- (d.) Plan must include a mix of uses including convenience retail in conjunction with the fueling station
- (e.) Other retail not included in conjunction with the fueling station must be part of the overall plan, including; office, restaurant, or mixed-use buildings..
- (f.) No automotive services of any kind may be conducted on-site. (No lube, repairs, mechanics, technicians, etc)
- (g.) No heavy diesel fuel is permitted. Sale of diesel fuel to passenger and commercial vehicles, including light trucks and vans, fueling with low volume nozzles, is permitted.
- (h.) No propane services are permitted.
- (i.) No truck stops designed to fuel high volumes of tractor-trailers are permitted.
- (j.) No equipment, material, vehicle storage, and overnight parking is permitted. Only employee parking of those working overnight shifts if applicable are permitted.
- (k.) Canopies must be designed as part of the overall architecture and site design. Specifically A-frame canopies whereby the pitch and materials (roofing, trusses, pillars and posts, and any applicable signage) work together as part of the same design vocabulary are required. No flat roof designs are permitted
- (l.) Setbacks - Fueling station canopies are permitted to be considered part of the Principle Use.
  - (i.) When placed in front of the convenience retail, such canopy must be buffered from the street frontage by 30' not including streetscape requirements.
  - (ii.) The distance between canopy edge and convenience retail can not be any further than 65'.
  - (iii.) The Convenience retail setback when canopy is not in front of it remains at 85'.

#### (15) Residential Mixed-use Housing –

- (1) Ground floor retail is mandatory along major street frontages. Additionally;
  - a. Residential uses are not permitted on the same floor with non-residential uses other than shared ground floor lobby space.
  - b. Residential is not permitted on the ground floor of structures located along major street frontages.
  - c. Residential uses must have access that is separate and secure.

- (2) Architecture must present a significant presence along major street frontages while maintaining consistency with the standards set forth in the Parkway Avenue Redevelopment Plan. Blank street-walls are prohibited
  - (3) One (1) row of parking is permitted within the front yard area, landscape buffered in accordance with Section 215-37; otherwise parking is prohibited in the front yard area.
  - (3) Non-residential and/or public uses shall be contained within mixed use building, such as;
    - a. Retail, restaurant, or high volume public activities such as a post office;
    - b. Entertainment venues such as theaters, museums, and galleries;
    - c. Other permitted nonresidential uses in the zone.
    - d. Office, r&d, or similar commercial
    - e. Hotel: Including health club, restaurant or other hotel-related use is permitted;
4. Upon introduction and first reading, a copy of this Ordinance shall be referred to the Planning Board for a master plan consistency review in accordance with N.J.S.A. 40:55D-62. This Ordinance shall not be scheduled for public hearing and final adoption until after the Planning Board shall report back to Council in the form of a resolution as to the consistency of this Ordinance with the master plan of the Township of Ewing. The Planning Board shall report on its master plan consistency review within 30 days of the date hereof.