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*Town of Boonton, NJ  
Thursday, April 6, 2023*

# Chapter 300. Zoning and Land Use

## Part 4. Zoning

### Article XXII. District Regulations

#### § 300-105. B-1 Business District.

##### A. Permitted principal uses.

- (1) Retail stores and shops for retail business conducted entirely within the confines of a building, provided that any process of manufacture, assembly, treatment or conversion involves a product or service intended to be sold or provided directly to the ultimate consumer; and further provided that not more than five mechanics or production workers are involved in any such process. This section shall be deemed to exclude motels, tourist and trailer camps, junk yards, warehouse storage buildings, coal or fuel storage yards, motor vehicle service stations, public garages or industrial uses, and new residential dwellings.
- (2) Banks and financial institutions.
- (3) Central telephone exchanges.
- (4) Offices for professional, business and executive purposes.
- (5) Restaurants and taverns, but not including drive-in restaurants or refreshment stands where food, drink and confections are served outside the buildings, or where food is intended to be consumed in cars parked on the premises.
- (6) Theaters.
- (7) Hotels.

- (8) Funeral homes.
  - (9) Vocational schools, or studios for the instruction of the arts, dancing, music, languages, photography.
  - (10) Public buildings and uses.
  - (11) Nonprofit clubs, lodges and fraternal, civic, service or charitable organizations.
  - (12) Parking garages.
  - (13) Institutional uses.
- B. Permitted accessory uses.
- (1) Off-street parking in accordance with Part **3** and Article **XX** of this chapter.
  - (2) Signs in accordance with the Boonton Sign Ordinance.<sup>[1]</sup>  
[1] *Editor's Note: See Ch. 233, Signs.*
  - (3) Other accessory uses customarily incident to the above uses.

## § 300-106. B-2 Business District.

- A. Permitted principal uses.
- (1) Any use permitted in the B-1 Business District.
  - (2) Motor vehicle service stations as conditional uses as regulated in Article **XXI**.
  - (3) Public garages.
- B. Permitted accessory uses. Any accessory use permitted in the B-1 Business District.

## § 300-107. B-3 Business District.

- A. Permitted principal uses. Designed shopping centers consisting of a building or group of buildings limited to those business uses permitted in § **300-105A(1)** through **(7)**.
- B. Permitted accessory uses.

- (1) Off-street parking in accordance with Part **3** and Article **XX** of this chapter.
  - (2) Signs in accordance with the Boonton Sign Ordinance.<sup>[1]</sup>  
*[1] Editor's Note: See Ch. 233, Signs.*
  - (3) Other accessory uses customarily incident to the above uses.
- C. Required conditions. Shopping centers shall meet all applicable requirements of this chapter and, in addition, shall comply with the following:
- (1) Parking spaces shall be separated from buildings by a concrete sidewalk located at least six inches above the paved surface. The sidewalk shall be at least 10 feet in width along the front of a building and six feet in width along the side and rear building walls.
  - (2) A concealed area for the orderly deposit and pickup of trash shall be provided at the rear of each building.
  - (3) A marginal access or service roadway to serve parking areas shall be provided as required by the Planning Board.

## § 300-110. C-1 and C-2 Commercial Districts.

- A. Permitted principal uses.
- (1) Business, commercial and industrial uses permitted in all the business and industrial districts.
  - (2) Operations involving the bulk storage of materials, such as lumber yards, fuel storage yards, wholesale stores, plumbing supplies and building construction supplies including the sale of such materials.
  - (3) Buildings for recreational activities, such as bowling, tennis and similar indoor recreational uses, but not including outdoor commercial amusements.
  - (4) Public buildings and uses.
- B. Permitted accessory uses.
- (1) Off-street parking in accordance with Part **3** and Article **XX** of this chapter.
  - (2) Signs in accordance with the Boonton Sign Ordinance.<sup>[1]</sup>

[1] *Editor's Note: See Ch. 233, Signs.*

(3) Other accessory uses customarily incident to the above uses.

C. Performance standards. All uses shall comply with performance standards in § **300-111C** and the procedures in § **300-111D**.

## § 300-111. I-1 and I-2 Industrial Districts.

A. Permitted principal uses. These zone districts are intended for the following uses conducted entirely within the confines of the buildings.

[Amended by Ord. No. 29-94]

(1) Processes of manufacturing, fabrication, packaging, treatment or conversion of products.

(2) Scientific or research laboratories devoted to research, design and/or experimentation and processing and fabricating incidental thereto.

(3) Office buildings for business, professional, executive and administrative purposes.

