

§ 225-18.1 C-55 Flexible Planned Industrial-Commercial District.

[Added 8-6-2002 by Ord. No. 33-2002]

A.

Specific intent. The intent of the C-55 Flexible Planned Industrial-Commercial District is to provide and encourage development of flexible planned industrial sites and planned commercial centers and to promote the orderly and sound development of multi-use areas, including certain limited manufacturing, and light industrial uses near major highways, in accordance with a comprehensive plan for achieving these objectives.

B.

General district regulations.

(1)

Unified plan: Development in a Flexible Planned Industrial-Commercial District shall consist of unified, harmonious grouping of buildings, services, parking areas, buffer areas, and drainage areas where required, and landscaped open space, planned and designed as an integrated unit.

(2)

Location of the C-55 Zone:

(a)

Those lands located to the east of Route 55 encompassing the following parcels:

[Amended 5-6-2013 by Ord. No. 16-2013]

[1]

Block 4, Lots 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, and 16.

(b)

These tracts of land to be developed shall be located adjacent to or readily accessible from existing or planned major regional highways or limited access highways.

(c)

The existing C-55 Flexible Planned Industrial-Commercial District shall be expanded to apply to the following parcels of land identified upon the Tax Map of the Township of Harrison:

[Added 7-6-2004 by Ord. No. 18-2004]

[1]

(Reserved)[1]

[1]:

Editor's Note: Former Subsection B(2)(c)[1], which included Block 24, Lots 2, 3, 4, 5, and 17, in the C-55 Flexible Planned Industrial-Commercial District, was repealed 7-31-2006 by Ord. No. 20-2006. See now § [225-18.4B\(2\)\(a\)](#).

[2]

(Reserved)[2]

[2]:

Editor's Note: Former Subsection B(2)(c)[2], which included Block 24.01, Lot 1, in the C-55 Flexible Planned Industrial-Commercial District, was repealed 7-31-2006 by Ord. No. 20-2006. See now § [225-18.4B\(2\)\(b\)](#).

[3]

Block 46, Lots 1, 2, 3, 3.01, 3.02, 3.03, 3.04, 4, 4.01, 4.02, 5 and 5.01.

[4]

Block 47, Lots 1, 2, 3, 3.01, 4, 5, 5.01, 5.02, 5.03 and 5.04.

(3)

General development plan. An application for development shall be accompanied by a plan or plans, meeting the requirements of N.J.S.A. 40:55D-45.2 at a scale no less than one inch equals 200 feet.

(4)

Municipal development agreement. The development of a Flexible Planned Industrial-Commercial District shall be executed in stages according to a phasing plan submitted by the applicant and approved by the Planning Board. The phasing plan shall be executed in accordance with a municipal development agreement. The land owners, developer, and Township shall enter into the agreement embodying all details regarding compliance with this article to assure binding nature thereof for the overall tract and its development. The agreement shall be in the recordable form and shall be so filed, at applicant's expense, with the county recording officer.

(5)

Sewer and water facilities which shall include both septic and well water facilities. All buildings and uses within the Flexible Planned Industrial-Commercial District shall be served by public or private (where permitted by the municipality) sanitary and water facilities. Such facilities shall be subject to the approval of applicable agencies which

may have jurisdiction over such development. An application for a Flexible Planned Industrial-Commercial District Center shall include a sworn statement from applicant or applicants stating the estimated demands of the proposal for all water, septic/sewer facilities and from the appropriate source, stating the availability of such capacity or lack thereof. Such statement shall also include the estimated time table for the use of such water and septic/sewer, and a certification reflecting preliminary approval from the sources of such water/septic/sewer. In addition, under general district regulations, this section provides specific permitted uses, accessory uses, and combines additional uses with permitted uses, which are planned to eliminate conditional use provisions, and providing for specific rightful uses of the identified lands.

C.

