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Municipality:	City of Rahway
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Title:	City of Rahway Mixed-Use Zone
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Abstract

The City Code of Rahway, New Jersey provides for an “M-X” zoning district (mixed use zone) that aims to create a high-density area near the Rahway Train Station (which underwent a \$16 million renovation, including a public plaza in front of the station) by providing for multiple uses and pedestrian linkages to the waterfront and downtown areas. The renovation of the train station has led to an increased effort in downtown revitalization, with new residences, restaurants, and art galleries being constructed in the downtown area.

The M-X ordinance prohibits any automotive-related uses, while allowing for a mix of residential, office space, day care facilities, retail, and more. To increase the density of the area, the ordinance permits high-rise apartments with a maximum height of 12 stories and up to 500 units per acre (office buildings also have a 12-story limit). To encourage walking, the ordinance mandates a safe and convenient system of pedestrian walkways that not only facilitate circulation, but also emphasize desirable views of new and existing development. Such walkways are to be paved and include landscaping, lighting fixtures, and benches. Buildings, parking areas, and roads for automobiles must be arranged in a manner that does not unnecessarily expose pedestrians to vehicular traffic. Developers must submit a circulation plan that includes proposed improvements for pedestrian access as part of the application process. Under the ordinance, certain amenities must be provided within this zone, such as fountains, sculptures, public restrooms, and gardens in order to provide aesthetic value and comfort to pedestrians. All buildings in the zone are required to have convenient access to and from adjacent uses and blocks, and the buildings must relate to each other in placement and connection in order to create a physically integrated development.

Resource

CHARTER & CODE OF CITY OF RAHWAY, NEW JERSEY
PART II, GENERAL LEGISLATION: LAND USE LEGISLATION
Chapter 421 – ZONING
§ 421-22 and § 421-44

§ 421-22. M-X Mixed Use Zone.

A. Purpose.

The purpose of this district is to create a comprehensively planned and designed high-density, mixed-use development comprised of waterfront and/or central business district office buildings, residential apartment complexes, recreational or entertainment uses, and public facilities which would complement rather than compete with the convenience, specialty and comparative retail uses and personal service uses within the central business and service business zones. A limited amount of retail space would be provided in conjunction with the principal permitted uses in the zone. On-site parking, landscaping and open space, public access to the waterfront and pedestrian linkages to the downtown are to be provided.

B. Permitted principal uses.

The following principal uses shall be permitted:

(1) Planned mixed-use developments, but only in accordance with the provisions of § 421-44.

- (a) Townhouses or row houses, in accordance with § 421-34.
- (b) Low-rise apartments, in accordance with § 421-35.
- (c) High-rise apartments, in accordance with § 421-36.
- (d) Public uses.
- (e) Professional offices.
- (f) Medical and dental offices.
- (g) General and business offices.
- (h) Restaurants, including restaurants with plenary retail consumption licenses.
- (i) Hotels, in accordance with § 421-41.
- (j) Commercial recreational uses.
- (k) Cultural facilities.

(l) Child-care centers.

(m) Parks and playgrounds.

(n) Bars and taverns.

(o) Any drive-in or drive-through establishments.

C. Permitted accessory uses and structures.

The following accessory uses and structures shall be permitted:

(1) Accessory uses or structures permitted in the B-1 Neighborhood Business Zone.

(2) Public parking lots, parking garages or parking structures. Such parking garages and structures shall meet the lot, height and yard requirements for principal uses in the zone.

(3) Customary and accessory uses which are necessary and incidental to the principal uses, including but not limited to small retail facilities primarily for the use of employees, residents or visitors of the development.

D. Conditional uses.

The following uses shall be permitted in the M-X Mixed-Use Zone, provided they meet the conditions set forth in Article VII.

E. Prohibited uses.

The following uses shall be prohibited:

(1) Motels.

(2) Automotive uses of any kind.

(3) Manufacturing, wholesale, storage, warehouse or distribution facilities.

(4) Utility installations.

§ 421-44. Mixed-use developments.

A. Any development within the M-X Mixed-Use Zone shall be designed in part or in whole as a single planned development as defined herein, according to a

comprehensive master site development plan. The comprehensive master site development plan shall indicate:

- (1) The tract area devoted to and location of the land uses to be included in the planned development;
- (2) The total number of dwelling units and amount of nonresidential floor area to be provided and the proposed land area devoted to residential and nonresidential land uses;
- (3) The proposed types of nonresidential uses to be included in the planned development, and the land area to be occupied by each proposed use, shall be estimated;
- (4) The proposed density and intensity of use of the entire planned development, including a residential density and nonresidential floor area ratio;
- (5) A circulation plan showing the location and configuration of the proposed on- and off-site improvements for vehicular and pedestrian access, including linkages and public access to the waterfront and to the Central Business Zone and location and number of parking spaces proposed;
- (6) An open space plan showing the proposed areas of the site set aside as open space, conservation or for recreation, including a description of the improvements proposed thereon and a plan for the operation and maintenance of such open space;
- (7) A utility plan indicating the need for and showing the proposed location of sewage and water lines, any drainage facilities necessary, and methods of handling solid waste and recycling;
- (8) A stormwater management plan setting forth the proposed method of controlling and managing stormwater;
- (9) A fiscal impact report describing the anticipated demand on municipal and school district services, including a projection of tax revenues generated and costs incurred to the city, the school district and county following completion of development;
- (10) A proposed timing schedule in the case where a planned development is contemplated over a period of years, including any terms and conditions which are intended to serve the interests of the public and of the residents who occupy the planned development prior to its completion in entirety.

