

Chapter 190. Land Use

Article XIII. Zone Regulations

§ 190-146. Corporate Multi-Use Development Zones CMX-10, CMX-4, CMX-3 and CMX-2.

- A. Purpose. The CMX Zones are intended to establish areas favorable to the location of businesses, offices and ancillary business service uses within planned development environments with compatible building designs and architectural facades and materials, efficient lot layout and circulation systems, and aesthetically coordinated and well designed site and landscape features.
- B. Permitted uses. Permitted uses are limited to those included in the North American Industrial Classification System (NAICS) group or classification indicated. NAICS codes are based on North American Industrial Classification Manual of 1997 approved by the United States Office of Management and Budget:
- (1) Finance and insurance offices (NAICS 52).
 - (2) Real estate (NAICS 531) except lessors of mini-warehouses and self-storage units (NAICS 53113).
 - (3) Cable and other pay television services (NAICS 51322) but not including wireless telecommunications towers and antennas.
 - (4) Professional, scientific, and technical services (NAICS Sector 54).
 - (5) Business services limited to:
 - (a) Professional, scientific, and technical services (NAICS 54).
 - (b) Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies (NAICS 5222).
 - (c) Personnel supply services (NAICS 446).
 - (d) Information services and data processing services (NAICS 514).
 - (e) Office administrative services (NAICS 5611).
 - (f) Facilities support services (NAICS 5612).
 - (g) Employment services (NAICS 5613).
 - (h) Business support services (5614).
 - (i) Travel arrangement and reservation services (5615).
 - (j) Detective agencies and protective services (NAICS 56161 except "armored car service" and "dogs, rental of" for protective services).
 - (6) Health services limited to:

- (a) Offices of physicians (NAICS 6211).
 - (b) Offices of dentists (NAICS 6212).
 - (c) Offices of other health practitioners (NAICS 6213).
 - (d) Medical and diagnostic laboratories (NAICS 6215).
 - (e) Within the CMX-2 Zone only, nursing care facilities (NAICS 623110).
[Added 12-16-2008 by Ord. No. O-08-33]
 - (f) Within the CMX-2 Zone only, services for the elderly and persons with disabilities, including adult day-care facilities (NAICS 624120).
[Added 12-16-2008 by Ord. No. O-08-33]
- (7) Social services limited to:
- (a) Individual and family services (NAICS 6241).
 - (b) Vocational rehabilitation services (NAICS 6243).
 - (c) Other individual and family services (NAICS 62419).
- (8) Miscellaneous services limited to:
- (a) Elementary and secondary schools (NAICS 6111).
- (9) Within the CMX-3/A Zone only, new car dealers (NAICS 441110). No more than 30% of a new car dealer's displayed inventory may consist of secondhand or used automobiles.
[Added 3-24-2015 by Ord. NO. O-15-4^[1]]
- [1] *Editor's Note: This ordinance also redesignated former Subsection A(9) through A(15) as Subsection A(10) through A(16), respectively.*
- (10) Corporate office uses including or similar to permitted uses listed in Subsection **B(1)** through **(9)** above.
- (11) Conference and convention centers.
- (12) Within the CMX-3/A Zone only, motor vehicle showrooms, offices and mechanical repair and maintenance service facilities.
- (13) Within the CMX-2 and the CMX-4 Zones only, permitted uses shall also include:
[Amended 11-20-2007 by Ord. No. O-07-29]
- (a) Hotels and motels with a minimum of 100 rooms.
 - (b) Conference facilities.
- (14) Within the CMX-2 and CMX-3, only permitted uses shall also include houses of worship provided that the front yard setback shall be a minimum of 100 feet and the side yards shall be a minimum of 75 feet.
[Added 6-17-2008 by Ord. No. O-08-11]
- (15) Within the CMX-3 Zone, integrated limited business and support services. In addition to the permitted uses in the CMX-3 Zone listed above, integrated limited business and support services may be permitted as an office/commercial planned development option within the CMX-3 Zone in accordance with the provisions of N.J.S.A. 40:55D-65c as part of a planned development to include uses permitted under § **190-146B(1)** through **(11)** and uses permitted within Subsection **B(15)(a)** of this section [§ **190-146B(15)(a)**] and conditional uses permitted under § **190-146C** in accordance with the following:
[Added 6-29-2010 by Ord. No. O-10-11]
- (a) Permitted uses within an integrated limited business and support services planned development.

