

ORDINANCE NO. 5499

**AN ORDINANCE TO AMEND THE CITY OF ELIZABETH LAND DEVELOPMENT CODE, CHAPTER 17, SUBCHAPTER 36 ENTITLED "ZONING DISTRICTS", TO CARRY OUT THE RECOMMENDATIONS IN THE 2020 MASTER PLAN RE-EXAMINATION REPORT TO ELIMINATE THE MRC ZONE AND REPLACE THIS ZONE WITH NEWLY CREATE MRC-1 AND MRC-2 ZONE DISTRICTS**

**WHEREAS**, the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-89) requires that the Governing Body, at least every 10 years, provide for a general reexamination of its master plan and development regulations by the planning board, which shall prepare and adopt by resolution a report on the findings of such examination; and

**WHEREAS**, the reexamination report statute requires a multi-step process that must be adhered to in order for the governing body and planning board to exercise these powers lawfully; and

**WHEREAS**, the City of Elizabeth has prepared a Reexamination Report dated June 4, 2020 and a revision date of July 2, 2020, that complies with the requirements in the MLUL; and

**WHEREAS**, the City of Elizabeth Reexamination report of the Master Plan was adopted by the Planning Board of the City of Elizabeth Planning Board at its regularly scheduled meeting of July 2, 2020, and memorialized pursuant to N.J.S.A. 40:55D-10(g) at its regularly scheduled meeting of August 6, 2020; and

**WHEREAS**, the following amendments have been prepared in order to effectuate the recommendations of the City of Elizabeth Master Plan Reexamination Report by eliminating the Manufacturing, Research, and Commercial (MRC) zone district, and creating two new and separate zoning districts -- the MRC-1 zone and the MRC-2 zone -- for different areas of the city which better capture the distinct contexts of this zone; and

**WHEREAS**, the following amendments have been prepared in order to effectuate the recommendations of the City of Elizabeth Master Plan Reexamination Report to permit cross-docking and a variety of warehouse and/or logistics type uses in safe and appropriate locations throughout the City in order to create regulations that promote safe and efficient circulation; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Elizabeth, County of Union, and State of New Jersey, as follows:

**SECTION 1.** -- Section 17.36.010 "Establishment of zones" of Subchapter 36 ("Zoning Districts") of Chapter 17 of the Land Development Code of the City of Elizabeth is amended to eliminate the Manufacturing, Research, and Commercial (MRC) zone district in its entirety.

**SECTION 2.** -- Section 17.36.010 "Establishment of zones" of Subchapter 36 ("Zoning Districts") of Chapter 17 of the Land Development Code of the City of Elizabeth is hereby amended to create two new zone districts, Manufacturing, Research, and Commercial 1 (MRC-1) zone and Manufacturing, Research, and Commercial 2 (MRC-2) zone.

**SECTION 3.** -- The MRC-1 zone shall encompass all existing parcels currently zoned MRC, with the exception of the following parcels not to be included: Block 2, Lots 74, 280, 281,282, 855, 856, 857, 858, 859, 865, 864, 862, 867, and 868; and Block 11, lots 846, 847, 847.A, 848, 849.

**SECTION 4.** -- The MRC-2 zone shall encompass the following parcels: Block 2, Lots 74, 280, 281,282, 855, 856, 857, 858, 859, 865, 864, 862, 867, and 868; and Block 11, lots 846, 847, 847.A, 848, 849.

FORWARDED TO THE MAYOR FOR  
APPROVAL OR DISAPPROVAL ON  
NOV 24 2021

**SECTION 5.** – Schedule IB, “MRC District Zone Controls” of Subchapter 36 (“Zoning Districts”) of Chapter 17 of the Land Development Code of the City of Elizabeth shall hereby be amended to “Section IB-1” and renamed “MRC-1 Zone District Controls” to be replaced in its entirety as follows;

