

Chapter 429. Zoning

Article XXIII. Highway Corridor Commercial — 2 (HCC-2) Zone

[Adopted 12-6-2016 by Ord. No. 2016-08]

§ 429-134. Permitted uses.

All uses permitted in the HCC Zone shall be permitted in the HCC-2 Zone except multi-family residential, hospitals and health care facilities campus (Section 429-128), hotels and convention centers and funeral parlors. All accessory uses permitted in the HCC Zone shall be permitted in the HCC-2 Zone.

§ 429-135. Regulations applicable.

[Amended 2-28-2023 by Ord. No. 2023-07]

All of the regulations set forth in the HCC Zone with regard to parking structures, lot area and bulk requirements, design standards, minimum distance of buildings contiguous to residential zone districts, parking requirements, planted area and planted buffer area, amusement game machines, devices, arcades and similar uses, minimum distances between certain uses, and new car dealer establishments shall apply to the HCC-2 Zone. Notwithstanding the above, the maximum height in the HCC-2 Zone shall be 36 feet.

§ 429-136. Sewer Connection Fee.

- A. In addition to any fee, charge or cost provided elsewhere in the Paramus Code, there shall be a one-time sewer connection fee for each building or anticipated increase in flow from an existing building to be served by any new connection to the public sewer in the HCC-2 Zone.
- B. The purpose of the sewer connection charge is to provide for a fair payment towards the capital cost of the public sewer system pursuant to N.J.S.A. 40A:26A-11.
- C. The fee shall be paid in full to the Borough prior to the issuance of a construction permit issued in accordance with the Uniform Construction Code. In the event a connection is made without prior payment thereof for any reason, the sewer connection fee shall constitute a first lien upon the benefited property and shall bear interest as set forth in N.J.S.A. 40A:26A-12 and as otherwise provided by law. This shall be in addition to any violations, penalties or other remedies otherwise provided by law.
- D. The following schedule of fees is hereby established pursuant to this Article:
 - Sewer connection per dwelling unit: \$2,000.00
 - Sewer connection for non-residential/commercial — for every 5,000 square feet of development or portion thereof: \$2,000.00

Chapter 429. Zoning

Article XXII. Highway Corridor Commercial (HCC) Zone

[Adopted 12-6-2016 by Ord. No. 2016-08]

§ 429-121. Permitted uses.

- A. Within the HCC Zone, no building, structure or area or lot or land shall be used in whole or in part for other than one or more of the permitted uses expressly set forth herein or accessory uses accessory and subordinate to the permitted uses and conditional uses expressly set forth herein.
- B. Permitted uses shall include all uses not prohibited in Article VII, Uses Prohibited in All Zones, residential uses permitted in the residential zone districts (R-50, R-75, R-100, R-150 and R-2F), and as expressly prohibited in this Article. Permitted uses include as follows:
- (1) All permitted uses identified in the NB (Neighborhood Business) Zone and the LB (Limited Business) Zone;
 - (2) Hotels and convention centers;
 - (3) Retail stores used for the sale of merchandise, wholesale salesroom;
 - (4) Personal service establishment;
 - (5) Restaurants;
 - (6) Shopping centers and malls;
 - (7) Movie theaters;
 - (8) Art galleries and museums;
 - (9) Medical, professional and administrative offices;
 - (10) Medical and Dental clinics;
 - (11) Adult day-care and child day-care facilities;
 - (12) Business or professional offices, office buildings, banks;
 - (13) Health and Fitness facilities, exercise or health clubs, gymnasium or athletic establishment, indoor swimming pools;
 - (14) Funeral homes;
 - (15) Business or Vocational Schools (except for the teaching of any trade or occupation prohibited in Article VII, Uses Prohibited in All Zones);
 - (16) Commuter parking/transportation terminal;
 - (17) Motor vehicle service and repair, automotive supply and service establishments and filling stations;
 - (18) Recreation and recreational facilities;
 - (19) New car dealerships, subject to the provisions of § 429-132;
 - (20) Hospitals and health care facilities campus, subject to the provisions of § 429-128.
 - (21) Assisted living, skilled nursing, long-term acute care, dementia or memory care facilities;
 - (22) Research laboratories provided the same do not involve any hazardous or toxic substances unless off-site disposal pursuant to NJDEP regulations.
The above permitted uses are by way of example and not limitation.
 - (23) Medicinal Cannabis Dispensary.
[Added 1-19-2021 by Ord. No. 21-01; amended 6-15-2021 by Ord. No. 2021-22]
- C. Multifamily residential shall be a conditional use within the HCC Zone subject to the conditions set forth herein.
[Amended 12-15-2020 by Ord. No. 20-34; 12-6-2022 by Ord. No. 2022-28; 2-14-2023 by Ord. No. 2023-03]
- (1) Other than deed-restricted affordable housing units/apartments, no unit or apartment may contain three bedrooms or more.

