

37-33 L-I LIGHT INDUSTRIAL DISTRICT.

37-33.1 Permitted Uses.

No building, structure or premises shall be used and no building or structure shall be erected or structurally altered except for the following uses or a use or building similar or equivalent:

- a. Offices for executive, administrative or professional purposes;
- b. Scientific or research laboratories, including incidental pilot plants in connection therewith;
- c. Manufacturing, processing, finishing, fabrication and assembly of products subject to the limitations of subsection 37-4.14, Uses Prohibited in All Zones, and subsection 37-33.8;
- d. Warehousing-distribution facilities for products or materials but not including truck terminals as defined herein;
- e. Retail sale and warehousing-distribution facilities, provided that no more than ten (10%) percent or two thousand (2,000) square feet, whichever the lesser, of the gross floor area is used for retail sales. Such retail sales shall be accessory to a permitted principal use within the facility. Further, such use shall be located on a lot of no less than three (3) acres in size;
- f. Electrical equipment and appliances, heating, ventilating, air-conditioning, plumbing and refrigeration equipment sales and service businesses;
- g. Packaging and bottling plant;
- h. Indoor tennis courts, skating rinks, handball courts and health clubs or similar uses;
- i. Newspaper and printing establishments;
- j. Craftsman's or contractor's shop, such as carpentry, plumbing, welding, electrical or machine shop;
- k. Wholesale business establishment, distribution plant, parcel delivery establishment, cold-storage plant or food commissary.
(1999 Code § 17.64.010)

37-33.2 Accessory Uses.

Any accessory use on the same lot customary and incidental to the principal use on the lot, and further provided that, recognizing that occasional inventory or stock clearance sales are necessary, four (4) such sales per year may be permitted. (1999 Code § 17.64.020)

37-33.3 Conditional Uses.

- a. Restaurants and other eating and drinking establishments wherein food and drink are consumed within the principal building, provided that such use is located within an industrial park for which an approved overall development plan is of record. Such uses shall not be interpreted to include and are hereby defined to exclude drive-in restaurants or refreshment stands, commonly called "snack bars," "dairy bars," "hamburger stands" or "hot dog stands" or

similar uses where customers and patrons are served food, soft drinks or ice cream primarily for their immediate consumption outside the confines of the building or structure in which the business is conducted;

b. Transportation facilities and truck depots, provided that the use is individually located on a lot within an industrial park as defined herein for which an improved overall development plan or general development plan is of record and has Edison Township Planning Board approval. An industrial park shall be a minimum of twenty-five (25) acres in size and consist of not less than four (4) principal uses located on five (5) acre minimum size lots and subject to the following: A transportation facility or truck depot shall not include bus, truck, trailer and/or tank, washing and cleaning facilities, new or leased vehicle storage areas and vehicle dismantling facilities and further provided:

1. No repair or painting shall be conducted out of doors,
2. No vehicles awaiting repair shall be stored within the front yard area,
3. No such use shall be located on a lot within two hundred (200) feet of a residential zone, daycare facility, public park, school, church or mosque,
4. No such use shall be included as an accessory activity to the salvage and/or sale of used vehicles or parts thereof,
5. No such use shall engage in the activity of crushing, cutting or general disassembly of vehicles; such activity commonly referred to as a "salvage" or "junkyard" are prohibited by this chapter;

c. Automotive repair, inclusive of body repair, painting, and customizing, provided that such use is located within an industrial park for which an improved overall development plan is of record, and further provided that the use complies with paragraphs 1. through 5. below:

1. No repair or painting shall be conducted out of doors,
2. No vehicles awaiting repair shall be stored within the front yard area,
3. No such use shall be located adjacent to any residential zone,
4. No such use shall include as an accessory activity the salvage and/or sale of used vehicles or parts thereof,
5. No such use shall engage in the activity of crushing, cutting or general disassembly of vehicles; such activity commonly referred to as a "salvage" or "junkyard" are prohibited by this chapter;

d. Freight yard classified as second class railroad property pursuant to N.J.S.A. 54:29A-23, but not including privately owned rail siding(s), provided that the use complies with the following:

1. No principal or accessory structure associated with such use shall be located less than fifty (50) feet from any lot line.
2. No vehicles awaiting repair shall be stored within the front yard area,

3. No such use shall be located adjacent to any residential zone,

4. No such use shall include as an accessory activity the salvage and/or sale of used vehicles or parts thereof,

5. No such use shall engage in the activity of crushing, cutting or general disassembly of vehicles; such activity commonly referred to as a "salvage" or "junkyard" are prohibited by this chapter;

d. Freight yard classified as second class railroad property pursuant to N.J.S.A. 54:29A-23, but not including privately owned rail siding(s), provided that the use complies with the following:

1. No principal or accessory structure associated with such use shall be located less than fifty (50) feet from any lot line.

