

7/28/22, 11:04 AM

Borough of Mountain Lakes, NJ Use Regulations

Business Zone A.

§ 245-10

[Amended by Ord. No. 10-92; Ord. No. 14-92; Ord. No. 22-96; Ord. No. 28-97]

In the A Zone, the following uses shall be permitted:

A. Permitted principal uses.

- (1) Business or professional office or office building, including banks and other financial institutions.
- (2) Restaurant and club, excluding drive-in restaurant.
- (3) Retail business or service, excluding any business with outside storage or selling of gasoline, diesel fuel, propane, methane, natural gas or other potential aquifer pollutants (excluding items which are sold in their original sealed container); automotive service stations, repair shops or body shops; new car dealerships, used car storage or sales, motor vehicle and trailer rentals; dry-cleaning establishments; motels, hotels, tourist homes, boardinghouses, rooming houses or other similar or analogous uses, including trailer camps and camps.
- (4) Child-care centers.

B. Permitted accessory uses.

- (1) Any use or structure customarily incidental to a principal permitted use.
- (2) Public and private parking.
- (3) Signs. See § 245-17.
- (4) Child-care centers.

C. Conditional uses.

- (1) Sexually oriented establishments in accordance with the following standards:

- (a) The establishment shall be located at least 500 feet from the boundary of any residential zone within the Borough of Mountain Lakes and from any existing and/or approved but not yet existing house of worship, day-care center and school.
- (b) In order to avoid a concentration of sexually oriented establishments, such establishment shall be located at least 1,000 feet from any other existing and/or approved but not yet existing sexually oriented establishment.
- (c) The foregoing distance limitations shall be measured by a straight line drawn from the nearest point of the lot boundary on which the proposed use is to be located to the nearest point of the lot or district boundary, as the case may be, of the other use or district, and those uses, district boundary lines and dimensions shall be indicated on the submitted site plan.
- (d) The building housing the sexually oriented establishment shall have a minimum front setback of 75 feet and a minimum side or rear setback of 25 feet. The building and associated parking area shall be surrounded by a perimeter landscape buffer of at least 20 feet in width, consisting of landscape plantings designed and installed to the satisfaction of the Planning Board.
- (e) Every sexually oriented establishment shall be located in a single-occupant, freestanding building.
- (f) No sexually oriented establishment shall be permitted in a building having a capacity to accommodate 50 or more occupants.
- (g) Off-street parking requirements for a sexually oriented establishment are one space for every 200 square feet of gross floor area or portion thereof, plus one space for each employee, provided that a minimum of 10 parking spaces shall be provided.

7/28/22, 11:04 AM

Borough of Mountain Lakes, NJ Use Regulations

- (h) All other requirements of the Land Use Ordinance, including but not limited to the business zone requirements, shall be met.

D. Prohibited uses. The following uses are expressly prohibited:

- (1) Sexually oriented establishments except as provided for in Subsection C above.

§ 245-11 Business Zone B.

[Amended by Ord. No. 10-92; Ord. No. 22-96; 3-24-2014 by Ord. No. 01-14; 9-30-2020 by Ord. No. 3-20]

A. Permitted principal uses are the same as in § 245-10A ("Business Zone A") except that automobile service stations, dry cleaning establishments, motels, hotels and businesses using hazardous substances shall be excluded. In addition, the following principal uses shall be permitted:

- (1) Adult day-care facility.
- (2) Educational play center.
- (3) Health and fitness facility.
- (4) Indoor commercial recreation use.
- (5) Instructional schools and studios.
- (6) Pet care and grooming facility.
- (7) Satellite dry-cleaning establishment.

B. Permitted accessory uses. Same as § 245-10B. In addition, electric car charging stations shall be permitted as an accessory use.

C. Conditional uses.

- (1) Sexually oriented establishments in accordance with the following standards:

- (a) The establishment shall be located at least 500 feet from the boundary of any residential zone within the Borough of Mountain Lakes and from any existing and/or approved but not yet existing house of worship, day-care center and school.
- (b) In order to avoid a concentration of sexually oriented establishments, such establishment shall be located at least 1,000 feet from any other existing and/or approved but not yet existing sexually oriented establishment.
- (c) The foregoing distance limitations shall be measured by a straight line drawn from the nearest point of the lot boundary on which the proposed use is to be located to the nearest point of the lot or district boundary, as the case may be, of the other use or district, and those uses, district boundary lines and dimensions shall be indicated on the submitted site plan.
- (d) The building housing the sexually oriented establishment shall have a minimum front setback of 75 feet and a minimum side or rear setback of 25 feet. The building and associated parking area shall be surrounded by a perimeter landscape buffer of at least 20 feet in width, consisting of landscape plantings designed and installed to the satisfaction of the Planning Board.
- (e) Every sexually oriented establishment shall be located in a single-occupant, freestanding building.
- (f) No sexually oriented establishment shall be permitted in a building having a capacity to accommodate 50 or more occupants.
- (g) Off-street parking requirements for a sexually oriented establishment are one space for every 200 square feet of gross floor area or portion thereof, plus one space for each employee, provided that a minimum of 10 parking spaces shall be provided.