- (2) Every multifamily residential development shall include a ground-level retail component, which retail component shall have a minimum depth of 40 feet.
 - (3) Building and structure heights. The maximum building height shall be no more than 60 feet above the finished mean grade measured six feet from the building. The maximum building height shall be exclusive of elevator tower, stair and walkway enclosures, HVAC equipment and other roof appurtenances (including parapet). Such roof appurtenances shall not exceed the building height limit by more than 12 feet.
 - (4) The maximum density shall be 24 dwelling units per acre comprising the development parcel.
- D. Self-storage facilities shall be permitted as a conditional use in the HCC Zone, subject to the following conditional use provisions:
[Added 2-28-2023 by Ord. No. 2023-07]
- (1) Minimum lot area: Two and one-half acres.
 - (2) A self-storage building shall be set back:
 - (a) A minimum of 500 feet from any state highway right-of-way as measured from the location where the vehicular access driveway intersects with said state highway;
 - (b) No closer than 10 feet to any highway interchange ramp right-of-way, provided that the ramp does not provide site access; and
 - (c) Shall in all other ways be subject to the principal building setbacks for the HCC zone.
 - (3) Maximum building coverage for a self-storage building:
 - (a) Lots five acres or less: 25% of lot area;
 - (b) Lots larger than five acres: 15% of lot area.
 - (4) Maximum combined building coverage of all buildings on lots containing a self-storage use and other principal permitted use(s) shall be 35%.
 - (5) Maximum FAR for self-storage building:
 - (a) Lots six and one-half acres or less: 0.5;
 - (b) Lots larger than six and one-half acres: 0.4.
 - (6) A minimum of one parking space per 10,000 square feet of floor space, plus one space per employee on a maximum shift shall be provided to serve the self-storage building. If the calculation of the number of required parking spaces results in a fractional space, the fraction shall require one additional space.
 - (7) Accessory buildings not exceeding 20 feet in height shall be permitted for purposes including drive-up storage sheds for lease or for property maintenance and in all other ways shall be subject to the bulk requirements of the HCC Zone for principal buildings.
 - (8) No outdoor storage of goods, materials or equipment of any kind shall be permitted.
- E. Convenience stores, motor vehicle service stations and motor vehicle repair garages shall be conditional uses in the HCC Zone, subject to the conditional use standards set forth in § 429-131, hereinbelow.
[Added 4-10-2023 by Ord. No. 2023-15]

§ 429-122. Accessory uses.

- A. An accessory use shall be permitted, provided that:
 - (1) The use is customarily incident to a permitted use, and subordinate to the main permitted use; and
 - (2) Not in violation of the provisions set forth hereafter.
- B. The following accessory uses are permitted ancillary to a permitted, conditional, or other accessory use:
 - (1) Parking structures;
 - (2) Billiard room, bowling alley and game rooms as part of shopping center or mall;
 - (3) Amusement game machines as part of a shopping center or mall, and not to exceed one percent of the aggregate space/square footage available for lease by retail tenants and subject to the provisions of Section 429-130 below;
 - (4) Used car sales and dealerships as part of a new car dealership;
 - (5) Storage of materials and supplies provided that the same are within an enclosed building;
 - (6) Truck loading spaces;
 - (7) Helipad; and

- (8) Towing associated with an automobile repair or service facility or operated by a tower licensed by the Borough of Paramus, provided such use is appropriately screened.

§ 429-123. Parking structures.

[Amended 12-6-2022 by Ord. No. 2022-29; 2-14-2023 by Ord. No. 2023-04; 7-24-2024 by Ord. No. 2024-13]

