

ORDINANCE 319-22

AN ORDINANCE OF THE TOWNSHIP OF UPPER FREEHOLD, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXXV, ENTITLED "LAND USE", SECTION 35-203, SECTION 35-407.1B AND SECTION 35-407.1G OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF UPPER FREEHOLD TO PERMIT ADDITIONAL USES IN THE CC-1 (COMMUNITY COMMERCIAL TIER 1) ZONE DISTRICT

BE IT ORDAINED by the Township Committee of the Township of Upper Freehold, County of Monmouth, State of New Jersey, as follows:

SECTION 1

Existing Section 35-203 of the revised general ordinances of the Township of Upper Freehold, are hereby amended as follows (new text is underlined; text to be deleted is ~~stricken through~~):

Flex Space – A building containing an area with a hybrid of office, storage and industrial space. Flex space can include areas for building contractors of various types, pest control, electricians, mechanic shops, call centers, roofers, HVAC companies and other similar users.

SECTION 2

Existing Section 35-407.1B AND SECTION 407.1G of the revised general ordinances of the Township of Upper Freehold, are hereby amended as follows (new text is underlined; text to be deleted is ~~stricken through~~):

Section 35-407.1B

B. Principal Permitted Uses on the Land and in the Buildings in the "CC-1" Community Commercial Tier One District

- 1 All of the uses in the "HD" District in accordance with Section 35-407A(1-12) herein.
- 2 Fast Food with Drive-Thru Lanes in accordance with the conditions in Section 35-601.D.

- 3 Pharmacies with Drive-Thru Lanes in accordance with the conditions in Section 35-601.D.
- 4 Micro-Breweries, Breweries, Distilleries and Wineries.
- 5 Shopping Centers consisting of any of the above uses.
- 6 Personal Storage Facilities.
- 7 Indoor Shooting Ranges.
- 8 Dog training facilities with associated kennels for the animals being trained. No breeding, sale or boarding of animals.
- 9 Driving Schools for passenger vehicles in accordance with the following:
  - a. Buses, Tractor Trailers or similar large vehicle training schools are not permitted.
  - b. If training vehicles are stored on-site a designated storage area shall be provided and not impact the required on-site parking requirements of the ordinance.
  - c. Any training vehicle storage areas shall be in marked parking stalls and screened. No vehicle storage shall occur in the front yard.
  - d. If vehicle training is to occur on-site, a site plan should be provided to address circulation and to ensure that the training area is separate from the parking area.
  - e. Vehicle training areas shall be screened from view and shall not be located in a front yard.
- 10 Gasoline Service Stations with Convenience Stores as a principal permitted use. Stand-alone gasoline service stations are not permitted, and automotive repairs are prohibited. The following standards shall be satisfied in addition to all other applicable bulk standards:
  - a. The minimum lot size for gasoline service stations with a convenience store shall be two and one-half (2.5) acres, the minimum lot width and frontage shall be two hundred feet (200'), and the minimum lot depth shall be one hundred fifty feet (150').
  - b. The minimum front and rear yard setbacks shall be in accordance with the CC-1 setbacks except that canopies, tanks and pumps may be located in a front yard area in accordance with the standards below.
  - c. The maximum building coverage shall be fifteen percent (15%) and the maximum lot coverage shall be sixty-five percent (65%).
  - d. All required setback areas shall be landscaped with a mixture of shrubs and trees in addition to lawn area or ground cover, and the plantings shall break up the view of the paved area of the site.

- e. Gasoline pumps and pump islands shall be setback at least forty feet (40') from any property line. A minimum of twenty-five feet (25') shall be provided between any two (2) pump islands and between any island and the principal building.
- f. Canopies are permitted, but only over the pump islands and associated aisles. All canopies must be set back at least thirty-five feet (35') from the street line and shall not exceed sixteen feet (16') in height.
- g. There shall be no outside display or storage of merchandise, supplies, product, equipment or similar material or objects unless specifically approved by the Board as part of a site plan application, unless such accessory goods or supplies for sale are contained within a permanent rack, case, cabinet or enclosure of metal or other fireproof material and located on the pump islands or within the building.
- h. All fuel shall be kept in tanks of an approved design in accordance with applicable State and/or Federal standards, and the tanks shall be buried so that the tops of the tanks shall be at least three feet (3') below the surface of the ground and shall be at least thirty-five feet (35') from any property line.
  - i. All tanks are to be buried in such locations approved by the Fire Department, and shall not be located within six feet (6') from any building except upon special permission in writing from the Fire Department.
  - ii. No tank shall be permitted under any shed or building, and all underground tanks shall rest on a bed or cradle of concrete at least six inches (6") thick.
  - iii. Two (2) or more tanks may be installed and connected by pipes, if such tanks are separated by a wall of concrete not less than two feet (2') in thickness or by a wall of earth not less than four feet (4') in thickness; provided that, in any case, the most current standards set forth by the New Jersey State Department of Environmental Protection shall be met.
- i. Service stations may be permitted one (1) free-standing sign and one (1) sign attached either flat against the building or on two (2) sides of the canopy.
  - i. The free-standing sign shall not exceed an area of fifty (50) square feet and a height of fifteen feet (15'), and shall be set back at least ten feet (10') from all street rights-of-way and lot lines.
  - ii. The attached sign shall not exceed thirty (30) square feet in area for the building sign, or fifteen (15) square feet in area on each side of the canopy.