- [1] Business equipment, supplies, services, training, and repair and maintenance.
 - [a] Computer and software stores (NAICS 443120).
 - [b] Office supplies (NAICS 424120).
 - [c] Office furniture stores (NAICS 442110).
 - [d] Communication equipment repair and maintenance (NAICS 811213).
 - [e] Business service centers, including copy and duplicating centers, mailbox rental and mailing and duplicating shops (NAICS 561439).
 - [f] Business schools and computer and management training (NAICS 6114).
- [2] Food services.
 - [a] Restaurants of not less than 1,250 square feet floor area, and not less than 40 seats (NAICS 722110).
 - [b] Limited-service eating places (NAICS 72221).
 - [c] Delicatessens (NAICS 722211).
 - [d] Cafeterias (NAICS 722212).
 - [e] Snack and nonalcoholic beverage bars (including sandwich, bagel and/or coffee shops, ice cream and yogurt stores and ethnic food specialty stores) where take-out service is permitted, but drive-through service is not permitted (NAICS 722213).
 - [f] Baked goods stores (NAICS 445291).
 - [g] Confectionery and nut stores (NAICS 44292).
- [3] Office park employee personal sales and service establishments.
 - [a] Health and personal care stores (including pharmacies, drug stores, cosmetic and beauty supply stores, optical goods and other health and personal care stores) (NAICS 4461).
 - [b] Book, periodical and music stores (NAICS 4512).
 - [c] Dry cleaner and laundry dropoff and pickup with no coin-operated equipment and no cleaning processing equipment on site (NAICS 812320).
 - [d] Barbershops, hair, beauty and nail salons (NAICS 812111, 812112 and 812113).
 - [e] Home health equipment rental (NAICS 532291).
 - [f] Convenience stores not exceeding 2,500 square feet of floor area with no drive-through service, gasoline or motor vehicle service permitted (NAICS 445120).
 - [g] Fitness and recreational sports centers and spas not over 5,000 square feet in size, with operating hours not earlier than 6:00 a.m. and not later than 11:00 p.m. (NAICS 713940).
- [4] Similar business services, educational and training facilities where retail sales of products related to the business or service are ancillary to the service provided.

(b) Bulk, architectural and tract area requirements for:

- [1] A planned development must comprise a minimum tract area of 10 acres.

- [2] An integrated limited business and support services planned development must contain a minimum of 35,000 square feet of gross leasable floor area.
- [3] The floor area approved for an integrated limited business and support services planned development comprised of non-office uses shall not exceed 30% of the total approved floor area. Permitted uses in Subsection **B(1)** through **(14)** and permitted conditional uses shall not be classified as non-office uses for purposes of this calculation.
- [4] Applicants for integrated business and support services planned developments shall submit a schedule of development providing a phasing plan of permitted uses, conditional uses, office and non-office uses based upon the gross leasable floor areas for each category of use. Non-office uses as calculated in Subsection **B(15)(b)[3]** shall not exceed 65% of any construction phase within an approved limited business and support services planned development.
- [5] The floor area ratio for one-story developments shall not exceed 0.15. The floor area ratio for two-story mixed use (office and non-office uses) shall not exceed 0.20.
- [6] Buildings approved within an integrated limited business and support services planned development in the CMX-3 Zones shall maintain the following setbacks and buffer requirements adjacent to residential zones; provided, however, that existing wooded areas on site or adjacent to the site that are classified and delineated as freshwater wetlands and /or delineated wetlands transition areas may be included as planted buffers areas subject to supplemental plantings to form a planted screen from the residential buildings:
 - [a] Planted buffer:
 - [i] One story structures: 50 feet.
 - [ii] Two-story structures: 75 feet.
- [7] Specified non-office uses shall not exceed 15,000 square feet in an individual building and no single non-office use shall exceed 5,000 square feet of gross floor area, other than a conditional use restaurant.
- [8] Each building within an integrated limited business and support services planned development that contains non-office uses shall contain not less than two and not more than four attached non-office uses.
- [9] An integrated limited business and support services planned development must be designed with an overall architectural theme consistent with the requirements of § **190-114**, Architectural design requirements for commercial, office and industrial development, in a manner which will not result in an appearance of a linear or strip shopping center.
- [10] Integrated limited business and support services planned developments shall provide cross-access easements and shared parking between contiguous properties within CMX and B (Business) Zones to the greatest extent feasible to minimize ingress and egress vehicular movements on Route 9, Route 537 and other arterial and collector roadways. The cross-access easements and any shared parking areas shall be readily visible and clearly signed on both properties.