- A. Parking structures are a permitted accessory use in the HCC Zone subject to the following:
- (1) Maximum height: 60 feet as measured to the top of the highest parking surface provided however, rooftop mechanical may extend an additional 15 feet;
 - (2) Minimum front yard setback: 40 feet;
 - (3) Minimum side yard setback: 30 feet, provided, however, if a parking structure faces any residential zone district (R-50, R-75, R-100, R-150 and R-2F), the minimum side yard shall be not less than the greater of 100 feet or three (3) times the height of the parking structure;
 - (4) Minimum rear yard: 40 feet, provided, however, if a parking structure faces any residential zone district (R-50, R-75, R-100, R-150 and R-2F); the minimum rear yard shall be not less than the greater of 100 feet or three (3) times the height of the parking structure;
 - (5) Parking structures shall be architecturally screened and the façade of the parking structure shall be comprised of at least two materials and finishes which are designed to break up the façade into sections;
 - (6) Predominate exterior façade materials shall be high quality materials including, but not limited to, brick, sandstone, concrete masonry units, or precast concrete, that are tinted and textured;
 - (7) Each uninterrupted architectural section of the façade shall not exceed 100 feet in width between visual breaks;
 - (8) Each section must contain materials that vertically articulate the levels of the structure;
 - (9) Parking structures shall not be included for the purposes of calculating building lot coverage;
 - (10) Any area landscaped as of the adoption of this Chapter intended to be covered by a parking structure must be replaced by new landscaping elsewhere in the property. Such new landscaping shall not count towards the satisfaction of any planting or buffer requirements set forth elsewhere in this Chapter.
 - (11) In all zones, all parking decks shall have a minimum vehicle clearance of 10 feet on the first floor and shall be structurally designed to accommodate an emergency vehicle with a gross vehicle weight of 12,000 pounds with two axles and four wheels on the rear axle. In addition, all parking garages shall include an elevator that opens to the interior of the garage on the first floor and is able to accommodate a stretcher of at least 84 inches. All parking decks other than the first floor shall have a minimum clearance of seven feet six inches. In determining the clearance height, EXIT signs which are not located in the drive aisles shall not be included.
- B. Any structured parking areas built within the same footprint as a principal building (including rooftop parking decks, underground parking, parking structures wrapped by apartments or non-residential spaces, and covered ground level parking) shall be subject to the requirements and allowances provided in Subsection A, above, with the following exceptions:
- (1) § 429-123A(9) shall not apply to the structured parking area. The area of the structured parking will not be deducted from building coverage;
 - (2) The paved surface for a rooftop parking area shall not exceed the maximum principal building height permitted in the zone;
 - (3) Parking structures built within the same footprint of a principal building shall be subject to the setback standards applicable to the principal building, except that where there is more than one level of parking above average grade the setbacks in § 429-123A shall apply.
 - (4) The combined height of any principal building and structured parking built above or below the principal building shall not exceed the maximum permitted principal building height for the zone;
 - (5) Lighting along the perimeter of any rooftop parking structure shall be built into parapets or rooftop structures so as not to point toward or create glare affecting surrounding properties. Interior lighting poles shall be no taller than 12 feet. All lighting shall be Dark Sky compliant.
 - (6) Lighting in ground level parking areas and garages shall be recessed.

§ 429-124. Lot area and bulk requirements.

- A. All parcels, lots and structures in the HCC Zone shall conform to the following requirements:
- (1) Maximum building height: 60 feet;
 - (2) Minimum lot area: 21,780 square feet;

- (3) Minimum lot width: 200 feet;
- (4) Minimum lot frontage: 200 feet;
- (5) Maximum lot coverage:
 - (a) Building coverage: 25%.
 - (b) Impervious surfaces: 80%.
- (6) Minimum front yard setback: 25 feet;
- (7) Minimum side yard: 10 feet except*
- (8) Minimum rear yard: 25 feet except*

*For any parcel or lot abutting a residential zone district (R-50, R-75, R-100, R-150 and R-2F) and/or any conservation/recreation zone (CR) which is set forth elsewhere in this Chapter.

- (9) Notwithstanding the above, the maximum height for any hotel connected to or above a mall shall be 8 stories/96 feet.
- (10) In applying the above standards (other than height), the Land Use Board shall permit deviations from the strict application of the bulk standards if a proposed development represents an adaptive re-use of all or a portion of any existing development parcel.

§ 429-124.1. Design standards for self-storage buildings.

[Added 2-28-2023 by Ord. No. 2023-07]

The following architectural design standards shall be for self-storage buildings:

- A. Intent. Promote the use of architectural features, elements, and details that are of a human scale into the building facade, entries and lobby areas in a manner that is consistent with the overall architectural design.
- B. Elements such as cornices, corbelling, molding, string courses, ornamentation, changes in material or color should be provided, where possible, to add interest to all building facades.
- C. Building entrances should be easily identifiable and complement the existing development context.
- D. Vary the height of the building and incorporate secondary architectural elements/masses and material articulation to increase the visual interest of the building.
- E. Any elevation that is visible from a highway shall include a minimum 25% glazing and no less than 60% of the facade in a combination of brick, decorative block (split-faced or similar) glass or stone.
- F. Where expanses of solid walls are necessary, they may not exceed 30 feet in length without introducing an architectural element that breaks down the scale horizontally or vertically.
- G. Any elevation that is in excess of 75 feet in length shall be designed to avoid a monolithic aesthetic through the inclusion of windows or the use of different materials and building setbacks, (three feet minimum), that break the building's overall appearance into smaller increments and sections in order to avoid long or continuous blank wall planes and monotonous wall treatments and subdivide large vertical or horizontal building facades into varying masses.
- H. Each building elevation shall include a minimum of three vertical brick or decorative block elements that break the facade from the base to the roofline.
 - (1) Each brick or decorative block element shall have a minimum of two horizontal breaks.
- I. Proposed facades with brick or decorative block shall incorporate a minimum of three shades of varying colors within any proposed field.

§ 429-125. Minimum distance of buildings on parcels contiguous to residential zone districts.

The minimum distance of any building on a parcel or lot contiguous to a residential zone district (R-50, R-75, R-100, R-150 and R-2F) and/or any conservation/recreation zone (CR) shall be not less than the greater of 100 feet (except R-150, which shall be 200 feet) or twice the height of the closest building to the residential zone.