Schedule IB-1  
MRC-1 Zone District Controls

Bulk Standard	Large Scale Retail Uses	Warehouse Uses	All Other Permitted Uses
Minimum Lot Frontage	150 Feet	150 Feet	50 feet
Minimum Front Yard	0 Feet	35 Feet	35 feet
Minimum Rear Yard	25 Feet <sup>(1)</sup>	25 Feet <sup>(1)</sup>	25 feet <sup>(1)</sup>
Maximum Height (Principal)	3 Stories / 40 Feet	3 Stories / 55 Feet	3 Stories / 40 Feet
Maximum Height (Accessory)	2 Stories / 45 Feet	2 Stories / 25 Feet	2 Stories / 25 feet
Minimum Lot Size	1 acre	0.75 acre	0.75 acre
Minimum Principal Building Size	15,000 square feet	17% of the lot area	17% of the lot area
Maximum Building Coverage	35 percent	50 Percent	50 Percent
Parking Requirements	1/300 square feet floor area	1/3000 square feet floor area warehouse use <sup>(2)</sup>	1/1400 square feet site area, or based upon current ITE edition, whichever greater
Maximum Number of Dock Doors	N/A	Bldg Size	N/A
		# of Dock Doors	
		1 per 5,000 SF GFA, or 5 dock doors, whichever greater	
		0 – 100,000 square feet	1 per 8,000 SF GFA

Bulk Standard	Large Scale Retail Uses	Warehouse Uses	All Other Permitted Uses
		244-001 – 600,000 feet	1 per 10,000 SF GFA

- (1) Rear yards abutting rail rights-of-way may be reduced to 0 feet.
- (2) Parking for office space within warehouse uses shall be provided at a ratio of 1 per 250 square feet of floor area devoted to office use.

**SECTION 6.** – Schedule IB, “MRC District Zone Controls”, Subsection “Permitted Uses” of Subchapter 36 (“Zoning Districts”) of Chapter 17 of the Land Development Code of the City of Elizabeth shall be hereby be removed in its entirety.

**SECTION 7.** - Subchapter 36 (“Zoning Districts”) of Chapter 17 of the Land Development Code of the City of Elizabeth is hereby amended to add a new “Section 17.36.210”, entitled “Manufacturing, Research, and Commercial 1 (MRC-1) Zone”, as follows:

17.36.210 – Manufacturing, Research, and Commercial 1 (MRC-1) Zone

1. Permitted Uses in the MRC-1 Zone:
  - a. Corporate business and professional offices.
  - b. Research laboratories.
  - c. Large scale retail uses such as supermarkets and community shopping centers containing permitted retail and service uses in the C-2 Zone.
  - d. Light manufacturing, including the manufacture, assembly, packing or treatment of articles or merchandise from previously prepared material subject to performance standards of Section 17.36.060, including, but not limited to pharmaceuticals and cosmetics, food products, electrical and electronic equipment, precision equipment, textiles and apparel.
  - e. General commercial uses, such as wholesale business uses, office supplies and services, photo processing plants, lithograph, typesetting ruling and binding establishments, electrical sales and contracting, plumbing sales and contracting.
  - f. Indoor amusement facilities, including theaters, bowling alleys and skating rinks, and full-service restaurants, other than drive-in or drive-thru establishments.
  - g. Warehousing with wholesale and storage, subject to the definition of warehouse, which shall not include distribution center uses, fulfillment centers or parcel hubs, standalone outdoor storage, standalone parking facilities.
2. Accessory Uses in the MRC-1 Zone:
  - a. Customary and incidental accessory uses pursuant to Section 17.36, Schedule IB.A.6.a inclusive of bars and cocktail lounges without live entertainment or dancing as part of indoor amusement facilities.
3. Conditional Uses in the MRC-1 Zone.
  - a. Distribution Centers. A distribution center is a conditional use in the MRC-1 Zone subject to the following conditions:

