

— **INTRO: 8/26/2013 TOWNSHIP OF FAIRFIELD**
ADOPTED: 9/23/2013 ORDINANCE #2013-19

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 45 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF FAIRFIELD WITH RESPECT TO THE USE AND DISTRICT REGULATIONS GOVERNING THE H-D U.S. ROUTE 46 SPECIAL HIGHWAY DEVELOPMENT DISTRICT ZONE

WHEREAS, the Planning Board of the Township of Fairfield, New Jersey adopted a Periodic Reexamination of the Township Master Plan in 2012; and

WHEREAS, the Planning Board noted in that 2012 Periodic Reexamination Report that the Route 46 corridor is a regional commercial highway corridor; and

WHEREAS, the Planning Board also noted that, due to specified ordinance provisions in the Township Zoning Ordinance that allows retail sales and service only in shopping centers of a specified size and frontage, of 10 acres and 500 feet, respectively, the U.S. Route 46 corridor's development potential is not fully realized; and

— **WHEREAS**, the Planning Board recommended in the 2012 Periodic Reexamination Report that the zoning along the U.S. Route 46 corridor with respect to the zone identified as the H-D U.S. Route 46 Special Highway Development District Zone be amended to accommodate retail and related development in a manner that is not necessarily limited to shopping center development, but also allows for freestanding retail uses; and

WHEREAS, the 2012 Master Plan Reexamination Report contained draft zoning provisions to effectuate that recommendation.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of Fairfield, County of Essex, State of New Jersey, that amendments to Chapter 45 of the Township Code of the Township of Fairfield be made as follows:

SECTION 1. Chapter 45, Article VII, Section 35.1, entitled "Permitted Uses," is hereby amended to read in its entirety as follows:

§ 45-35.1. Permitted Uses. No building, structure, premises or land in the H-D U.S. Route 46 Special Highway Development Zone shall be used, arranged, or designed for any use except the following:

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- a. Retail sales, including by way of example, stores selling apparel and clothing; stores, such as supermarkets, selling groceries, baked goods, meats and other such food items; electronic goods and equipment; household appliances, goods and supplies including furniture and carpet stores; hardware; liquor stores; music stores including instruments; pharmacies; shoe stores; and similar.

- b. Personal services, including by way of example, barber shops and beauty shops; dressmaking and tailoring; dry cleaning and laundry establishments; and similar.
- c. Business services.
- d. Offices.
- e. Banks and financial services.
- f. Restaurants, all categories.
- g. Business and vocational schools.
- h. Studios for music, dance, sports or art instruction.
- i. Indoor recreation, including health and fitness centers and athletic training centers.
- j. Animal hospitals and veterinary clinics.
- k. Garden center/nurseries.
- l. Warehousing and wholesale supply establishments.

SECTION 2. Amend the Schedule of Uses pursuant to the uses set forth in Section 1 above.

SECTION 3. Chapter 45, Article VII, Section 35.4a, entitled “Area, Yard and Building Requirements,” is hereby amended to read as follows:

§ 45-35.4. Area, Yard and Building Requirements.

...

- a. Supermarkets shall be required to have a minimum lot area of 120,000 square feet. See the Schedule of Area, Yard and Building Regulations for all other yard and building requirements.

SECTION 4. Chapter 45, Article VII, Section 35.5, entitled “Other Requirments,” is hereby amended to read as follows:

§45-35.5. Other Requirements.

...

- c. *Off-Street Parking and Loading Requirements:*

...

- 3. No parking or loading for warehousing and wholesale supply establishments shall be permitted in the front yard of the building.

4. Parking areas for all permitted and conditional uses, other than warehousing and wholesale supply establishments, may be located in any yard areas, except that no off-street parking area or drive aisles shall be permitted to be located within thirty feet of any street line, nor within 10 feet of other lot lines, and further provided that a minimum 50 foot setback shall be required where a lot abuts a residential zone.

SECTION 5. Insert a new Sections 45-35.5e, f, g and h as follows:

§45-35.5. Other Requirements.

- ...
- e. Irrespective of the requirements set forth in Section 45-35.5(c)(4) above, shared access points linking parking areas on adjoining lots in the H-D Zone shall be permitted. Cross easements shall be provided to formalize this arrangement.
 - f. Green Design. New construction and redevelopment in the zone should incorporate environmental sustainability. This can be achieved through economic benefits generated by green design and promoting green building technology. Development in the U.S. Route 46 corridor is encouraged to incorporate the following, as determined appropriate:
 1. Green Roof. A thin layer of planting installed on top of a waterproofing layer on the building roof. The green roof reduces storm-water runoff, mitigates the heat island effect, reduces sound reflection and enhances aesthetics.
 2. Energy Conserving Tree Planting and Landscaping. A landscape plan can be provided that reduces the heat island effect, and is encouraged where feasible.
 3. Pavement Materials. Paving materials that lower surface temperatures should be considered for parking lots. Pavements with a high solar reflectance and porous or permeable pavements that benefit from the cooling effect of evaporation are solutions to consider.
 - g. Landscape Requirements. The following design standards are recommended as supplemental landscape plan implementation regulations:
 1. Function and materials.
 - (a) Landscape buffer features to visually enhance the character of a site shall be incorporated into a site plan.
 - (b) Irrigation shall be provided for all plantings in a manner appropriate for the specific plant species.