Permitted uses. A lot may be used or occupied for any one of the following purposes, or for a combination of the following purposes, as long as any proposed combination of uses upon the lot is set forth within a unified and planned site design consistent with these ordinances:

[Amended 8-2-2005 by Ord. No. 28-2005]

(1)

Hotel or motel.

(2)

Offices for administrative, banking, data processing, executive, professional, sales or other uses of the same general character.

(3)

Fabrication of products from previously prepared materials, including but not limited to bone, cloth or textiles, cork, flooring, fur, feathers, hair, horn, glass, paper, sheet rubber, shell or wood.

(4)

Manufacturing or processing of beverages, confections, cream, all food products, ceramics, clothing, electrical appliances, furniture, hardware, tools, patterns, dies, scientific instruments, jewelry, timepieces, optical goods, musical instruments, toys, cosmetics (exclusive of soap), tobacco products and pharmaceuticals.

(5)

Wholesale, including but not limited to the storage and sale of lumber, plumbing supplies, electrical supplies, building materials and supplies.

(6)

Food service or catering.

(7)

Printing of paper and metal or other lithographic processes.

(8)

Substations for electric and gas utilities, sewerage lift stations, water pumping stations, or similar public utilities facilities, not to include cellular towers.

(9)

Research, development and testing of new products, laboratories.

(10)

Warehousing and distribution. The definition of "warehousing" shall be limited to inside storage of goods intended for distribution and personal property goods for individual storage. The storage of goods and materials of any kind and nature outside is specifically prohibited.

(11)

Agriculture, subject to the provisions of § [225-133](#), Agricultural regulations.

(12)

Indoor uses which relate to sporting activities, such as skating rink, soccer fields, tennis courts, swim clubs, volleyball, indoor physical fitness centers and such sports as may be carried on within a completely enclosed structure.

(13)

Day-care or nursery facilities.

(14)

Storage for personal household goods.

(15)

All uses permitted in the C-1 Village Center District.

(16)

All uses permitted in the PI Zone.

(17)

All uses permitted in the C-2 Zone with the exception of automobile sales, agencies and services and automobile repair shops.

D.

Permitted conditional uses. The following principal uses are permitted conditionally upon a determination by the Planning Board that the use can be provided in a manner what will minimize the impact upon adjacent properties and will conform with the additional standards provided herein.

(1)

[3] Gasoline station. A gasoline station, provided that it meets the requirements of § 225-17D(3) and 225-17D(4) of the Codified Ordinances of the Township of Harrison.

[3]:

Editor's Note: Former Subsection D(1), Drive-through restaurant, was repealed 4-16-2012 by Ord. No. 24-2012. This ordinance also provided for the renumbering of former Subsection D(2) and (3) as Subsection D(1) and (2).

(2)

Convenience store. A convenience store, provided that it meets the requirements of this conditional use as set forth in §§ 225-17D(1) and 225-17D(2) of the Codified Ordinances of the Township of Harrison.

E.

Accessory uses. The following accessory uses relating to and being a part of the operation of the principal use are also permitted by right; provided, however, they are used in conjunction with the principal use or structure:

(1)

Security watch stations for watchmen or caretakers which may contain sleeping and cooking facilities.

(2)

Repair facilities for the maintenance of vehicles used in the operation of the principal use.

(3)

Storage garages for vehicles used in the operation of the principal use.

(4)

Signs pursuant to Sign Ordinance of the Township of Harrison, as may be amended from time to time. [4]

[4]:

Editor's Note: See Art. XIII, Signs, of this chapter.

(5)

Parking and loading for principal uses and accessory uses, pursuant to ordinances of the Township of Harrison.

(6)

"Outdoor retail sales" which are defined as the display and sale of products outside of the building or structure limited to garden centers, garden supplies, plants and planting material, farm equipment, burial monuments, building and landscape materials. No goods or articles may be displayed or offered for sale beyond the front line of a building.

(7)

Solar panels erected on the roof of a building or on the ground, subject to meeting all of the requirements of § 225-132D.
[Added 4-18-2011 by Ord. No. 15-2011]

F.