(4) Warehouses, trucking, terminals and wholesale distribution centers.

(5) Public buildings and uses.

(6) Storage and maintenance of construction vehicles and equipment.

(7) Off-street parking in accordance with all applicable provisions of Part **3** of this chapter intended to serve an adjoining nonresidential use in an adjoining nonresidential zone, including an adjoining nonresidential zone in another municipality, provided that any access to such off-street parking shall be located at least 150 feet from an intersection. In addition, any street providing access to such parking that serves a nonresidential use in an adjoining municipality shall extend into the adjoining municipality.

B. Permitted accessory uses.

(1) Off-street parking in accordance with Part **3** and Article **XX** of this chapter.

(2) Signs in accordance with the Boonton Sign Ordinance.<sup>[1]</sup>

[1] *Editor's Note: See Ch. 233, Signs.*

- (3) Private garage and storage buildings which are necessary to store any vehicles, equipment or materials on the premises.
  - (4) Accessory buildings and uses customarily incident to the above uses.
  - (5) Child care centers in conjunction with office, research and manufacturing facilities when operated by those facilities as a service to employees as conditional uses in accordance with the procedures and requirement of § **300-101D**.
- C. Performance standards. Before the issuance of any building certificate of occupancy, all of the following regulations must be complied with:
- (1) Fire and explosion hazards. All activities shall be carried on only in structures which conform to the standards of the National Fire Protection Association or Factory Insurance Association or Boonton Building Code or Fire Prevention Code, whichever is more restrictive. All operations shall be carried on and combustible raw materials, fuels, liquid and finished products shall be stored in accordance with the standards of said National Fire Protection Association or Factory Insurance Association.
  - (2) Smoke, fumes, gases, dust, odors. There shall be no emission of smoke, fumes, gases, dust, odors or other atmospheric pollutant which shall exceed the limitations imposed by the Town Smoke Ordinances,<sup>[2]</sup> other applicable ordinance of the Town or the Board of Health, or applicable state pollution control laws, whichever is more restrictive.  
*[2] Editor's Note: See Ch. 238, Smoke Control.*
  - (3) Liquid or solid waste. The discharge of any industrial waste shall at all times conform to pertinent state or municipal health and sanitary codes or any other applicable ordinance of the Town of Boonton.
  - (4) Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
  - (5) Noise. There shall be no operational noise emanating from any commercial or industrial establishment which, when measured at the property line adjacent to a residential or another commercial or industrial establishment, exceeds the requirements of Chapter 29, Noise Control Regulations, N.J.A.C. 7:29, of the New Jersey State Department of Environmental Protection.

- (6) Glare. There shall be no direct or sky reflected glare exceeding 0.5 footcandles measured at the property line of the lot occupied by such use. This regulation shall not apply to lights used at the entrances or exits of service drives leading to a parking lot.

D. Procedure for building permits and certificates of occupancy.

- (1) Prior to the issuance of a building permit or certificate of occupancy, the applicant shall submit plans of the proposed use to the Planning Board in accordance with Part 3 of this chapter. The applicant shall also submit in duplicate all plans of the proposed construction and development, including a description of the proposed machinery, operation and products, as well as an affidavit by the applicant acknowledging his understanding of the applicable performance standards and agreement to conform with the same at all times.
- (2) If there is any reasonable doubt as to the intended use conforming to the performance standards, the Planning Board shall request a deposit of \$1,000 to be submitted with the application which will be used to defray the cost of the special reports required to process it. The Planning Board shall refer the application for investigation and report to one or more expert consultants selected by the Board as qualified to advise on conformance to the required performance standards. Such consultant or consultants shall make their report within 45 days after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant. At the next regular meeting of the Board or within 30 days of receipt of consultant's report, whichever comes sooner, the Board shall render a decision in the form of a written report regarding the application. Any permit authorized and issued shall be conditioned on, among other things, the applicant's completed buildings and installations, in operation, conforming to the applicable performance standards and the applicant's paying fees in excess of \$1,000, if needed, to cover expert's above-mentioned reports. All moneys not used to pay for the services of the expert consultant or consultants deemed reasonable and necessary by the Board for advice shall be returned to the applicant at the time the Board renders the written decision.
- (3) The designated Town official shall investigate any alleged violation of the performance standards, and if there are reasonable grounds to believe that a violation exists, shall notify the Board of Aldermen. The Board of Aldermen shall investigate the alleged violation and for such investigation may employ qualified experts. If the experts

find that such a violation exists, the cost of the expert's service shall be paid by the violator. If there was no violation, the Town shall pay the costs.