- i. Building square footage shall be no more than 600,000 square feet.
- ii. Dock doors for distribution center uses may be provided on at least two (2) sides of the building, and can be located on adjacent or opposite sides of the building.
- iii. The ratio of dock doors shall be permitted up to a maximum amount as follows:
  - 1. For buildings 0 – 100,000 square feet – 1 per 5,000 SF GFA, or 5 dock doors, whichever greater;
  - 2. For buildings 100,001 – 244,000 square feet – 1 per 8,000 SF GFA;
  - 3. For buildings 244,001 – 600,000 square feet – 1 per 10,000 SF GFA;
- b. The following are additional bulk standards for Conditional Uses within the MRC-1 Zone, and shall not be conditions by which the use is determined permissible:
  - i. Distribution center uses shall be subject to the bulk regulations set forth under Schedule IB-1 for “warehouse uses”.
  - ii. Truck Parking.
    - 1. Truck parking stalls shall be provided that are not directly adjacent to the building.
    - 2. A minimum of one (1) truck parking stall per dock door shall be provided, and a maximum of two (2) truck parking stalls per dock door shall be permitted.
    - 3. Truck parking stalls shall be provided at a minimum dimension of 50 feet in length by 10 feet in width.
  - iv. Traffic Study
    - 1. A traffic study prepared by a licensed Traffic Engineer shall be prepared and submitted to the Planning Board.
    - 2. Trip generation rates for distribution centers at the AM and PM peak hours shall be provided within the study.
    - 3. The maximum allowable peak hour trip generation rate shall be 0.30 trips per 1,000 SF.
- 4. Permitted Signage. This section shall supersede the signage requirements listed under Section 17.36.060.
  - a. Number of signs. One (1) business/wall sign shall be permitted for each building façade for single-tenant buildings. Multi-tenant buildings shall be permitted one (1) business/wall sign per tenant on up to two (2) facades per tenant.
  - b. Sign Dimensions.
    - i. Building mounted wall signs shall be permitted up to six (6) feet in height for façades with up to one (1) sign. For facades with more than one (1) wall sign, each sign shall be permitted up to four (4) feet in height.
    - ii. Building mounted wall signs shall be permitted up to a maximum width of 60 percent of building façade length for

façades with up to one (1) sign. For façades with more than one (1) wall sign, each sign shall be permitted up to up to a maximum width of 40 percent of building façade length.

- iii. Building mounted wall signs shall be permitted up to the top of the building, but shall not be permitted to exceed the building height and are prohibited from being located on the building roof.

5. Prohibited Uses in the MRC-2 Zone.

- a. Standalone surface parking facilities or surface parking lots as the primary and sole use on a property shall be prohibited in the MRC-2 Zone.

**SECTION 8.** – Subchapter 36 (“Zoning Districts”) of Chapter 17 of the Land Development Code of the City of Elizabeth shall hereby be amended to create a new section “Schedule IB-2” entitled “MRC-2 Zone District Controls”, to be added as follows:

Schedule IB-2  
MRC-2 Zone District Controls

Bulk Standard	Large Scale Retail Uses	All Other Permitted Uses
Minimum Lot Frontage	150 Feet	50 feet
Minimum Front Yard	0 Feet	35 feet
Minimum Rear Yard	25 Feet <sup>(1)</sup>	25 feet <sup>(1)</sup>
Maximum Height (Principal)	3 Stories / 40 Feet	3/40 stories/feet
Maximum Height (Accessory)	2 Stories / 45 Feet	2 Stories / 25 Feet
Minimum Lot Size	1 acre	None
Minimum Principal Building Size	15,000 square feet	None
Maximum Building Coverage	35 percent	None
Parking Requirements	1/300 square feet floor area	1/1400 square feet site area, or based upon current ITE edition, whichever greater

(1) Rear yards abutting rail rights-of-way may be reduced to 0 feet.

**SECTION 9.** – Subchapter 36 (“Zoning Districts”) of Chapter 17 of the Land Development Code of the City of Elizabeth is hereby amended to add a new “Section 17.36.220”, entitled Manufacturing, Research, and Commercial 2 (MRC-2) Zone”, as follows:

17.36.220 - Manufacturing, Research, and Commercial 2 (MRC-2) Zone

- 1. Permitted Uses in the MRC-2 Zone:
  - a. Corporate business and professional offices.
  - b. Research laboratories.