B. The following area, yard and building requirements shall apply to the overall tract encompassing the planned development:

- (1) Minimum tract area: seven acres.
- (2) Minimum tract width and depth: 200 feet.

(3) Minimum building setbacks:

(a) From East Milton Street and Main Street: 35 feet, which yard area shall be landscaped open space;

(b) From all other property lines: a distance equal to half the height of the building but in no case more than 35 feet;

(c) To a building where one or both buildings are residential: a distance equal to the average height of the two buildings but no less than 30 feet;

(d) To a building where both buildings are nonresidential: a distance equal to half the average height of the two buildings but no less than 30 feet;

(e) To internal roads, driveways and parking areas: 10 feet.

(4) Minimum buffer. A buffer strip of at least 15 feet shall be provided around that portion of the perimeter which adjoins adjacent development.

(5) Residential densities or floor area ratios:

(a) The maximum residential density for that portion of the tract devoted to townhouses shall be 10 units per acre;

(b) The maximum residential density for that portion of the tract devoted to low-rise apartments shall be 20 units per acre;

(c) The maximum residential density for that portion of the tract devoted to high-rise apartments shall be 50 units per acre;

(d) The maximum overall density for that portion of the tract devoted to residential uses shall be 30 units per acre;

(e) The maximum gross floor area for that portion of the tract devoted to residential health care facilities shall be 40%.

(6) Nonresidential floor area ratios. The maximum floor area ratio of that portion of the tract devoted to nonresidential uses shall be 60%.

(7) Maximum heights:

(a) Townhouse: 2 1/2 stories or 35 feet.

(b) Low-rise apartments: three stories or 40 feet.

(c) High-rise apartments: 12 stories or 150 feet.

(d) Residential health care facilities: three stories or 40 feet.

(e) Office buildings: 150 feet.

(f) Hotels: eight stories or 100 feet.

(g) All other uses: three stories or 40 feet.

(8) Building coverage. The maximum building coverage for the entire tract shall be 35%.

(9) Lot coverage. The maximum lot coverage for the entire tract shall be 75%.

(10) Accessory buildings. Accessory buildings shall adhere to the setback requirements for all principal uses or buildings.

C. The following design standards shall apply to a planned development:

(1) The overall plan shall provide for an effective and unified treatment of the development possibilities of the site, making appropriate provision for the preservation of amenities of the site and the surrounding areas.

(2) All buildings in the layout and design shall be an integral part of the development and shall have convenient access to and from adjacent uses and blocks.

(3) Individual buildings shall be related to each other in design, masses, materials, placement and connections to provide a visually and physically integrated development.

(4) Treatment of the sides and rears of all buildings within the planned development shall be comparable in building materials as to the treatment given to the street frontages of these same buildings.

(5) The design of buildings and the parking facilities shall take advantage of the topography of the site, where appropriate, to provide separate levels of access.

(6) All buildings shall be arranged so as to be accessible to emergency vehicles.

(7) Facilities for the temporary storage of refuse and garbage awaiting removal shall be designed and located in such a manner as to make the facilities inconspicuous to the general public and to prevent the spread of refuse to other areas. Trash cans are encouraged and shall be screened from public view rather than dumpsters.

(8) Air-conditioning and other mechanical equipment shall be screened from public view with suitable materials to harmonize with the total development.

D. Other facilities.

The following facilities or amenities as described below shall be provided:

(1) Fountains and sculptures. Aesthetic features incorporated into garden or play areas as focal points or as freestanding points of interest anywhere in the project area accessible to the general public shall be provided.

(2) Plazas or gardens. Landscaped areas, other than mall areas, designed for aesthetic value and preparation comfort shall be provided.

(3) Rest rooms. Public rest room facilities shall be available in several convenient locations.

E. Parking and loading.

Parking and loading areas within the M-X Mixed-Use Zone shall comply with the following:

(1) The amount of parking provided shall comply with § 349-5 of Chapter 349, Site Plan Review.

(2) Parking areas shall be divided into lots separated by appropriate landscaping. Driveways and internal roads shall be separated from parking areas and aisles by curbed landscaped islands to facilitate traffic movements. Consideration shall be given to topography, location and other similar circumstances in accordance with recognized principles of planning and design.