Design. All structures shall be designed in accordance with the Harrison Township Community Design Ordinance. [5]

(1)

The total area to be developed for major commercial purposes and to be included in the proposed amendment shall not be less than 20 acres in size, shall adjoin at least one major highway and shall be located in proximity to major arterial highway systems.

[Amended 6-6-2005 by Ord. No. 22-2005]

(2)

The development shall be a contiguous land area of not less than 20 acres designed to contain multifacility structures used for cultural, commercial, entertainment and/or recreational purposes. Such complexes shall be located on major highways and shall serve the needs of the area.

[Amended 6-6-2005 by Ord. No. 22-2005]

(3)

Not more than 30% of the entire or gross land area shall be covered by buildings.

[Amended 6-6-2005 by Ord. No. 22-2005]

(4)

Not less than 10% of lands shall be devoted to "green area," which shall be defined to include any areas not covered by buildings, structures or paved streets, parking areas, or impervious surface areas, and shall contain grass, plantings and trees.

[Amended 6-6-2005 by Ord. No. 22-2005]

(5)

Green areas may also be used for active/passive recreation, drainage, and, if required, areas for septic systems.

[Amended 6-6-2005 by Ord. No. 22-2005]

(6)

No building or structure other than paved parking and underground facilities shall be permitted closer than 100 feet to any perimeter property line.

[Amended 6-6-2005 by Ord. No. 22-2005; 12-5-2005 by Ord. No. 45-2005]

(7)

No paved or improved area adjacent to a nonresidential zone or nonresidential use, including parking or loading, shall be closer than 30 feet to any perimeter property line. No paved or improved area adjacent to a residential use or residential zone shall be closer than 50 feet to any perimeter tract property line.

[Amended 6-6-2005 by Ord. No. 22-2005; 12-5-2005 by Ord. No. 45-2005]

(8)

Fire lanes, which shall not be used for any other purpose, may, however, be permitted closer than 30 feet to any perimeter property line.

[Amended 6-6-2005 by Ord. No. 22-2005]

(9)

No building shall exceed the total of 35 feet in elevation, except that buildings in such planned development may be in excess of 35 feet only upon the addition of 25 feet being added to all setback dimensions. No building, however, regardless of setback dimensions, shall exceed a total of 50 feet, excepting thereout and therefrom, any utilities or communications systems.

[Amended 6-6-2005 by Ord. No. 22-2005]

(10)

Any application in this zone shall include a complete parking plan, loading plans, fire lanes, emergency vehicle lanes where required, and all other elements pursuant to the Site Plan Review Ordinance of the Township of Harrison, [\[6\]](#) in order that a unified plan may be presented for review. Parking spaces shall consist of at least 60% of ten-foot-by-twenty-foot parking spaces for full-sized motor vehicles, and 40% of nine-foot-by-eighteen-foot spaces for smaller motor vehicles, which shall be designated on any application plan.

[6]:

Editor's Note: See Ch. [174](#), Site Plans, Major, and Ch. [176](#), Site Plans, Minor.

(11)

Any development plan submitted under this section shall be an overall plan for the entire site sought to be developed, with a unified architectural scheme, and an architectural landscape plan. Phasing, however, may be permitted, so long as it is done in accordance with a single overall plan.

(12)

Parking, loading and service areas. Any area designated in accordance with the overall plan to be utilized by motor vehicles for parking, loading, or service shall be physically separated from any public street by buffers or other effective and suitable barriers against unchanneled motor vehicle ingress or egress. Any area to be so utilized in accordance with this subsection shall be arranged to facilitate proper and safe internal circulation and shall be paved with acceptable hard surface materials. Paving data shall be provided on any application plan. Drainage data shall also be provided on any application plan.