- c. Large scale retail uses such as supermarkets and community shopping centers containing permitted retail and service uses in the C-2 Zone.
  - d. Light manufacturing, including the manufacture, assembly, packing or treatment of articles or merchandise from previously prepared material subject to performance standards of Section 17.36.060, including, but not limited to pharmaceuticals and cosmetics, food products, electrical and electronic equipment, precision equipment, textiles and apparel.
  - e. General commercial uses, such as wholesale business uses, office supplies and services, photo processing plants, lithograph, typesetting ruling and binding establishments, electrical sales and contracting, plumbing sales and contracting.
  - f. Indoor amusement facilities, including theaters, bowling alleys and skating rinks, and full-service restaurants, other than drive-in or drive-thru establishments
2. Accessory Uses in the MRC-2 Zone:
    - a. Customary and incidental accessory uses pursuant to Section 17.36, Schedule IB.A.6.a inclusive of bars and cocktail lounges without live entertainment or dancing as part of indoor amusement facilities.
  3. Permitted Signage. Signs permitted in the C-3 and C-4 Districts.
  4. Prohibited Uses in the MRC-2 Zone.
    - a. Standalone surface parking facilities or surface parking lots as the primary and sole use on a property shall be prohibited in the MRC-2 Zone.

**SECTION 10.** – Section 17.36.030, “Supplementary regulations”, Subsection “C”, of Subchapter 36 (“Zoning Districts”) of Chapter 17 of the Land Development Code of the City of Elizabeth is hereby amended to create new Items “4”, “a-d”, to be added as follows:

4. Outdoor Storage for Wholesale, Warehouse, and Storage Uses in the MRC-1 Zone.
  - a. Incidental storage of materials (i.e. trash and recyclables removal) and short-term storage of equipment related to the permitted use out of doors shall be shielded from any adjacent public streets or residential areas by fencing, landscaping, or other appropriate measures up to 10 feet in height and shall not be within the existing or required yard areas facing the street or streets.
  - b. For warehouse uses, the outdoor storage of materials which are used as part of the everyday business operations or manufactured or processed as part of the business operation shall be permitted up to an area equal to 10% of the gross floor area of the building it is serving, and located within a paved portion of the site, subject to the screening requirements set forth in Section 4.a above.
  - c. For all other uses, the outdoor storage of materials which are used as part of the everyday business operations or manufactured or processed as part of the business operation shall be prohibited. All other materials shall be stored within the building.

- d. The outdoor storage of any vehicles in disrepair and/or without current registration shall be prohibited for all uses within the zone.”

**SECTION 11.** – Section 17.36.030, “Supplementary regulations” of Subchapter 36 (“Zoning Districts”) of Chapter 17 of the Land Development Code of the City of Elizabeth is hereby amended to create new Subsection “I” to be added as follows:

- I. Utility Screening. Utility meters mounted to the outside of any non-residential building shall conform with the following standards:
  - a. Utility meters shall not be located on the façade of a building facing any public right-of-way.
  - b. Utility meters located on the façade of a building shall be screened from view by any or any combination of the following:
    - i. Building mounted screening shall utilize materials and/or colors that are similar to the building façade.
    - ii. Landscaping may be used as screening where possible.
  - c. All new construction shall provide appropriate sized alcoves designed to house any outdoor meters that are building mounted.

**SECTION 12.** – Section 17.04.030, “Interpretation of provisions—Definitions” of Subchapter 36 (“Zoning Districts”) of Chapter 17 of the Land Development Code of the City of Elizabeth is hereby amended to add the following definitions:

“Distribution Center” means a building with dock doors on at least two (2) sides, primarily used for (i) short-term storage of product and (ii) relatively high velocity distribution from the facility to multiple locations. Fulfillment Centers and Parcel Hubs may be considered a Distribution Center, subject to the other requirements of this Section.

“Dock door” means a type of sectional door used located on a building façade above grade, which allows truck trailers door to open into the building for the loading and unloading of materials and goods.

“Drive-in door” means a grade level door that is located at grade with ground both inside and outside of the building that vertically opens and closes down to the ground, and allows for the passage of vehicles through it.

“Fulfillment Center” means a type of building for third-party logistics that receives, processes, and fills customer orders on behalf of retailers. Fulfillment centers are characterized by the presence of multiple mezzanine levels and require additional on site parking for employee vehicles.

“Parcel hub” means a type of warehouse that typically serves as regional and local freight-forwarder facilities for time sensitive shipments via airfreight and ground carriers that is characterized by a building that is 150-300 feet wide, with access to dock doors provided on two (2) opposites of the building and up to all (4) sides. This use may include truck maintenance, wash, or fueling facilities.