- (c) A growth guarantee of two growing seasons shall be provided and all dead or dying plants shall be replaced by the applicant, as required, to maintain the integrity of the site plan. Buffer areas shall be maintained and kept free of weeds, debris and rubbish.

2. Frontage Landscaping.

- (a) Frontage landscape areas shall be provided for all uses. It shall be shown on the landscape plan and consist of a mixture of deciduous and evergreen trees, shrubs, grasses and perennials, and incorporated with berms, boulders, mounds or combinations thereof so as to enhance the appearance of the site. The design of landscaped berms shall be of sufficient height to screen parked cars from motorists on adjacent right-of-ways. In addition to required street trees, frontage buffers shall require a minimum of 10 shrubs for every 30 feet of frontage. If a landscaped berm is provided, the berm shall be at least 2.5 feet higher than the finished elevation of the parking lot, and then the planting requirements may be reduced to 5 shrubs for every 35 feet of frontage. Frontage buffer plantings may be waived where existing natural growth is found to be sufficient for this purpose.
- (b) Frontage landscaping may not interfere with traffic sight distances, and shall not block a driver's view of retail stores or signs on a commercial site where such view, as determined by the Planning Board, is either necessary to the legitimate economic functions of the site or where traffic safety factors are involved.

3. Transition Buffers.

- (a) Transition buffers shall be required when any proposed nonresidential use abuts or is across a street from a residential zone.
- (b) Design of transition buffers. Arrangement of plantings in buffers shall provide maximum protection to those residential lots as noted above. Possible arrangements include planting in parallel, serpentine or broken rows. If planted berms are used, the minimum top width shall be 4 feet, and the maximum side slope shall be 2:1.
- (c) Transition buffer planting specifications. Plant materials shall be sufficiently large and planted in such a fashion that a screen at least six feet in height shall be produced. All plantings shall be installed according to accepted horticultural standards. Such strips shall be planted with evergreens and deciduous trees as follows, subject to the approval or modification of the approving authority:
 - i. The transition buffer shall be planted with masses and groupings of shade trees, ornamental trees, evergreen trees and shrubs. No less

than 75 percent of the plants shall be evergreen trees with a minimum installed height of six feet. A fence or wall may be required within the transition buffer at the discretion of the approving authority. Fences shall not exceed a six foot height in the side or rear yard nor four foot height in the front yard.

- ii. Unless otherwise approved, evergreens shall be spaced five feet from the outside lot line and eight feet apart in a row. A minimum of two parallel rows of staggered plants shall be required between any residential and nonresidential zone. More than one type of evergreen species shall be used. Where a fence is required, all plantings shall be placed on outside perimeter of the fence but not closer than five feet from the outside lot line.
- iii. At a minimum, one deciduous tree should be planted every 40 feet, in the center of the transition strip, or as approved. All deciduous trees shall be of a two-and-a-half to three inch caliper, measured six inches from grade.
- iv. Existing vegetation in the transition buffer shall be preserved, as determined appropriate. It shall be supplemented with shade tolerant naturalistic massed plantings where necessary to complete screening of adjoining land uses.
- v. Transition buffer plantings may be waived by the Board where existing natural growth is found to be sufficient to provide a year-round screen of adjacent land uses.

4. General Landscape Design and Planting Requirements.

- (a) Slope plantings. Landscaping areas of cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one foot vertically to three feet horizontally shall be planted with ground covers appropriate for the purpose and soil conditions, water availability and environment.
- (b) Sight triangles. Landscaping within sight triangles shall not exceed a mature height of 30 inches. Shade trees shall be pruned up to an eight foot branching height above grade.
- (c) Topsoil preservation. No topsoil shall be removed from the site or used as fill. Topsoil moved during the course of construction shall be redistributed on all re-graded surfaces so as to provide at least four inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting. Additional topsoil shall be provided as directed by the Township Engineer. Surplus topsoil shall be removed only as directed by the Township Engineer. A soil erosion and sediment control plan shall be

approved as part of the preliminary plat, pursuant to the Township Ordinance.

