

Chapter 165. Land Development Regulations

Article VI. M-1, M-2 and M-3 Industrial Districts; Gateway Overlay District.

§ 165-29. Principal permitted uses in M-3 District.

Principal permitted uses on land and in buildings in the M-3 District shall be as follows:

- A. Public purpose uses.
- B. Laboratories of an experimental, research or testing nature which carry on processes within completely enclosed buildings and which do not produce noticeable noise, vibration, smoke, dust, odors, heat, glare or hazardous or toxic waste or materials.
- C. Light manufacturing and assembly or treatment of products from previously prepared materials, including art fabrication, but excluding the synthesis and/or storage of chemical or flammable products which do not produce noticeable noise, vibration, smoke, dust, odors, heat, glare or hazardous or toxic waste or materials.
- D. Retail trade and retail services, excluding sales, distribution, and storage of chemicals, flammable materials, and fuel products, and excluding drive-throughs.
- E. Offices, including general offices, contractor's offices, medical offices and professional offices.
- F. Two-family residences in accordance with the bulk and design standards in the R-4 District.
- G. Restaurants and eating and drinking establishments, non-drive-through.
- H. Apartments on upper floors of buildings with permitted nonresidential uses occupying the first/ground floor level. The standards in § 165-32 shall apply to these uses.
- I. Art galleries.
- J. Personal services.
- K. Recreational instruction.
- L. Indoor commercial recreation/fitness club.
- M. Business services.
- N. Financial institutions, including banks, non-drive-through.
- O. Mixed-use buildings comprised of any of the above permitted uses.

§ 165-29.1. Conditional uses in M-3 District.

- A. Wireless communications facilities as a conditional use in accordance with Article **XVI**.
- B. Multifamily residential as a conditional use in accordance with the following standards:
 - (1) The site shall be located outside of the Gateway Overlay District, contain a minimum of 20,000 square feet, and be located on the southeastern side of River Road (the Passaic River side of the M-3 District along River Road).
 - (2) Adequate off-street parking is provided in accordance with the standards in § 168-82, or, in instances where waivers from the RSIS parking standards are requested, documentation should be provided by a parking expert regarding the adequacy of the proposed parking supply and proposed management of parking resources to serve the proposed use as outlined in § **165-163C**.
 - (3) No rooms intended for human habitation shall be located in an attic.
 - (4) The development shall comply with the affordable housing set-aside requirement set forth at § **69-4** of this Code.
[Amended 10-24-2016 by Ord. No. 16-11]
 - (5) Parking structures shall be integrated into principal structures. The exterior of any parking level(s) shall be composed primarily of brick or other masonry materials and shall contain at least sixty-percent solid wall area, including architectural details to integrate parking into the overall development.
 - (6) The reviewing Board may allow an increase in height to three stories and up to 45 feet where two of the four following conditions are satisfied:
 - (a) In cases where such property contains Passaic River frontage, a conservation easement shall be dedicated to the Borough sufficient to accommodate a trail along the Passaic River;
 - (b) At least 2/3 of the parking shall be located underground and/or contained within the principal structure;
 - (c) The project shall be designed to meet LEED Silver certification standards under LEED Homes, LEED Neighborhood Development or LEED Building Design and Construction in accordance with the scoring system put forth by the United States Green Building Council, or utilize similar techniques that are designed to reduce consumption of energy, water and/or sewer demand; and/or
 - (d) Provision of a shuttle bus/jitney to New Jersey Transit station(s) coinciding with weekday morning and evening peak-hour train schedules.
- C. Outdoor dining per § **165-145**.
- D. Banks in accordance with the conditions in § **165-144** except that drive-through structures and lanes shall not be visible from any public street.

§ 165-29.2. Accessory uses in M-3 District.

- A. Off-street parking that serves a principal use or uses on the lot.
- B. Fences. (See § **165-77**.)
- C. Signs. (See Article **XIII**.)
- D. Garages, storage buildings and toolsheds only upon specific approval of the Planning Board during site plan review.
- E. Awnings and canopies, provided they do not extend more than three feet into any required setback.

- F. Charitable clothing bins located in the rear of properties only, not visible from public rights-of-way or adjacent residential properties, provided that nothing herein shall affect the authority of the Borough to regulate charitable clothing bins pursuant to N.J.S.A. 40:48-2.60 et seq. and § **199-14**.
- G. Outdoor storage of materials in accordance with the standards in § **165-32**.
- H. Accessory uses that are customary and incidental to principal permitted uses.