

Chapter 90. Zoning

Article IX. Business District

§ 90-56. B-2 Downtown Business District.

A. Permitted principal uses and buildings.

[Amended 12-21-2009 by Ord. No. 2009-18 (1071)]

(1) In each 50 feet of frontage on NJ Route 35 North in the B-2 Downtown Business District, there shall be retail, office or restaurant uses on the ground floor, and retail, office, restaurant or residential uses on the second floor, but there shall not be any mix of uses on the second floor. Residential uses may only be located on the second floor when retail, office or other commercial uses are located on the first floor. Residential use only shall not be permitted in the B-2 Downtown Business District.

(a) Retail or office uses shall be housed in no more than one building, and each retail unit shall contain a minimum of 500 square feet. The retail units per fifty-foot frontage may be occupied in a building of no more than 3,500 square feet of floor area, including all necessary common functions such as HVAC equipment, storage, restrooms, accessways, stairways and for elevators. Other business or residential uses may be located as defined in Subsection **A(1)(b)** and **(c)**, which follow.

(b) An apartment dwelling unit on the second floor over (above) a commercial establishment is subject to the following conditions:

[1] There shall be off-street parking in accordance with the following:

[a] Apartment unit: two parking spaces. Parking spaces for the lower commercial unit shall be determined in accordance with the requirements outlined in Article **IX** of this chapter.

[b] Each parking space shall be accessible and shall constitute an area of nine feet in width and 18 feet in length.

[2] Not more than one residential dwelling unit may be erected on the second floor for every 5,000 square feet of land area. Where there is a residential unit on the second floor in conjunction or combination with another use of a commercial nature on the first floor, the combination shall be limited to two uses and the total number of units for both uses shall be limited to two units for every 5,000 square feet of land area (except that residential use on the second floor is limited to one unit).

(c) The conduct of retail trade or business such as adult bookstores or adult video parlors or shops shall not be permitted.

(d) An office of any professional (such as a doctor, dentist, chiropractor, lawyer, architect or similar practitioner), business persons (such as real estate, insurance, accountant, auditor or similar practitioners) or the office of a business firm not involved in on-premises retail sales may be located on either floor of buildings designed, intended, arranged, adapted or occupied for office occupancy.

- (e) Restaurants are permitted on either floor with a minimum of 1,700 square feet, including all necessary common functions such as HVAC equipment, storage, restrooms, accessways, stairways, and/or elevators. No drive-in or drive-through restaurants are permitted.
 - (2) No outdoor sale, storage or display of foods, goods, materials, chattels or equipment or the like shall be permitted in the B-2 Business District unless otherwise permitted by this Code. Any application for relief from this use restriction or application made pursuant to § **50-8.1** shall be considered as an application for a variance hereinunder, but the Planning Board shall not have jurisdiction over the setting of dates and times pursuant to § **50-7A** or **B**.
[Amended 12-19-2011 by Ord. No. 2011-07 (1097)]
 - (3) No building shall have more than 50% of its floor area devoted to the storage of goods, and any storage shall only be in connection with a business located in the same building. No manufacturing, trade or industry shall be carried on in the B-2 Business District except as specifically authorized by this section and except as necessary for the production of goods to be sold or disposed of chiefly on the premises. No manufacturing, trade or industry which is injurious, obnoxious or offensive by reason of noise, smoke, odor, gas, dust or other objectionable feature shall be carried on in any building or structure or on any premises.
- B. Permitted accessory uses and buildings.
[Amended 6-18-2007 by Ord. No. 2007-05 (1016)]
- (1) Accessory uses shall not include detached storage sheds or other structures used primarily for the purpose of storage. Such sheds or structures are hereby expressly prohibited. Attached storage sheds or storage areas that form an integral part of the building in which the principal permitted uses on any premises shall be permitted, provided that such sheds or storage areas are constructed in compliance with all regulations pertaining to the construction of the permitted structure.
 - (2) Outdoor seating is permitted in conformance with this article and subject to the requirements of Article **II** of Chapter **50** of the Borough Code. The standards for outdoor sidewalk seating shall be as follows:
 - (a) Tables and chairs may only occupy the area directly in front of that portion of the retail food establishment along Grand Central Avenue. No outdoor sidewalk seating is permitted along any side street.
 - (b) Tables and chairs shall not be permitted within 15 feet from the curblines.
 - (c) Sufficient receptacles for trash and recyclable material must be provided in the outdoor sidewalk seating area.
 - (d) Temporary markings, such as plants, ropes, stanchions or decorative fencing, must be placed at the fifteen-foot setback area to outline the outdoor sidewalk seating.
 - (e) The outdoor sidewalk seating area must be kept free of all refuse.
 - (f) Table service by food servers is permitted in the outdoor sidewalk seating area, but no food server station is permitted outside the confines of the building of the retail food service establishment.
 - (g) Alcoholic beverages shall not be served or consumed in the outdoor sidewalk seating area, unless this outdoor seating area is included within the licensed premises of an establishment holding a plenary retail consumption liquor license. Additionally, any such licensed premises shall still be required to comply with all other requirements of this article and Article **II** of Chapter **50**.
- C. Building construction.
[Amended 2-19-2013 by Ord. No. 2013-03 (1118)]