(13)

Loading and unloading of delivery vehicles, and any servicing of refuse. Loading and unloading of delivery vehicles and any servicing of refuse (access to dumpster) shall be situate and shown on any application plan in order that the particular use sought shall not block or interfere or be used for any other purpose, except for that which has been specifically provided in the application plan. No loading or unloading area shall be permitted to be co-used for any other use. Loading, unloading and parking areas shall be provided with sufficient illumination to insure safety for all persons within the complex, without spreading unnecessary light to adjoining properties.

(14)

Disposal area shall be screened. Any area designated for trash, refuse, or garbage disposal shall be totally screened, and plants shall be provided as part of the site plan, including the location, type of screening, height of screening, and access to site, and specifically provide for recycling areas, as well to be screened and shown on the site plan. The purpose is to screen recycling, trash, refuse and garbage disposal areas, so that they shall not be visible outside of the screen. All trash, refuse, garbage and dumpster materials shall be handled privately and shall not be the responsibility of the Township of Harrison.

(15)

Utilities. All utilities, electric, gas, and telephone lines shall be located underground within the site sought to be developed, and any phasing which may be proposed shall include the overall requirement for all such utility facilities to be situate underground.

(16)

Exterior protrusions upon buildings for antennas, air-conditioning units, heating units, ventilation units. Extension above the thirty-five-foot line shall only be permitted if the height of any such extension, including antennas, dish antennas, wire antennas, pole antennas, heating facilities, air-conditioning facilities and ventilation facilities, and any other extensions above the top of the roofline in excess of 35 feet, shall only be permitted as long as they shall not exceed five feet above the roofline. Any protrusion in excess of five feet above the roofline is prohibited.

[5]:

Editor's Note: See Ch. 174, Art. III, Community Architectural Design.

G.

Height, area, yard, and building coverage regulations.

(1)

The following regulations shall govern the bulk standards of the zoning district:

[Amended 6-6-2005 by Ord. No. 22-2005]

(a)

Minimum tract size: 20 acres.

(b)

Minimum lot size: three acres, except that public utility facilities shall have a minimum lot size of 900 square feet.

(c)

Maximum impervious surface coverage: 75% of total lot area.

(d)

Minimum setbacks for all buildings.

[Amended 12-5-2005 by Ord. No. 45-2005]

[1]

From the tract perimeter: 100 feet

[2]

Within a tract the minimum side yard setback shall be 50 feet.

[3]

Within a tract the minimum rear yard setback shall be 50 feet.

[4]

Within a tract the minimum front yard setback shall be 50 feet.

[5]

Buildings in excess of 35 feet in height shall be set back an additional 25 feet.

[6]

Any principal building with another principal building: 50 feet.

[7]

Any building face to an arterial street: 75 feet.

[8]

Any building face to a collector or local street: 50 feet.

[9]

Any building face to a parking space: 15 feet.

[10]

Any parking space to an arterial street: 30 feet.

[11]

Maximum height: 50 feet with the exception of utilities and communications towers.

(e)

The distance of any principal building to another principal building: 50 feet.

[Added 7-16-2007 by Ord. No. 32-2007]

(2)

Any application for development under the terms of this section shall provide initially at least for the construction of either a minimum of 20,000 square feet of ground floor area or a minimum of 10 permitted main uses.

H.

Performance standards. The following performance standards shall be adhered to in any Flexible Planned Industrial-Commercial District:

(1)

Electrical disturbances. Electric or electronic equipment shall be shielded such that no interference of radio and television broadcasts shall be discerned beyond the operator's lot line.

(2)

Noise.

(a)

No activity or use shall produce a sound-pressure level on adjacent property in excess of the level permitted in the following table:

Octave Band Frequency		Residential District	Nonresidential District
Cycles Per Second Greater Than	Cycles Per Second Less Than or Equal to	Decibels	Decibels

(b)

The maximum permitted sound levels for residential districts shall apply between the hours of 7:00 a.m. and 6:00 p.m. and shall be reduced by six decibels in each octave band for any other time of day.