§ 429-126. HCC Zone parking requirements.

- A. The following minimum parking requirements shall apply to all uses within the HCC Zone.
 - (1) Office buildings, administrative, professional: 3 spaces per 1,000 square feet;
 - (2) Malls: 4.5 spaces per 1,000 leaseable square feet;

- (3) Retail, shopping centers with 25% or more of the usable square feet occupied by restaurants: 5 spaces per 1,000 leaseable square feet;
- (4) Retail, shopping centers with less than 25% of the usable square feet occupied by restaurants: 4.5 spaces per 1,000 leaseable square feet;
- (5) Hospitals: 3.5 spaces per bed;
- (6) Long-term acute care facilities: 0.5 spaces per dwelling unit or bed;
- (7) Memory or dementia care facilities: 0.5 spaces per dwelling unit or bed;
- (8) Assisted living facilities: 0.5 spaces per dwelling unit or bed;
- (9) Skilled nursing facilities: 1 space per 3 beds;
- (10) Health, wellness, fitness facilities: 4.5 spaces per 1,000 square feet of floor area;
- (11) Stand alone medical offices/uses: 6 spaces per 1000 square feet;
- (12) Multi-family: pursuant to the RSIS;
- (13) All other uses: as set forth in Chapter 429-Article XXXI.

- B. A shared parking approach shall be permitted and encouraged as a means to reduce the total parking supply that would otherwise be required based upon the above parking ratios. Shared parking takes advantage of variation in the periods of maximum usage among different land uses, allowing different uses to share the same given parking spaces if they have different time-of-day or day-of-week peak usage patterns.

If a shared parking approach is followed, the applicant shall provide a shared parking study for review and approval by the Land Use Board, documenting the rationale and calculations for the lower parking supply. The study shall include survey statistics and factors documenting the requested reductions in parking supply. As a result of this study, the Land Use Board shall have the power and authority to approve a reduction in the number of required parking spaces, without a variance being required or require additional parking spaces to be provided to accommodate the proposed uses.

§ 429-127. Planted areas and planted buffer areas.

Required planting areas; existing vegetation.

- A. A planted area not less than 20% of the total lot area of a lot is required in the HCC Zone, provided that this planted area may be reduced to 15% of the total lot area if a green roof is provided for 5% of the footprint of any primary structure.
- B. In connection with Land Use Board consideration for site plan approval, the Land Use Board shall have the right to determine the proper areas for the required planted area, taking into consideration the criteria set forth above.

§ 429-128. Hospitals and health care facilities campus.

All lots and structures to be developed as a hospital and/or health care facilities campus shall conform to the requirements set forth below.

- A. Maximum building height:
 - (1) 120 feet (excluding rooftop mechanicals) provided, however, but limited to no more than 50% of the cumulative building footprint of all buildings within the health care facilities campus;
 - (2) 60 feet (excluding rooftop mechanicals) for all other buildings within the health care facilities campus; and
 - (3) Flagstaffs, elevator shafts, radio and television antennas and screened mechanical equipment designed to service a building may exceed the height of the roof by not more than 24 feet, provided that such structures do not exceed 50% of the ground area covered by the building and they are set back from the building façade at least 10 feet. Rooftop mechanical equipment shall be screened.
- B. Minimum lot size: 15 acres (including both sides of a public right-of-way, other than state highways);
- C. Minimum lot width: 400 feet;
- D. Minimum lot frontage: 400 feet;
- E. Maximum lot coverage:
 - (1) Building coverage — 50%;
 - (2) Impervious surface coverage — 80%.
- F. Minimum building setback: 25 feet from all lot lines and between principal buildings, provided, however, the minimum side yard and/or rear yard from any residential zone district (R-50, R-75, R-100, R-150 and R-2F) shall be not less than the greater of 100

feet or twice the height of the nearest building to the lot line.

- G. Parking is prohibited within 25 feet of the nearest street right-of-way line as shown on the Official Map of the Borough of Paramus.
- H. Parking structures and garages, underground and/or above ground, are permitted as an accessory use in accordance with the following requirements:
 - (1) Maximum Height: five levels — 70 feet as measured from average grade to the top of the top parking surface. Rooftop mechanicals may be an additional 15 feet in height;
 - (2) Minimum setback to property lines: 25 feet;
 - (3) Minimum setback to residential zone: 200 feet;
 - (4) The façade of the parking structure shall be comprised of at least two materials and/or finishes which are designed to break up the façade into sections;
 - (5) Predominate exterior façade materials shall be high quality materials including, but not limited to, brick, sandstone, concrete masonry units, or precast concrete;
 - (6) Each uninterrupted architectural section of the façade shall not exceed 100 feet in width between visual breaks;
 - (7) Each section must contain materials that vertically articulate the levels of the structure;
- I. Loading spaces shall be provided as appropriate and screened to the extent practicable and shall not be located in any front yard.