(16) Fitness and recreational sports centers (NAICS 713940).
[Added 6-26-2012 by Ord. No. O-12-15]

C. Uses permitted subject to the issuance of a conditional use permit:

- (1) Hotels and motels.
- (2) Day-care facilities.
- (3) (Reserved)^[2]

[2] *Editor's Note: Former Subsection C(3), which listed nursing homes and similar long-term care facilities as permitted uses subject to a conditional use permit, was repealed 12-16-2008 by Ord. No. O-08-33.*

(4) Cemeteries.^[3]

[3] *Editor's Note: Former Subsection C(4), Houses of worship, as amended 9-25-2007 by Ord. No. O-07-25, was repealed 6-17-2008 by Ord. No. O-08-11. This ordinance also renumbered former Subsection C(5) through (10) as Subsection C(4) and (9), respectively.*

(5) Pool or billiard parlors.

(6) Historic commercial projects.

(7) Restaurants.

(8) Congregate care and assisted living residential facilities. Permitted only within the CMX-2 Zone and CMX-3 Zones.

(9) Self-storage warehousing (NAICS 531130).

(10) Car wash facilities. Permitted only within the CMX-3 Zone.
[Added 3-17-2009 by Ord. No. O-09-3]

D. Permitted accessory uses:

(1) Signs in accordance with § **190-183**.

(2) Fences.

(3) Storage sheds for building and property maintenance equipment and refuse enclosures provided that they are constructed of a material compatible in form and color with the principal structure and screened from view from the roadway by landscaping, planted berm or decorative fencing.

E. Area, yard and building requirements. Specified in Schedule C at the end of this chapter.

F. Lot and building arrangement in CMX-2, CMX-3, CMX-3/A, CMX-4 and CMX-10 Zones.

(1) All principal and accessory buildings shall be designed and located upon the site with the intent to minimize the disturbance of existing land forms, water features, and areas of significant vegetation.

(2) Roadway layout and lot configuration shall be designed to permit flexibility of building placement to accommodate passive and/or active solar heating.

(3) All buildings shall be sited to assure minimal interference with the solar access of adjacent land uses and to create windbreakers minimizing winter heat loss potential.

(4) Access roadways, signage and landscaping shall be the only permitted uses within the front yard area. All parking must be located to the side or rear of the building and screened from view from the roadway by the use of landscaping, berming, or decorative fence or wall.

(5) Buildings located within 200 feet of a residence or residential zone shall not exceed 2 1/2 stories in height or 35 feet, and shall be designed so as to be harmonious with neighboring residences.
[Amended 12-16-2008 by Ord. No. O-08-33]

(6) All buildings within the CMX-2, CMX-3, CMX-3/A, CMX-4 and CMX-10 zoning districts shall be compatible in architectural design in accordance with the requirements of § **190-114**. All buildings shall be finished on the front and sides with face brick, its equivalent or better. All roof-mounted appurtenances must be screened from view.

(7) Application for development within the CMX-4 Zone shall be made as a planned commercial development and, where applicable, in accordance with the general development plan review procedures contained in § **190-36**. In the event the statute providing for planned developments,

N.J.S.A. 40:55D-45.3 should be interpreted as inapplicable to a parcel 100 acres or less, then the development shall be considered by the Planning Board as a conventional development, subject, however, to all other provisions, including phasing, of any consent order and stipulation of settlement to which the property to be developed is subject.