(3)

Odor. No operation shall release materials capable of becoming odorous, either by bacterial decomposition or chemical reaction, that cause or will cause odorous matter or vapor to be generated so as to be readily discernible without instruments from any point along the boundaries of each lot.

(4)

Glare. No activity or use shall produce a strong, dazzling light or reflection of same beyond its lot lines. Exterior lighting shall be shielded, buffered, and directed so that glare, direct light, or reflection will not be a nuisance to adjoining properties, dwellings, streets, or districts. In no event shall a lighting intensity greater than 0.25 footcandle, measured at grade, be permitted beyond the lot lines.

(5)

Vibration.

(a)

No activity or operation shall produce at any point along the lot line continuous earthborne vibrations greater than the maximum displacement as permitted in the following table:

Frequency		Residential District	Nonresidential District
Cycles Per Second Greater Than	Cycles Per Second Less Than or Equal to	Displacement (inches)	Displacement (inches)

(b)

Discrete pulses that do not exceed 100 impulses per minute may not produce more than twice the displacement specified in the table.

(6)

Operation. All fabricating, manufacturing, or assembling activities shall take place within an enclosed building.

I.

Storage and loading requirements.

(1)

No outdoor storage shall be permitted more than of a temporary nature, apart from the outdoor retail sales permitted by this section. Outdoor storage shall be limited to 14 days in total duration, except during construction. There shall be no parking of trailers upon the site for longer than 14 days.

(2)

All such establishments shall provide an off-street loading and unloading area for the pickup and delivery of materials that shall be so designated on the site plan and used for no other purpose.

J.

Landscaping and buffering.

(1)

Areas to be landscaped. All areas of a site not occupied by buildings and required improvements shall be landscaped by the planting of ground cover, shrubs and trees in appropriate quantities and locations.

(2)

Installation. All plant materials shall be installed in accordance with promulgated guidelines of the American Nurserymen's Association as they may be amended or superseded. Planting materials shall be installed in accordance with an approved landscape plan when required as part of site plan or subdivision review. All plant material shall be guaranteed with an appropriate surety for a period of two years after final inspection.

(3)

Landscape buffers along street lines. A landscaped buffer containing a meandering and undulating berm of not less than 25 feet in width shall be provided adjacent to any street line.

[Amended 12-5-2005 by Ord. No. 45-2005]

(a)

Buffers may be comprised of earth berms, fences, and landscaping, which shall be of a sufficient quantity and size to screen parked automobiles from view of those traveling on public streets or sidewalks and those persons at grade or first level on adjoining property and to prevent the shining of automobile headlights into the yards of adjacent property or in such a manner as to create a hazard for those traveling on a public street or sidewalk.

(b)

In general, this buffer shall provide a visual screen between parking areas in the immediate vicinity of a street and those traveling along the street or side with materials no less than four feet above the finished grade of the parking areas.

(c)

Shade trees shall be provided in the buffer at the rate of one tree per 1,000 square feet of buffer area.

(4)

Other landscape buffers. A landscaped buffer of not less than 25 feet in width, containing a planted, meandering and undulating berm, shall be installed adjacent to any property line which does not abut a street. When the property line is adjacent to a residential use or a residentially zoned parcel, an additional buffer or green area of open space not less than 25 feet in width shall be installed adjacent to this landscaped buffer area creating a total buffer adjacent to any residential use or residentially zoned property of not less than 50 feet in width.

[Amended 12-5-2005 by Ord. No. 45-2005]

(a)

Buffers may be comprised of earth berms, fences and landscaping, which shall be of a sufficient quantity and size to screen parked automobiles from view of those at grade or first floor level on adjacent property and to prevent the shining of automobile headlights into the yards of adjacent property.

(b)

In general, this buffer shall provide a visual screen between the parking areas in the immediate vicinity of the residentially zoned property and an elevation no less than six feet above the finished grade of the parking areas.