11 Flex Space, including contractor warehousing with a maximum building area of 20,000 square feet. Where Flex Space is constructed an Outdoor Storage area is permitted in accordance with Section H below. The outdoor storage area shall have a solid visual barrier consisting of fencing or landscaping or suitable combination as approved by the Planning Board.

- 12 Vehicle and Equipment Repair, including farm equipment, tractor trailers, and passenger vehicles and other similar items. Abandoned vehicles are not permitted to be stored on the property. All vehicle storage areas shall conform to Section H below. The vehicle storage area shall have a solid visual barrier consisting of fencing or landscaping or suitable combination as approved by the Planning Board.
- 13 Automotive, farm equipment, boat, and recreational vehicle sales.
- 14 Rental companies for party supplies and/or business equipment, including construction rental equipment. Any outdoor storage shall conform to Section H below. The outdoor storage area shall have a solid visual barrier consisting of fencing or landscaping or suitable combination as approved by the Planning Board.
- 15 Job and Educational Training Facilities.
- 16 Funeral Homes.
- 17 Indoor Recreation Facilities, including turf fields, courts, and other similar uses.
- 18 Garden Centers, Lumber Yards, and Equipment Supply Centers, including the outside storage, sale, and/or display of material. Any outdoor storage shall conform to Section H below. The outdoor storage area shall have a solid visual barrier, consisting of fencing or landscaping or suitable combination as approved by the Planning Board.

## SECTION 2

Existing Section 35-407.1G of the revised general ordinances of the Township of Upper Freehold, is hereby amended as follows (new text is underlined; text to be deleted is ~~stricken through~~):

### G. Area and Yard Requirements for the "CC" Districts

|                            | Individual Uses | Shopping Center [1] |
|----------------------------|-----------------|---------------------|
| Principal Building Minimum |                 |                     |
| Lot Area                   | 1 ac            | 6 ac                |
| Lot Frontage               | 150'            | 400'                |
| Lot Width                  | 150'            | 400'                |
| Lot Depth                  | 150'            | 400'                |

|                               |         |      |
|-------------------------------|---------|------|
| Side Yard (Each)              | 25' [2] | 100' |
| Front Yard                    | 75'     | 100' |
| Rear Yard                     | 50'     | 100' |
| Accessory Building<br>Minimum |         |      |
| Distance to Side Line         | 20'     | 50'  |
| Distance to Rear Line         | 20'     | 50'  |
| Distance to Other Building    | 20'     | 20'  |
| Accessory Building<br>Maximum |         |      |
| Floor Area                    | .20     | .25  |
| Lot Coverage                  | 55%     | 55%  |

- [1] More than one (1) principal building shall be permitted for a shopping center, in accordance with the following:
- [a] All buildings shall be separated by a minimum of twenty feet (20') if such separation is to be used solely for pedestrian circulation.
  - [b] All buildings shall be separated by a minimum of fifty feet (50') where any part of such separation is to be used for parking or vehicular circulation; and
  - [c] The separation requirements should not be construed to prohibit covered pedestrian walkways when the roof or covering of such walkway extends between the buildings.
- [2] The minimum principal building setback shall be fifty feet (50') where a property line abuts a residential district or use.
- [3] In the CC-1 District more than one (1) principal building or use is permitted on a single lot.

### SECTION 3

All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

### SECTION 4

If any section, paragraph, subdivision, clause or provision of this ordinance is adjudged to be invalid, such adjudication shall apply only to section paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

**SECTION 5.**

This ordinance shall take effect upon its passage and publication according to law.

**SECTION 6**

The Borough Clerk is hereby directed, upon adoption of the Ordinance after public hearing thereon, to publish notice of the passage thereof and to file a copy of this Ordinance as finally adopted with the Monmouth County Planning Board as required by N.J.S.40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor if required by N.J.S. 40:49-2.1.

All Ordinances or parts thereof which are inconsistent with or in conflict with this Ordinance or any part hereof are hereby repealed to the extent of said inconsistency.

If the provisions of any Section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by a Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any Section, subsection, paragraph, subdivision or clause of this Ordinance or any other Ordinance which is referred to herein by reference and to this end, the provisions of this Section, subsection, paragraph, subdivision or clause of this Ordinance are hereby declared to be severable.

This Ordinance shall take effect immediately upon its passage and publication according to law.

Approved on First Reading: \_\_\_\_\_

Approved, Passed & Adopted: \_\_\_\_\_

DATED: \_\_\_\_\_

ATTEST:

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LoriSue H. Mount, Mayor

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Dana L. Tyler, RMC  
Municipal Clerk/Business Administrator