2. A buffer consisting of earthen berm, solid fencing and plants, or any combination of the same, shall be installed along any lot line of a freight yard use which coincides with a residential zone boundary. The buffer shall have an effective height of no less than ten (10) feet and shall provide an effective noise and visual barrier of the freight yard use to the adjacent residential zone. Existing trees of three (3) inches or more caliper shall be incorporated into the buffer design.

3. No maintenance, security or other access driveway shall be located between the required buffer and an adjacent residential zone;

e. Freight yard classified as second class railroad property pursuant to N.J.S.A. 54-29A-23, provided that the use complies with the following:

1. No principal or accessory structure associated with such use shall be located less than fifty (50) feet from the lot line of any residential use or any residentially-zoned lot, owned by any person or entity other than the owner of the freight yard classified as second class railroad property.

2. A buffer consisting of earthen berm, board-on-board fencing or equal and plants or any combination of the same shall be installed along any lot line of a freight yard use which coincides with a zone boundary, excepting any lot or lots that are not the subject of an application for development. The buffer shall have an effective height of no less than ten (10) feet and shall provide an effective visual barrier of the freight yard use to the adjacent residential zone. Existing trees of three (3) inches or more caliper shall be incorporated into the buffer design.

3. No maintenance, security or other access driveway shall be located between the required buffer and an adjacent residential zone;

f. Freestanding telecommunication towers subject to the following conditions:

1. The telecommunication towers shall meet all other zoning regulations for freestanding towers including, but not limited to, height and setback,

2. The height of such towers does not exceed the distance between the tower base and any property line of a parcel which is in any zone other than L-I or R-I zone, and

3. No such tower shall be located within one thousand (1,000) feet of any school or residential dwelling;

4. The conditions set forth in subsection 37-31.4, paragraph a,4. through a,15.

g. Dishes or antennas which transmit microwaves from a tower, rooftop, water tower or other elevated location subject to the following conditions:

1. The dishes or antennas shall meet all other zoning regulations for dishes and antennas including, but not limited to, height and setback.

2. The height of such dishes or antennas does not exceed the distance between the dish or antenna base and any property line of a parcel which is in any zone other than an L-I or R-I zone.

3. No such dish or antenna shall be located within one thousand (1,000) feet of any school or residential dwelling.
(1999 Code § 17.64.030)

37-33.4 Height, Area and Yard Requirements.

Height, area and yard requirements are as specified in the Schedule of Regulations, Section 37-63, except as permitted herewith:

a. *Permitted Modifications--Industrial Parks.*

1. An industrial park development shall be permitted in the L-I district, provided that it shall have a total area of at least twenty-five (25) acres. No individual use within said industrial park shall be on a plot of land less than one (1) acre in size. Not more than fifty (50%) percent of the total land area in the industrial park shall be devoted to uses of individual plots of less than two (2) acres in size. Within an industrial park, all frontages shall be a minimum of one hundred fifty (150) feet; rear yards shall be a minimum of twenty-five (25) feet; and all front yard setbacks shall be a minimum of forty (40) feet. The minimum side yard shall be twenty-five (25) feet in width.

2. The height of building(s) and/or the number of stories may be increased by ten (10) feet and/or one (1) story for each additional forty thousand (40,000) square feet of lot area above the minimum required, except that no structure shall exceed one hundred (100) feet in height, and further provided that this modification shall not be permitted where the structure is or is proposed to be located within five hundred (500) feet of a residential zone boundary. This modification shall be applicable to industrial parks.

3. Within an industrial park, commercial and personal service uses, limited to restaurants, barber and beauty shops, clothing and drug stores, newspaper and stationery stores, shall be permitted, provided that such uses occupy less than one (1%) percent of the floor area of the industrial park in which located.

b. *General Development Plan Requirements for Industrial Parks.*

1. *Application Procedure.* The applicant shall submit a general development plan for the entire tract. The general development plan shall set forth the amount of nonresidential floor space and the floor area ratio for the industrial park development in its entirety, according to a schedule which sets forth the sequence of construction of the various sections of the development. Subject to the provisions hereof and of other applicable law, the development shall be developed in accordance with the general development plan approved by the Planning Board, notwithstanding any provision of N.J.S.A. 40:55D-45.2, or an ordinance or regulation adopted pursuant thereto after the effective date of the approval. The applicant shall file an application form for a general development plan and pay applicable fees as set forth in the subdivision and site plan ordinance of Edison Township. The application submission shall conform to paragraph b,2. below.

In making its determination regarding duration of the effect of approval of the general development plan, the Planning Board shall consider the amount of nonresidential floor area to be constructed, prevailing economic conditions, the timing schedule to be followed in completing the development and the likelihood of its fulfillment, the developer's capability of completing the proposed development and the contents of the general development plan and any conditions which the Planning Board attaches to the approval thereof.