(c)

Shade trees shall be provided in the buffer at the rate of one tree per 1,000 square feet of buffer area.

(d)

Landscaping buffers shall be designed to block 75% of all views from one side to the other five years after planting.

(e)

The design of the landscaped buffers shall include a method to deliver adequate and necessary water to the plantings through irrigation or otherwise which shall be installed and maintained by the developer/owner through the term of the maintenance bonds and which shall be utilized to insure the viability, vitality and healthy growth of the plantings and prevent the loss of the plantings within the landscaped berm area. The design of this system shall be reviewed and approved by the Land Development Board with jurisdiction over the application.

[Added 12-5-2005 by Ord. No. 45-2005]

(5)

Landscaping in parking lots. Interior parking lot landscaping equal to or exceeding 4% of the gross square footage of the paved areas of the site used for drives and parking shall be provided.

(a)

Such landscaping shall be provided in areas of not less than 150 square feet.

(b)

Shrubbery shall be less than three feet in height, and shade trees shall have foliage of seven feet or higher in order not to impede sight distances of motorists and pedestrians.

(c)

Landscaping in parking lots shall be so designed to avoid blocking required site lighting to the greatest extent possible.

(6)

Planting size requirements. The following minimum plant sizes shall be required for any landscape material, measured in accordance with American Nurserymen's Association Standards:

(a)

Shade trees: 2 1/2 to three inches in caliper.

(b)

Ornamental trees: six to eight feet in height.

(c)

Evergreen trees: six to eight feet in height.

(d)

Shrubbery, both deciduous and evergreen:

[1]

Prostrate (spreading): 18 to 24 inches in spread.

[2]

Small (mature size under three feet in height): 18 to 24 inches in height.

[3]

Large (mature size three feet or greater in height): 24 to 30 inches in height.

K.

Signs. Any signs sought to be applied for shall be the subject of an application to the Township of Harrison and shall be in accordance with Sign Ordinances of the Township of Harrison. [\[7\]](#)

[7]:

Editor's Note: See Art. [XIII](#), Signs, of this chapter.

L.

Additional studies required. The following studies shall be submitted prior to any preliminary approval of any site plan under this section:

(1)

Environmental impact statement.

(2)

Wetlands study.

(3)

Traffic impact study.

M.

Purpose of application. Applicant shall designate the purpose for which the site is sought to be developed, and shall further define the number of employees; the type of business sought to be developed within, which shall be in accordance with this section; designation of all areas, including parking, loading, fire lanes, and such other elements as may be required by the Site Plan Review Ordinance of the Township of Harrison. [\[8\]](#)

[8]:

Editor's Note: See Ch. [174](#), Site Plans, Major, and Ch. [176](#), Site Plans, Minor.

N.

Phasing of development. Any application seeking approval in phases shall include the entire site and the future plans for development for any remainder of the site not covered by the initial application. All utilities will be demonstrated for the entire site, and drainage for the entire site, in order that a uniform plan may be developed. The development plan shall be designated, and phases indicated, which shall be submitted at one time, evidencing the entire plan for the construction of the project. The application shall include building size, height, shape, site positions, architectural design, and other elements which shall relate to the site, for the purpose of maintaining uniformity of design standards throughout the project, and conformity with applicable ordinances within the Township of Harrison. Uniformity shall include parking, lighting, drainage, landscaping, colors of buildings, decorations for buildings, signs contemplated, and such other elements as may be necessary to meet the requirements of the Site Plan Ordinance [\[9\]](#) for the entire site. The purpose of any specific phasing is to provide for uniformity and conformity throughout the project.

[9]:

Editor's Note: See Ch. [174](#), Site Plans, Major, and Ch. [176](#), Site Plans, Minor.

O.

Design standards for any loading and fire lane area. Any application which is required to provide for fire lane and loading areas shall contain sufficient information in the application, so as to provide for eighty-thousand-pound motor vehicles utilizing the site, and all design standards shall remain in accordance therewith.