7/28/22, 11:04 AM

Borough of Mountain Lakes, NJ Use Regulations

- (h) All other requirements of the Land Use Ordinance, including but not limited to the business zone requirements, shall be met.
- (2) Hotels in accordance with the following standards:
- (a) The minimum lot size shall be 2.5 acres.
 - (b) The maximum building height shall be three stories/40 feet for a flat-roof building and three stories/45 feet for pitched roof building.
 - (c) The minimum lot frontage along Route 46 shall be 200 feet.
 - (d) Ancillary facilities/amenities, including a restaurant/lounge, meeting facilities and ballroom space(s), shall be permitted.
 - (e) The architectural design shall incorporate the following: vertical and horizontal articulation of the building facades; changes in facade plane, size and rhythm of window spacing and surface material and pattern; and a contrasting roofline.
- (3) Automobile service stations in accordance with the following standards:
- (a) No painting repair work on cars shall be permitted or other work of the type usually conducted by and at automobile body shops in repairing damaged motor vehicles.
 - (b) A gasoline service station may also include a retail business in which case the minimum lot size shall be 1.5 acres.
 - (c) A minimum of one off-street parking space shall be provided for every 125 square feet of building floor area.
 - (d) All pumps, islands and canopies serving to protect customers while fueling shall be located a minimum of 40 feet from any street line and a minimum of 30 feet from any other lot line. Canopies, pumps and islands shall be considered accessory structures and not a second principal structure.
 - (e) All lifts, greasing racks and other similar equipment shall be within the building. The underground storage of petroleum products shall meet federal and state codes, as applicable, to protect the Borough's groundwater.
 - (f) The minimum lot frontage requirement shall be 200 feet.
 - (g) Motor vehicles may be parked upon the lot but only insofar as reasonably incident and accessory to the operation of an automotive service station and only in such a manner and location which neither interferes with ingress and egress to the premises nor creates any hazardous condition. No storage of motor vehicles, and no unsightly accumulation of vehicles or parts thereof, shall be permitted.
 - (h) A gasoline service station shall comply with Chapter 102, Environmental Factors; Soil Water and Trees, Article VI. Wellhead Protection Area Regulations, of the Revised General Ordinances of the Borough of Mountain Lakes.
- (4) Drive-in restaurants or restaurants with drive-through facilities where food or drink is served to customers in vehicles at a drive-through window in accordance with the following standards:
- (a) The pick-up window shall be located on the side or rear of the building to limit visibility from the primary road frontage.
 - (b) No driveway shall open upon a public street within 150 feet of an intersecting public street, measured from the intersection of the tangents of the adjacent curblines.
 - (c) One off-street parking space shall be provided for every two-seats.
- (5) Self-storage facilities in accordance with the following standards:

7/28/22, 11:04 AM

Borough of Mountain Lakes, NJ Use Regulations

- (a) Self-storage facilities shall be at least two stories in height and no more than three stories in height and shall be designed architecturally to incorporate features typical of new multifamily residential or office building construction, including but not limited to facade articulation and materials treatment. The maximum height of a self-storage facility shall be 35 feet for a flat-roof building and 40 feet for a pitched roof building.
- (b) The minimum frontage requirement shall be 200 feet.
- (c) The only activities permitted in individual storage units shall be the rental of the unit and the pickup and deposit of goods and/or property in dead storage. Storage units shall not be used for the following activities:

 - [1] Residences, offices, workshops, studios, or hobby or rehearsal areas.
 - [2] Manufacturing, fabrication, or processing of goods; service or repair of vehicles, engines, appliances or other electrical equipment; or any other similar activities.
 - [3] Conducting retail sales of any kind, including garage or estate sales or auctions, or any other commercial activity; provided that the operator of the self-storage unit may conduct a sale or otherwise liquidate the contents of any storage unit to satisfy and settle an account of unpaid rent or other charges, through public or private sales, in a manner provided by law.
 - [4] Storage of flammable, perishable or hazardous materials or the keeping of animals.
- (d) The rental of trucks, trailers or moving equipment, as well as the installation of trailer hitches, shall be prohibited.
- (e) Sale of boxes or packing materials shall be permitted, but only if accessory to the self-storage facility.
- (f) Self-storage facilities shall not operate or allow tenant access between the hours of 12:00 midnight and 6:00 a.m.
- (g) All goods and property in a self-storage facility shall be stored in an enclosed building. No outdoor storage of any kind, including but not limited to storage of boats, RVs, vehicles, trailers or similar vehicles, or storage in outdoor storage pods or shipping containers, shall be permitted.
- (h) All storage units above grade and all storage units visible from residential areas shall gain access from the interior of the building(s) only; no unit doors, loading bays, or docks may face or be visible from any adjacent residential areas.
- (i) Electrical service to storage units shall be for lighting and climate control only. No electrical outlets are permitted inside individual storage units. Lighting fixtures and switches shall be of a secure design that will not allow tapping such fixtures for other purposes.

Zone official
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