The term of the effect of the general development plan approval shall be determined by the Planning Board using the guidelines set forth in this subsection, except that the term of the effect of the approval shall not exceed twenty (20) years from the date upon which the developer receives final approval of the first section of the development. Upon the expiration of the initial term and for good cause, the Planning Board may grant extensions of the term up to the maximum term permitted by N.J.S.A. 40:55D-39.

2. *Contents of General Development Plan Application.* A general development plan application shall include such information as is reasonably necessary to disclose the following:

(a) The location and size of the site and the nature of the landowner's interest in the land to be developed;

(b) The general land use plan at scale of one (1) inch to four hundred (400) feet or greater indicating the tract area and general locations of the land uses to be included in the planned development. The amount of nonresidential floor area to be provided and proposed land area to be devoted to nonresidential use shall be set forth. In addition, the proposed types of nonresidential uses to be included in the planned development shall be set forth, and the land area to be occupied by each proposed use shall be estimated. The density and intensity of use of the entire planned development shall be set forth, and a residential density and a nonresidential floor area ratio shall be provided;

(c) A circulation plan showing the general location and types of transportation facilities, which may include rail, heliport, docks, terminals and facilities for pedestrian access within the development. The general development plan shall also show proposed improvements to the existing transportation system outside the development. The general development plan shall also show means of access for all emergency

services. Further, the circulation plan shall form the basis for an Official Map pursuant to N.J.S.A. 40:55D-32. At time of final site plan, the Official Map shall be filed by applicant as a part of development application;

(d) An open space plan showing the proposed land area and general location of any land areas to be set aside for conservation and recreation purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of parks and recreational lands;

(e) A utility plan indicating the need for and showing the proposed location of sewage and water lines, any drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal; and a plan for the operation and maintenance of proposed utilities;

(f) A stormwater management plan setting forth the proposed method of controlling and managing stormwater on the site, including preliminary engineering estimates of stormwater run-off quantities;

(g) An environmental inventory including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing manmade structures or features, any hazardous/toxic material and/or contamination on the site and the probable impact of the development on the environmental attributes of the site;

(h) A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and solid waste disposal;

(i) A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public prior to the completion of the development in its entirety;

(j) A plan showing all off-tract improvements and/or extensions of municipal facilities;

(k) A road plan for total development, showing where any proposed roads continue and/or form a roadway system outside the site, if applicable;

(l) A preliminary plan for development shall include all items required in the checklist for the major site plan and subdivision application.

3. Other Requirements.

(a) Open Storage of Materials. Except in the case of marine facility uses, no open display or storage of products, materials and equipment shall be permitted in a required front yard area.

(b) Off-street parking space may be located in the front, side and rear yards and beneath buildings, provided, however, that no parking space for a nonresidential use shall be located nearer than ten (10) feet to any street curbline. Parking beneath a

building shall not be considered floor area of the building for any purpose. Any parking proposed within a required front, side, or rear setback area shall be screened with a dense planting of five (5) foot to six (6) foot high evergreens placed at seven (7) foot centers.

4. Procedure for Variation from General Development Plan. The developer shall be required to gain the prior approval of the Planning Board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the development or increases the floor area ratio of nonresidential development in any section of the development.

5. Roadway Standards.

(a) All existing roads and proposed roads to be dedicated shall be improved and/or constructed in accordance with the Township standards.

(b) The right-of-way and pavement widths for improvement of private ways, roads and alleys shall be determined from sound planning and engineering standards in conformity with the estimated needs of the full development proposed and the traffic to be generated thereby and shall be adequate and sufficient in size, location and design to accommodate the maximum traffic, parking and loading needs and the access of fire-fighting equipment and police vehicles. Internal private roads shall have a required pavement width as follows:

(1) Two-way traffic roads shall be a minimum of thirty-six (36) feet paved width;

(2) Sidewalks, if any, shall be at least four (4) feet in width. Service ways for public service and emergency vehicles shall be no less than fifteen (15) feet in width;

(3) Development Staging. As a condition of final approval of the general development plan, the Board may permit the implementation of the plan, the plan in whole or in sections or in stages consisting of one (1) or more sections or stages. Such sections or stages shall be:

i. Functionally self-contained and self-sustaining with regard to access, parking utilities, open spaces and similar physical features and shall be capable of substantial occupancy, operation and maintenance upon completion of construction and development,

ii. Properly related to other services of the community as a whole and to those facilities and services yet to be provided in full execution and implementation of the development plan,

iii. Provide temporary or permanent transitional features, buffers or protective areas as the conditions of ownership and maintenance may require to prevent damage or detriment to any completed section or stage of development. Plans and specifications of such sections or stages are to be filed with the Board and are to be of such detail to demonstrate the

arrangement of land uses, (public and private) utilities and emergency service facilities.