§ 429-129. Sewer connection fee.

- A. In addition to any fee, charge or cost provided elsewhere in the Paramus Code, there shall be a one-time sewer connection fee for each building, or in the case of a multi-unit building, for each unit, residential or non-residential, to be served by any new connection to the public sewer or an anticipated increase in flow from an existing building in the HCC Zone.
- B. The purpose of the sewer connection charge is to provide for a fair payment towards the capital cost of the public sewer system pursuant to N.J.S.A. 40A:26A-11.
- C. The fee shall be paid in full to the Borough prior to the issuance of a construction permit issued in accordance with the Uniform Construction Code. In the event a connection is made without prior payment thereof for any reason, the sewer connection fee shall constitute a first lien upon the benefited property and shall bear interest as set forth in N.J.S.A. 40A:26A-12 and as otherwise provided by law. This shall be in addition to any violations, penalties or other remedies otherwise provided by law.
- D. The following schedule of fees is hereby established pursuant to this Article:
 - Sewer connection per dwelling unit: \$2,000.00
 - Sewer connection for non-residential/commercial for every 5,000 square feet of development or portion thereof: \$2,000.00

§ 429-130. Amusement game machines, devices, arcades and similar uses.

- A. Amusement game machines and arcades are permitted accessory uses in shopping centers and malls provided the same are limited to no more than one (1%) percent of the aggregate space/square footage available for lease by retail tenants and are subject to the provisions set forth below.

- (1) The following terms are defined as follows:

GAMES AND AMUSEMENT DEVICES

Any electric, mechanical, computerized, electronic or other device, machine or implement which is either designed and intended or used, operated or maintained as a game, amusement or means of entertainment, including but not limited to the following: pinball machines, shooting galleries, computerized games, electronic games, skilled boards, billiard or pool tables, electronic bowling or shuffleboard tables, and casino-type games or bagatelle or any other similar games of skill or chance. Also included within the definition are coin-operated mechanical or electronic musical devices which are commonly referred to as "jukeboxes."

GAMES ARCADE

Any lot, premises, facility, building or structure, open to the public, in which three or more electronic or mechanical games or amusements, billiard or pool tables or any other games or amusement devices of any kind as such terms are defined herein or any combination of three or more such games or devices as aforesaid are situated, stored, possessed, operated, used or maintained and for which a fee is charged, directly or indirectly or by membership, ticket or indirect fees, either for admission to any such place or premises or for access to or use of any games or amusement devices as aforesaid.

- B. Placement and location of amusement games and devices. Every game and amusement device within the Borough shall be so situated and placed within and upon a premises that it shall not:

- (1) Block or otherwise obstruct any window, door, doorway, ventilating duct, fire exit, boiler, furnace, radiator, baseboard or other heater device, stairs or stairway, toilet or other sanitary facility.

- (2) Obstruct or encumber or otherwise interfere with the free, clear passage of any person into, through or from such purposes.
- (3) Have an open, unobstructed area surrounding such game or device, from floor to ceiling, of not less than five feet, measured from each of the actual exterior sides of every such game or device, except the one side, and no more than one side, which is placed near or against a wall or partition.

C. Location restrictions:

- (1) It shall be unlawful for any person to own, lease, store, possess, use, operation or maintain any game or amusement device for business and commercial purposes except as herein provided:
 - (a) Any area of the Borough which is zoned for a use classification other than the HCC business classification under this Chapter.
 - (b) Any area within a radius of 1,500 feet of any school, nursery, day-care center, church, synagogue, public park or playground, library, hospital or clinic, public building, community center or nursing home.

D. It shall be unlawful for any person to own, lease, store, possess, use, operate or maintain more than three games or amusement devices for business or commercial purposes in or upon the premises within the Borough of Paramus or to own, lease, store, possess, use, operate or maintain any such game or amusement device except in conformity with the provisions of this Chapter and unless licenses and permits have previously been obtained therefor as provided for in Chapter 165, Amusement Devices and Arcades.

§ 429-131. Conditional use standards; minimum distances between certain uses.

[Amended 4-10-2023 by Ord. No. 2023-15]

- A. There shall be a minimum distance between two similar uses as set forth below. The minimum distance shall be measured by the shortest straight line between the nearest point on the boundary line of the lot on which such use is proposed to be located. If a straight line can be drawn from any part of the lot under consideration to any part of a lot on which the similar use is located that is less than the prescribed distance, it will violate this section.
- (1) Between any motor vehicle service station and another motor vehicle service station, or motor vehicle repair garage, a distance of not less than 2,600 feet.
 - (2) Between any and another motor vehicle repair garage and any other motor vehicle repair garage or motor vehicle service station, a distance of not less than 2,600 feet.
 - (3) Between any convenience store and any other convenience store, a distance of not less than 2,600 feet.
 - (4) No approval of a second motor vehicle service station, motor vehicle repair garage or convenience store within the distances prescribed above of an existing similar facility by either variance or an approved use in another zone shall render the existing facility subject to the minimum distance requirement above. That is, any expansion or reconstruction of the existing facility shall be treated as if it were the only facility within the prescribed distance.
- B. Retail stores selling convenience goods that have a gross floor area exceeding 1,000 square feet, whether operated as a principal use or as an accessory use to a permitted principal use, are prohibited in the HCC Zone and HCC-2 Zone of the Borough of Paramus.