- (1) The maximum building height shall be 2 1/2 stories or 30 feet, whichever is less, and the building shall contain no more than two floors, over each other, of business area.
- (2) The height of a building shall be measured from the top of the curb at the center of the front of the building on which the main entrance is located. If there is no curb in front of the building, the building height shall be measured from the height of the crown of the center of the road at the center of the front of the building on which the main entrance is located.
- (3) A detached garage shall not exceed 18 feet in height.
- (4) Spires of churches may be erected to a height not exceeding 75 feet from the top of the curb at the center of the front or side of the church on which the main entrance is located.
- (5) The maximum building height of the habitable portions of the following buildings shall be 2 1/2 stories or 28 feet, whichever is less, measured from the top of the sill plate for A type construction to the highest point of the building; and from the top of the lowest horizontal structural member for V-type construction to the highest point of the building. Buildings shall contain no more than two floors, over each other, of business area.
 - (a) For elevated buildings as defined in § 31-5 elevated after the effective date of this section;
 - (b) For buildings which are repaired or reconstructed after the effective date of this section as a result of damage of any origin sustained by a building whereby the cost of restoring the building to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred and which buildings are constructed or reconstructed so as to comply with any minimum base flood elevation as established by the Federal Emergency Management Agency or as established in Chapter 31, whichever is more restrictive;
 - (c) For new construction or reconstruction for which a permit is issued after the effective date of this section and which new construction or reconstruction is constructed so as to comply with any minimum base flood elevation as established by the Federal Emergency Management Agency or as established in Chapter 31, whichever is more restrictive.
- (6) Any building which is built, elevated or reconstructed after the effective date of this section in order to meet or exceed a minimum base flood elevation level and which is located on any lot in an "A" Advisory Base Flood Elevation Area established by the Federal Emergency Management Agency may include up to two feet of freeboard between the minimum base flood elevation and the finished floor of the lowest habitable area of any building. In the event that additional freeboard over two feet is added to the structure to meet or exceed such minimum base flood elevation level, then such additional freeboard over two feet shall be deducted from the habitable area of the building measured from the top of the sill plate for Zone-A-type construction to the highest point of the building.

D. Yard requirements.

- (1) Any building erected in the B-2 Business District shall have a minimum rear yard of five feet, a minimum side yard of five feet, a minimum front setback of seven feet. Any building on a corner lot, including all porches, shall have a setback of seven feet from each property line abutting a street.
- (2) A commercial building in the B-2 Business District may extend to the interior side line, provided that a noncombustible material is used in all walls abutting such interior side line. This provision shall not apply to residential structures.

E. Curbs. No curb cut shall exceed 20 feet in width at the curblines, with no more than one curb cut per 5,000 square-foot lot.

F. Signs.

- (1) Any sign permitted in § 90-25 of this chapter shall be permitted in the B-2 Business District.

- (2) Premises or point of sale signs, including illuminated or lighted types but excluding flashing or moving signs, are permitted, provided that:
 - (a) Freestanding signs shall not exceed 20 square feet in area and hanging signs shall not exceed 20 square feet in area.
 - (b) No sign shall project part the building line on a side street.
 - (c) No sign shall exceed the height of the principal building or 15 feet, whichever is greater.

G. Minimum size of lot. No building shall be erected on any lot within the B-2 Downtown Business District unless such lot shall have a minimum average lot width of 50 feet and a minimum lot area of 5,000 square feet. For the purposes of this subsection, average lot widths shall be determined by taking the distance between the side lot lines measured at the front building line. Building on an undersized lot, a lot that does not meet the required lot width and/or lot depth as provided above, must comply with all provisions contained in this article and § **90-84**.

[Added 12-20-2010 by Ord. No. 2010-17 (1089); amended 12-22-2014 by Ord. No. 2014-10 (1135)]