(c) Overall Development Plan Requirement for Industrial Parks. All requirements to be as specified in paragraph b,5(b)(3)ii. above except as indicated below:

The term of the effect of overall development plan approval shall not exceed ten (10) years from the date upon which the developer receives final approval of the first section of the development.

(1999 Code § 17.64.040)

37-33.5 Other Requirements.

All uses hereafter established shall conform to the following requirements:

a. Transition requirements: same as set forth in the R-I district.

b. *Storage.* All materials and equipment shall be stored in completely enclosed buildings or shall otherwise be screened by walls, fences and landscaping to adequately screen such materials and equipment from outside the boundaries of the lot.

(1999 Code § 17.64.050)

37-33.6 Off-Street Parking and Loading Requirements.

a. Off-street parking space, together with appropriate access thereto, shall be provided on the same lot as the building it is intended to serve in accordance with the standards of Section 37-60.

b. Off-street parking space may be located in the front, side and rear yards; provided, however, that no parking space shall be nearer than fifteen (15) feet to any street lot line nor nearer than five (5) feet to the front of a building, and further provided that complete building perimeter parking is prohibited.

(1999 Code § 17.64.060)

37-33.7 Signs.

Signs shall be subject to the regulations of Section 37-62. (1999 Code § 17.64.070)

37-33.8 Prohibited Uses.

a. Tanning;

b. Stone crushing;

c. Paper pulp manufacture;

d. Cloth manufacture requiring formaldehyde or equivalent as an additive;

e. Metal manufacture of raw or recyclable materials;

f. Metal fabrication of trailers, truck bodies and cranes for lease or sale;

g. Truck terminals.
(1999 Code § 17.64.080)

37-33.9 Application for Development and Checklist.

An application for development, in accordance with subsections 37-33.1 through 37-33.8 shall be submitted with the required fees and all required submissions set forth under the applicable checklist as established in Schedule B and Schedule C, which schedule is attached to the ordinance codified in this section and made a part of this section by reference and is on file in the Clerk's Office for public inspection.
(1999 Code § 17.64.090)

37-33.10 Contribution Disclosure Statements.

a. *Definitions.* As used in this section:

Application checklist means the list of submission requirements adopted by ordinance and provided by the Municipal agency to a developer pursuant to N.J.S.A. 40:55D-10.3.

Developer means a developer as defined by N.J.S.A. 40:55D-4, the legal or beneficial owner or owners of a lot or any of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

Professional means any person or entity whose principals are required to be licensed by New Jersey Law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimonies or reports and the firms or entities in which the individuals practice.

Contribution means every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the ordinance, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

Contribution disclosure statement means a list specifying the amount, date, and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, this municipality, made up to one (1) year prior to filing the variance application and/or during the pendency of the application process, and required to be reported pursuant to N.J.S.A. 19:44A-1 et seq.

b. *General Provisions.*

1. Disclosure Requirements.

(a) Any application for a variance pursuant to N.J.S.A. 40:55-70(d) shall include in the application contribution disclosure statements for all developers; all associates of the developers who would be subject to disclosure pursuant to N.J.S.A. 40:55D-48.1 or 40:55D-48.2; and all professionals who apply for or provide testimony, plans, or reports in support of the variance and who have an enforceable proprietary interest in the property or development which is the subject of the application or whose fee in whole or part is contingent upon the outcome of the application. Regardless of whether the owner of the property which is the subject of the variance application falls in any of the categories established in the preceding sentence, the applicant shall include in the application a contribution disclosure statement for the owner.

(b) During the pendency of the application process until final site plan approval is granted, any applicant for a variance pursuant to N.J.S.A. 40:55D-70(d) shall amend its contribution disclosure statements to include continuing disclosure of all contributions within the scope of disclosure requirement of the above subdivision.

2. Inclusion of Contribution Disclosure Statement as an Element of the Application Checklist.

(a) An application checklist ordinance is adopted pursuant to N.J.S.A. 40:55D-10.3 to require contribution disclosure statement from any and all owners, developers, or professionals applying for or providing testimony, plans, or reports in support of any application for a variance pursuant to N.J.S.A. 40:55D-70(d).

(b) The municipal Board of Adjustment shall amend its application checklist to include the contribution disclosure statement specified in the above subdivision.

3. Availability of the Disclosure Statement. All contribution disclosure statements shall be available in the office of the administrative officer for review by any member of the public.

4. Admission of Contribution Disclosure Statement Prohibited. The contents of any contribution disclosure statement required to be filed, and any comments or statements concerning same, shall be inadmissible for any purpose at any hearing of the Zoning Board of Adjustment, and furthermore this information shall not become part of the official record before that Board on any application.

(1999 Code § 17.64.100)