§ 429-132. New car dealer establishments.

Within any HCC Zone District, the following additional restrictions and limitations shall apply with respect to such of the conditional uses as are set forth herein. With respect to the new car dealer establishments:

- A. Maximum lot size. No new car dealer establishment shall hereafter be created except upon a lot or lots containing no more than four acres, all of which lot or lots shall be located entirely within the HCC Zone.
- B. Display area. The display of new and/or used cars by a new car dealer establishment shall be limited to a maximum aggregate of 200 feet along the frontage of any one abutting public road. Such display area shall be further limited to an aggregate of no more than 22 such cards in any one row. All frontage, other than the display area and any driveways, shall be screened by planted greenery areas as set forth in Article XXX.
- C. Greenery areas. New car dealer establishments shall have a minimum of 15 feet of planted greenery areas, parallel to each abutting public road (excluding ingress and egress roads as shown on approved site plan). Such greenery shall be credited toward the required greenery area under any required planted area (other than required planted buffer area) and shall comply with all the requirements of any required planted area (other than required planted buffer area).
- D. Accessory used car sales. Used car sales by a new car dealer establishment shall be limited to the sale of used cars accepted in bona fide trade-ins for new cars sold from the premises.
- E. Inventory storage. Any motor vehicle stored upon the premises of a new car dealer establishment in inventory and not yet prepared for sale shall be adequately screened by a solid fence six feet in height from ground level or enclosed in permanent buildings on these lots in accordance with the requirements of the Land Use Board site plan approval, provided that such structures do not violate any ordinances of the Borough of Paramus.

- F. Rooftop storage. Inventory vehicles for new car dealer establishments may be stored on the roof of the building on the lot, provided that:
 - (1) Such storage area or structure complies with all other ordinances of the Borough of Paramus;
 - (2) In the case of rooftop or double-deck storage of vehicles, said vehicles are screened with design block or other architectural screening with safe and adequate exits and entrance ramps and aisles; and
 - (3) The total building coverage on the lot or lots is not less than 15% nor more than 40% of the total area of said lot or lots, including any vehicular storage structures thereon.
- G. Separation of inventory from other parking. All areas for customer and employee parking shall be separated from areas used for the storage of vehicles in inventory or for sale by a clearly distinguishable physical barrier or open space.
- H. Expansion of existing new car dealer establishments.
 - (1) Any new car dealer establishment may expand any existing building or erect a new building or acquire property to expand its operation, provided that any such expansion of an existing building or any such erection of a new building shall comply with this chapter and all other applicable Borough ordinances, and provided further that any expansion by acquisition or use of additional land:
 - (a) Shall be for parcels or lots contiguous to the existing business lot.
 - (b) With respect to the existing lot and such additional parcels or lots, shall not result in an aggregate area of more than four acres. Site plan approval by the Land Use Board shall be required for any such expansion.
 - (2) Site plan approval for such expansion of an existing new dealer establishment shall be further conditioned upon the applicant causing the existing portions of the premises to be upgraded and brought into conformance with this section to the extent that the same is physically feasible. Nothing herein shall be deemed to require an existing new car dealer establishment to more or relocate an existing building in order to comply with the provisions of this Chapter.

§ 429-133. Medical Cannabis Dispensary.

[Added 6-15-2021 by Ord. No. 2021-22]

Within the HCC Zone District, the following additional restrictions and limitations shall apply with respect to a Medicinal Cannabis Dispensary:

- A. No more than one Medicinal Cannabis Dispensary shall be permitted in the HCC Zone District.
- B. Medicinal Cannabis Dispensary shall not be located within 1,000 feet of a pre-existing primary or secondary school. The distance shall be measured from property line to property line. Early learning centers, fitness facilities, preschools, day care centers, residential care homes, colleges, and vocational/trade centers shall not be classified as a school for purposes of this section.
- C. For purposes of determining required parking, dispensaries shall be classified as "Commercial Retail".
- D. Drive-throughs shall be prohibited at Alternate Treatment Centers.
- E. No medicinal cannabis or cannabis paraphernalia shall be displayed or kept at the Alternate Treatment Center so as to be visible from outside the premises.
- F. No medicinal cannabis, or cannabis-infused product, shall be smoked, eaten, or otherwise consumed or ingested on the premises of any Alternate Treatment Center.
- G. A Medicinal Cannabis Dispensary shall not be located in a home, apartment, or condominium.
- H. A Medicinal Cannabis Dispensary shall be subject to permitting requirements. Requests for a permit, including but not limited to occupancy and building permits, shall be submitted via an application (herein "Dispensary Application"). The following documentation and information shall be provided to the Borough Clerk in conjunction with any application for a zoning permit or variance relief for a dispensary, cannabis cultivation, cannabis manufacturing or cannabis distributing facility:
 - (1) A general description of the proposed structure in which the facility will be located, including co-tenancy (if in a multi-tenant building), total square footage, description of ingress and egress, proposed exterior lighting plan, and building code compliance;
 - (2) The proposed days and hours of operation, the anticipated building occupancy capacity, and the average number of customers and employees anticipated to frequent the facility on a daily basis;
 - (3) The anticipated parking demand and parking plan per the applicable Schedule of Off-Street Parking Requirements and available private parking supply.
 - (4) A traffic management plan depicting on-site traffic circulation, stacking, and queuing, and demonstrating the manner in which the facility's traffic will be managed so as to minimize the impact on adjacent roadways and neighborhoods;
 - (5) A depiction of the site design, including access points and internal site circulation;
 - (6) A proposed signage plan;

- (7) A plan for disposal of refuse including disposal of any cannabis or cannabis byproducts that are not sold to a purchaser or registered qualifying patient or caregiver which disposal method protects any portion thereof from being possessed or ingested by any person or animal, and which complies with applicable federal, state, and local regulations;
 - (8) A plan describing the mitigation measures and ventilation system that will be used to prevent any odor of cannabis off the premises;
 - (9) The name(s) and location(s) of the offsite cultivation facilities associated with a dispensary, if any;
 - (10) A copy of the current State-approved license, and to the extent permitted by law, a copy of the operating and security procedures required by the Act;
 - (11) The name and complete contact information of the licensee, its primary point of contact for the application available to respond to and cooperate with inquiries and requests made by the Borough Clerk, and the senior person responsible for management and operation of the proposed facility, which information shall be promptly updated as necessary;
 - (12) Such other information or documentation as determined to be necessary to assess compliance with the requirements set forth or referenced herein;
 - (13) An affidavit or certification affirming compliance with all requirements of state and local law and identifying any matters requiring variance or waiver relief;
 - (14) Applications shall be submitted to the Borough Clerk and will be deemed complete upon submittal of all documentation and information described in herein to the satisfaction of the Borough Clerk;
 - (15) Subject to the provisions set forth below, an Alternate Treatment Center's occupancy permit will be allocated to an applicant on a reserve basis based on the order the completed Dispensary Applications are received;
 - (16) Upon the Borough Clerk's receipt of a completed Dispensary Application for an available dispensary occupancy permit, said available occupancy permit shall be temporarily reserved for the applicant at the location designated until such time that the application is withdrawn by the applicant or deemed expired. Minimal progress for a period of three or more months relative to obtaining the reserved available dispensary occupancy permit shall constitute a basis to deem the application expired; and
 - (17) No Dispensary Applications will be received or considered during a period when one dispensary occupancy permit has been issued or reserved.
- I. Coordination of safety and security measures. Applicants for a Medicinal Cannabis Dispensary shall coordinate with the Borough Chief of Police, or his or her designee, regarding the measures to be taken to ensure the security of the facility and the safety of the public and facility employees. Such measures may include, but are not limited to, facility access controls, surveillance systems, site lighting, and on-site security personnel. Said coordination shall occur in conjunction with any application for a zoning permit or variance relief for a dispensary, cannabis cultivation, cannabis manufacturing or cannabis distributing facility that has been deemed complete by the zoning officer, and shall be ongoing, as needed, to address any security or safety issues.
 - J. Inspection. Subject to the requirements and limitations of State Law, the Borough of Paramus shall have the reasonable right to inspect the premises of any approved Medicinal Cannabis Dispensary during its regular hours of operation to ensure compliance with local ordinances and regulations.
 - K. Public nuisance declared. Operation of any prohibited or unpermitted cannabis business establishment within the municipality in violation of the provisions of this chapter is hereby declared a public nuisance and shall be abated pursuant to all available remedies.
 - L. Governing body approval of applications. Whenever the Cannabis Regulatory Commission established by the Act (the "Commission") forwards to the municipality any application for initial licensing or renewal of an existing license for any cannabis establishment, Medicinal Cannabis Dispensary, distributor, or delivery service pursuant to section 19 of the Act or for a cannabis consumption area pursuant to section 28 of P.L. 2019, c.153 (C.24:6I-21), or otherwise solicits the position of the municipality on any matter related to cannabis-related activities within the municipality, or upon the request of an applicant for or holder of such license, the governing body shall determine whether the application complies with the municipality's restrictions on the number of Medicinal Cannabis Dispensaries, cannabis establishments, distributors, or delivery services, and on their location, manner, or times of operation, and promptly inform the Commission, and the applicant for or holder of a license whether the application complies with same and whether it either approves or denies each application or other request for municipal authorization forwarded to it. Notwithstanding the forgoing, nothing herein shall prohibit any elected or appointed official or employee from expressing their opinions or views on cannabis-related matters in their personal or individual official capacity, or endorsing an applicant for or holder of a license issued by the Commission, provided that such official shall not represent that their opinions or views are those of the municipality unless based on a duly adopted ordinance or resolution of the municipality, or other action of a majority of the governing body.
 - M. Definitions and repealer. Unless specifically defined otherwise herein, any term used herein shall be incorporate the definition of that term in the Act. Any article, section, paragraph, subsection, clause, or other provision of the Borough of Paramus inconsistent with the provisions of this section is hereby repealed to the extent of such inconsistency.
 - N. Interpretation and savings provision. If any section, paragraph, subsection, clause, or provision of this section shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this section shall be deemed valid and effective.
 - O. Violations and penalties. Any person or business who violates any provision of this section shall, upon conviction, be subject to the penalties provided by § 1-15 of this Code.