“Warehouse” means a building where raw materials or finished goods are stored, where the primary purpose of the facility is storage of product . Any building where storage of product is the primary use that contains dock doors on only one (1) side of the building shall be considered a warehouse, not a Distribution Center. Cold-Storage Warehouse facilities shall be considered a Warehouse, not a Distribution Center.

**SECTION 13.** - Section 17.36.110, “Yard Dimensions”, Subsection “F” of Subchapter 36 (“Zoning Districts”) of Chapter 17 of the Land Development Code of the City of Elizabeth is hereby amended to read as follows:

F. Impervious Lot Coverage. Impervious surface is defined as a surface that is resistant to infiltration by water, including but not limited to roofs, pavement and sidewalks.

1. The following are limits to the amount of impervious surface permitted:

Residential Lots	2500 to 3500 sq. ft	77% max
	3501. to 4500 sq. ft.	65% max
	4501 and beyond	60% max

2. All non-residential lots shall have a max impervious coverage of seventy-five (75) percent, unless otherwise specified by individual zone requirements
3. All non-residential lots in the MRC-1 and MRC-2 zones shall have a max impervious coverage of eighty-(80) percent.

**SECTION 14.** - Section 17.36.140 "Landscaping", Subsection "D" of Subchapter 36 ("Zoning Districts") of Chapter 17 of the Land Development Code of the City of Elizabeth is hereby amended to read as follows:

- D. Adjacent parking areas with ten (10) or more parking spaces shall be delineated by an appropriately landscaped strip. This requirement shall not be applicable to areas with delineated truck parking stalls or loading docks.

**SECTION 15.** - Section 17.32.070, "Illumination", Subsection "C" ("Poles for all but Street-Related Lighting"), Item "2" of Subchapter 32 ("Design Standards") of Chapter 17 of the Land Development Code of the City of Elizabeth is hereby amended to read as follows:

2. Height of poles for:
  - a. Pedestrian areas shall be not more than fifteen (15) feet.
  - b. Parking, driveway and loading areas for all vehicles except for trucks and trailers shall not be greater than twenty-five (25) feet or the maximum permitted building height, whichever is less.
  - c. Truck and trailer parking and loadings areas shall not be greater than forty (40) feet or the height of the building, whichever is less.

**SECTION 16.** - The City of Elizabeth Zone Map shall be amended to depict the new MRC-1 and MRC-2 Zones, as attached hereto.

**SECTION 17.** - Any uses not permitted or conditionally permitted in the MRC-1 and MRC-2 Zones shall be expressly prohibited.


**SECTION 18.** - All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same hereby repealed.



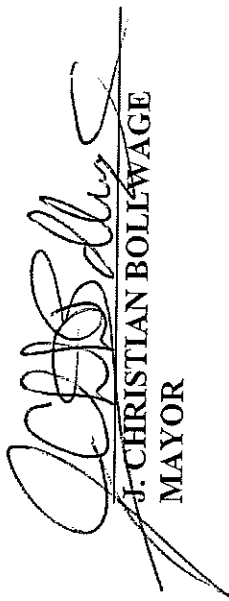
SECTION 19. – If any portion or clause of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part of portion of this ordinance.

SECTION 20. – The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor at the time and in the manner provided by law.

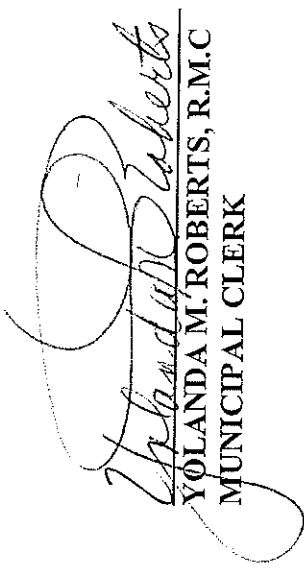
PASSED: November 23, 2021

  
PATRICIA PERKINS-AUGUSTE  
PRESIDENT OF CITY COUNCIL

APPROVED: 11-24-2021

  
J. CHRISTIAN BOLLWAGE  
MAYOR

ATTEST: \_\_\_\_\_

  
YOLANDA M. ROBERTS, R.M.C  
MUNICIPAL CLERK