(3) Parking facilities shall be designed with careful regard to orderly arrangement, topography, landscaping and ease of access and shall be developed as an integral part of an overall site design.

(4) Parking may encroach 10 feet into the 35 feet of setback area but must have a berm of five-tenths-foot for every foot of encroachment, not to exceed 10 feet of encroachment into the setback area.

(5) Above-grade loading facilities shall be screened from public view to the extent necessary to eliminate unsightliness.

(6) The minimum parking lot setback from public streets shall be 35 feet, the same as the required buffer and required building setback. The setback from lot lines of a residential zone shall be five feet.

F. Open space, buffers and landscaping.

The following provisions shall apply:

(1) Open space. A minimum of 25% of the total land area of the planned business development shall be developed as open space. In calculating open space, the area of plazas, open or enclosed pedestrian shopping malls, pedestrian walkways, landscaped areas, within

and between parking areas shall also be included. The precise uses to which such open space shall be devoted shall be subject to the approval of the municipal agency.

(2) Buffer area. The buffer area around the perimeter of the property shall be appropriately landscaped so as to generally enhance the appearance of the site and shall not contain roads, driveways, parking areas or signs.

(3) Landscape treatment for plazas, roads, walkways, service and parking areas shall be designed as an integral part of a coordinated landscape design for the entire site. Primary landscape treatment shall consist of shrubs, ground cover and trees and shall combine with appropriate walks and street surfaces to provide an attractive development pattern. Landscape materials selected should be appropriate to growing conditions. Whenever appropriate, existing trees shall be conserved and integrated into the landscape design plan.

G. Circulation.

The following shall apply:

(1) There shall be an adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways and off-street parking and loading space.

(2) Roads. Pedestrian walks and open spaces shall be designed as an integral part of an overall site design and shall be properly related to existing and proposed buildings and appropriately landscaped.

(3) Buildings, parking areas and vehicular circulation shall be arranged so that pedestrian movement is not unnecessarily exposed to vehicular traffic.

(4) Materials and design of paving, lighting fixtures, retaining walls, fences, curbs, benches, etc., shall be of good appearance and easily maintained.

(5) The location and design of pedestrian walks should emphasize desirable views of new and existing development.

(6) The maximum separation of private automobiles and service vehicles shall be provided through the use of separate service lanes, where reasonably possible.

(7) Common or shared parking. The development of shared parking facilities between and across adjacent properties shall be encouraged and permitted, provided that the amount of shared parking is agreed upon by the municipal agency.

H. Signs.

The following regulations shall apply:

(1) General. No exterior signs shall be permitted, except those described herein. Signs, or any part thereof, shall not be permitted to move, rotate or revolve. Flashing or intermittent variation in the illumination of a sign or its lettering shall not be permitted. Posters, pinwheels and other attention-attracting forms of advertising shall not be permitted outside of any structure. No sign shall interfere with the safe functioning of any traffic control signal or directional device.

(2) Identification signs (freestanding).

(a) Freestanding or pylon signs shall be prohibited except that one such sign for each driveway entrance, not to exceed a total of two, identifying or advertising the planned business development or its occupants or services shall be permitted. Each such sign shall not exceed an aggregate of both sides of 200 square feet.

(b) The height of freestanding or pylon signs shall not exceed 15 feet above the grade of the center line of the nearest public street or roadway and shall be set back at least 10 feet from the property line.

(c) No sign shall be located within 40 feet of the boundary of a residence zone, except that this limitation shall not apply where a public highway intervenes between a residential zone and the planned commercial development.

(3) Facade signs identifying or advertising the names or uses of the tenants or occupants of the planned commercial development shall be affixed to the buildings and shall occupy no more than 10% of the aggregate of the total exterior wall areas of such buildings. Facade signs may be placed on all exposed sides of a building, provided that the total area of all signs does not exceed 10% of the front facade area. This section should not be construed to provide individual tenants of multistoried nonretail commercial buildings with facade signs. Only the nonretail building itself may be identified in accordance with the requirements of this section. Directional signs and information signs, such as those identifying entrances, exits and the location of rest rooms and other places of public convenience, affixed to the buildings shall not be included within the foregoing ten-percent limitation. No sign affixed to a building shall project beyond the sides or the front of the building or above the top of any parapet or wall. Interior signs shall be exempted from this chapter.

(4) Canopy. Where walkways are roofed over by a permanently installed rigid canopy or other structural device, one sign may be installed on the underside of such canopy for each store or occupant, provided that the sign is hung perpendicularly to the facade of the building. The aggregate area of both sides of any such signs shall not exceed eight square feet in area and shall not be less than 10 feet above any walkway. This provision shall not apply to signs within an enclosed all-weather shopping mall.

(5) Roof signs. Roof signs shall be specifically prohibited.

(6) Directional signs. Directional signs are permitted to direct traffic within and entering and exiting the development. Such signs shall not exceed an aggregate of 12 feet and shall

not exceed a height of five feet. The maximum number of signs shall be at the discretion of the municipal agency.