§ 429-133.1. Compliance required.

- A. No person shall construct any building or structure in the HCC Zone District in violation of the restrictions, limitations and requirements of this Chapter.
- B. No person shall use any building or structure or lot or area in the HCC Zone District in violation of the restrictions, limitations and requirements of this Chapter.
- C. Lawful prior nonconforming uses or structures may be continued only to the extent required by State law, but not otherwise.
- D. Additions and alterations to existing nonconforming uses and structures shall be permitted in accordance with the restrictions, limitations and requirements of this Chapter. An existing nonconforming structure may be altered without the need for variance relief for the nonconforming condition, provided that the condition that is not conforming is not being altered.

Chapter 429. Zoning

Article XXI. Neighborhood Business (NB) Zone

§ 429-116. Permitted uses.

- A. Within any NB Zone, no building, structure or area or lot or land shall be used in whole or in part for other than one or more of the permitted or conditional uses expressly set forth herein or the accessory uses accessory and subordinate to the permitted and conditional uses expressly set forth herein.
- B. Permitted uses are intended to be businesses commonly found at intersections adjacent to residential areas and shall be as follows:
- (1) Antique shops;
 - (2) Bakery for retail sales only;
 - (3) Bank;
 - (4) Personal health, or beauty and hair care;
 - (5) Book, newspaper and magazine store;
 - (6) Camera shop;
 - (7) Drugstore;
 - (8) Dry-cleaning pickup station for work to be done elsewhere; and provided that such operation is for local service only and no work is received from pickup stations or other dry-cleaning plants. No wholesale or subcontracting in connection with the above uses shall be permitted;
 - (9) Florists;
 - (10) Gift shop;
 - (11) Neighborhood convenience / grocery store;
 - (12) Hardware store;
 - (13) Hobby shop;
 - (14) Household appliance store;
 - (15) Laundromat or launderette;
 - (16) Medical, dental, osteopathic and chiropractic, optometrical and physical therapy clinics and offices;
 - (17) Offices, including professional offices;
 - (18) Restaurants.^[1]
- [1] *Editor's Note: Former Subsection B(19), regarding automotive repair and filling stations, which immediately followed, was repealed 4-10-2023 by Ord. No. 2023-15.*
- C. Motor vehicle service stations and motor vehicle repair garages are conditional uses subject to the conditional use standards set forth in § 429-131, hereinbelow.
[Added 4-10-2023 by Ord. No. 2023-15]

§ 429-117. Accessory uses.

There shall be no accessory buildings within the NB Zone District, but the following accessory uses are permitted:

- A. Parking area.

Chapter 429. Zoning

Article XXIV. Limited Business (LB) Zone

§ 429-137. Permitted uses; prohibited uses.

- A. Within the LB Zone, no building, structure or area or lot or land shall be used in whole or in part for other than one or more of the permitted or conditional uses expressly set forth herein, accessory uses and subordinate to the permitted uses and conditional uses expressly set forth herein.
- B. All uses not expressly permitted by this chapter in the LB Zone District are prohibited.
- C. Permitted uses shall be as follows:
 - (1) Office, office building;
 - (2) Library, museum, art gallery; house of worship, public school, private school (having a curriculum similar to that of a public school);
 - (3) Bank;
 - (4) Telephone exchange;
 - (5) Computer center;
 - (6) Building used by Federal, State, or County or municipal government for offices or meeting rooms;
 - (7) Restaurant;
 - (8) Professional offices; and
 - (9) Medical and dental clinics (but not hospitals or health care facilities campus pursuant to Section **429-128**).

§ 429-138. Accessory buildings and uses.

There shall be no accessory buildings within the LB Zone District, but the following accessory uses are permitted:

- A. Parking area.
- B. Planted area and planted buffer area.
- C. Business signs and real estate signs only as permitted, regulated and limited by ordinance, and only if a permit has been lawfully issued for the sign.
- D. Other accessory uses within the building customarily incident and subordinate to the permitted use.