

ORDINANCE NO. 18-06

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT
THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD,
CHAPTER XXII ENTITLED, “LAND DEVELOPMENT”,
SECTION 22-3 ENTITLED, “DEFINITIONS”,
SECTION 22-110.1 ENTITLED “USES” AND
SECTION 22-118.4 ENTITLED “REQUIREMENTS”**

WHEREAS, the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey believes that it is in the best interest of the Borough to amend, revise and supplement Sections 22-3 and 22-110.0 of the Borough Code of the Borough of North Plainfield, under the chapter heading “Land Development”; and,

WHEREAS, the Borough of North Plainfield, County of Somerset, State of New Jersey is authorized by State law to make rules permitting or prohibiting certain land uses within certain land development zones in the Borough of North Plainfield; and,

WHEREAS, the Borough of North Plainfield, County of Somerset, State of New Jersey has determined that the public health, welfare and safety remain protected by allowing what has become the ubiquitous nature of combined gasoline dispensing stations and convenience stores under one (1) ownership and operating entity in Borough of North Plainfield.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that Chapter XXII, Section 22-3 of the Borough Code of the Borough of North Plainfield, entitled “Definitions”, is hereby amended, revised and supplemented adding the following definition:

LAND DEVELOPMENT

Combined Convenience Store and Fuel Dispensing Facility

A retail business in which food and other convenience related products are sold at retail, along with the retail sale of motor fuels to usual and customary passenger vehicles and light trucks with the business being operated under one ownership and operating entity.

* Additions in text indicated by underline; deletions by ~~strikeouts~~.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that Chapter XXII, Section 22-110.1 of the Borough Code of the Borough of North Plainfield, entitled "Uses", is hereby amended, revised and supplemented adding the following permitted use:

22-110.1 Uses.

In the B-3 Business Zone, only the following uses are permitted:

- a. Any use permitted in the B Business Zone.
- ~~b. Gasoline service stations and public garages in accordance with Section 22-118.~~
- ~~e.b.~~ Motels in accordance with Section 22-118.
- ~~d.c.~~ Off-street parking in accordance with Section 22-117.
- ~~e.d.~~ Signs in accordance with Section 22-119.
- e. Combined convenience store and fuel dispensing facility in accordance with Section 22-118.**
- f. Accessory uses normally incident and subordinate to the above uses

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NOW, THEREFORE, BE IT FURTHER ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that Chapter XXII, Section 22-118.4(a) of the Borough Code of the Borough of North Plainfield, entitled "Requirements", is hereby amended by replacing subsection (a) in its entirety with the following requirements for a conditional use:

22-118.4 Requirements.

Anything in this Chapter to the contrary notwithstanding, the Planning Board shall not order, permit, direct or authorize use unless the site plan shows that the requirements for the conditional use as set forth below have been met.

- a. **Combined convenience store and fuel dispensing facility**
 1. **Minimum lot area: ten thousand (10,000) square feet.**
 2. **Minimum lot width: one hundred (100') feet.**
 3. **Minimum setbacks:**
 - a. **Front yard: twenty-five (25') feet, except that the minimum front setback for a canopy above a fueling area shall be ten (10') feet.**
 - b. **Side yard: ten (10') feet, except when adjacent to a residential use or zone, the setback shall be increased to twenty (20') feet.**
 - c. **Rear yard: fifteen (15') feet, except when adjacent to a residential use or zone, the setback shall be increased to twenty-five (25') feet.**
 - d. **Pump islands: twenty (20') feet, except when adjacent to a residential use or zone, the setback shall be increased to thirty (30') feet.**
 - e. **Underground storage tanks: ten (10') feet, except when adjacent to a residential use or zone, the setback shall be increased to twenty (20') feet.**
 4. **A five (5') foot deep landscaped area shall be provided between curb cuts and along all property lines, and shall be increased to ten (10') feet adjacent to a residential zone or use. A six (6') foot high unpierced fence shall be installed along any residential zone boundary. All unpaved areas shall be landscaped with grass lawns, trees and shrubs or other vegetation.**
 5. **Maximum height of building or canopy: twenty-five (25') feet.**
 6. **Portable signs shall be prohibited.**
 7. **Repairing and servicing of vehicles shall be prohibited.**
 8. **A maximum of two (2) driveways may be permitted, except for a corner lot one additional driveway may be permitted on the side street.**
 9. **There shall be no outdoor storage of supplies, materials, or automobile parts, whether for sale, storage or waste.**

10. Motor vehicle fueling stations shall only be permitted on properties with frontage on a State Highway or County Road.

* Additions in text indicated by underline; deletions by ~~strikeouts~~.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. All ordinances or portions of ordinances that are inconsistent with this Ordinance shall be repealed as to their inconsistencies only.

2. If any provision or paragraph of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions or paragraphs of this Ordinance, except so far as the provision or paragraph so declared invalid shall be separable from the remainder or any portion thereof.

3. This Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED: March 12, 2018
PASSED: March 12, 2018
PUBLISHED: March 15, 2018
ADOPTED: April 9, 2018

ROLL CALL: AYES: Merrill, Miller, Schaefer, Singleterry, Stabile, La Ronde
NAYS: None
ABSTAIN: None
ABSENT: Righetti

APPROVED BY THE MAYOR: Yes xxx No _____

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on 9 April, 2018

ATTEST: BOROUGH OF NORTH PLAINFIELD

Richard K. Phoenix, RMC
Borough Clerk
Borough of North Plainfield

Date signed: 9 April 2018

Lawrence La Ronde, Council President

Date signed: 9 April 2018

Michael Giordano, Mayor

Date signed: 9 April 2018