- (d) Removal of debris. All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the site and disposed of in pursuant to law.
- (e) Protection of existing plantings. Maximum effort should be made to save fine specimens (because of size or relative rarity). No building material, construction equipment or temporary soil deposits shall be placed within eight feet of shrubs or the drip line of trees designated to be retained. Protective barriers or tree wells shall be shown on plans, and installed around each plant and/or group of plants that are to remain. Barriers shall be a minimum of four feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers. Chain link fence may be required for tree protection if warranted by site conditions. The grade of the land located along the drip line shall not be raised or lowered more than six inches unless compensated by welling retaining walls, and in no event shall the welling or retaining walls be less than six feet from the trunk of a tree. Any clearing within the drip line or within six feet of the trunk of a remaining tree must be done by hand.

5. Street Trees.

- (a) Street trees shall be required for all development, including expansion of existing uses.
- (b) Street trees shall be installed within the right-of-way between the sidewalk and curb on both sides of all streets or as directed by the respective board or municipal agency. Where sidewalks are not required, street trees shall be located within the property line along a line five feet from and parallel to the street right-of-way line. The spacing of street trees shall be no farther than 40 feet on center. When trees are planted at predetermined intervals along streets, spacing shall depend on tree size, as follows:

<u>Tree Size</u>	<u>Planting Interval (in feet)</u>
Large trees	40
Medium-sized trees	30
Small trees	20

- (c) The trees shall be planted so as not to interfere with utilities, roadways, sidewalks, sight easement or streetlights. Tree location, landscaping design and spacing plan shall be approved by the Board as part of the site plan or subdivision process.

(d) Street tree type. Tree type may vary depending on the overall effect desired. Depending upon the length of the street, more than one variety of street trees should be provided to create biodiversity and reduce the problems associated with a monoculture planting. Trees shall be planted in groups of similar varieties. Trees of similar form, height and character along a roadway shall be used to promote uniformity.

h. Buildings.

1. Large horizontal buildings, ie buildings with a linear dimension of more than 250 feet, should be broken into segments having vertical orientation. A visual and/or physical break should be provided minimally every 100 linear feet. Offsets consisting of a break in the linear plan of the building of a minimum two-and-a-half feet shall be required. Related architectural elements which preclude a continuous uninterrupted facade building length may also be utilized to achieve a break in the linear dimension of the building walls in place of an offset if determined by the approving authority to achieve the same purpose. All building foundations shall be appropriately landscaped.
2. Buildings with expansive blank walls are prohibited. Appropriate facade treatments should be imposed to ensure that such buildings are integrated with the rest of the development.
3. New buildings are encouraged to incorporate such building elements as entrance features, corners, graphic panels, display windows, etc. as a means to provide a visually attractive environment.
4. Cornices, awnings, canopies, flag poles, signage and other ornamental features should be encouraged to enhance the visual environment.
5. Exterior mounted mechanical and electrical equipment exposed to the public view shall be architecturally screened. Such equipment shall be painted to complement the building's color composition.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law and the filing of the adopted ordinance with the Essex County Planning Board.

SECTION 7. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.


JAMES W. GASPARINI, MAYOR

ATTEST:


DENISE D. CAFONE, MUNICIPAL CLERK

NOTICE

Notice is hereby given that the foregoing Ordinance was submitted in writing at a meeting of the Mayor and Council of the Township of Fairfield, County of Essex, State of New Jersey, held on August 26, 2013, introduced and read by title and passed first reading, and that said Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on September 23, 2013 at 7:30 p.m. at the Municipal Building, 230 Fairfield Road, Fairfield, New Jersey, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens of interest shall have an opportunity to be heard concerning same.

Denise D. Cafone, Municipal Clerk

INTRODUCTION OF ORDINANCE August 26, 2013:

Ordinance #2013-19, AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE CHAPTER 45 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF FAIRFIELD WITH RESPECT TO THE USE AND DISTRICT REGULATIONS GOVERNING THE H-D U.S. ROUTE 46 SPECIAL HIGHWAY DEVELOPMENT DISTRICT ZONE

INTRODUCED BY: COUNCILMAN LAFORGIA
SECONDED BY: COUNCILMAN CIFELLI
PUBLISHED: September 3, 2013

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT MICHAEL B. MCGLYNN	x				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN THOMAS J. MORGAN	X				
COUNCILMAN JOSEPH CIFELLI	X				
MAYOR JAMES GASPARINI	x				

2ND READING AND PUBLIC HEARING September 23, 2013 :

INTRODUCED BY: COUNCILMAN CIFELLI
SECONDED BY: COUNCIL PRESIDENT MCGLYNN
PUBLISHED: SEPTEMBER 26, 2013

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT MICHAEL B. MCGLYNN	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN THOMAS J. MORGAN	X				
COUNCILMAN JOSEPH CIFELLI	X				
MAYOR JAMES GASPARINI	X				