

§ 95-54. Business B-1 Zone regulations. [Amended 8-17-1982 by Ord. No. 24-1982; 3-3-1988 by Ord. No. 7-88; 3-20-1997 by Ord. No. 6-1997; 11-4-2015 by Ord. No. 13-2015; 10-2-2017 by Ord. No. 13-2017; 12-10-2018 by Ord. No. 18-2018; 12-12-2019 by Ord. No. 16-2019; 12-7-2020 by Ord. No. 9-2020; 12-2-2024 by Ord. No. 21-2024; 11-3-2025 by Ord. No. 27-2025]

A. Uses. In the Business B-1 Zone, no lot shall be used and no building shall be erected, altered or occupied for any purpose other than the following:

(1) Permitted uses.

(a) Same as specified for Residence R.15 Zone and subject to all requirements of that zone.

(b) Stores, shops and markets where goods are sold at retail or where personal services are rendered; provided that:

[1] All goods or products fabricated or processed incidental to such use shall be sold at retail on the premises.

[2] Such fabricating or processing done on the premises shall be done by not more than three persons so employed at any one time.

[3] Such fabricating or processing shall be confined to the first floor and basement of the premises, and no supplies, materials or goods shall be stored or displayed for retail sale or rental outdoors.

(c) Business and professional offices, banks and fiduciary institutions.

(d) Parking lot for private passenger vehicles and business-related commercial vehicles not exceeding two tons, but not for the storage of used or new motor vehicles for sale or hire unless incidental to the operation conducted on the premises.

(e) Restaurants, eatery restaurants and take-out restaurants.

(f) Funeral homes.

(g) Theater, bowling alley and other similar commercial recreation, provided their activity is carried on entirely within a building.

(h) Automobile salesrooms, provided no used or new motor vehicles are stored within the front yard area.

(i) Uses similar to those listed above.

(j) Instructional uses.

(k) Permanent cosmetics.

(2) Permitted accessory uses: exceptions and limitations.

(a) Accessory uses incidental to the permitted uses.

- (b) Signs as permitted in § 95-100 et seq.
- B. Prohibited uses. Although it should be understood that any use which is not specifically permitted in Subsection A of this section is thereby prohibited, the following uses and activities are specifically prohibited in the Business B-1 Zone:
- (1) Drive-in theater.
 - (2) Motel, cabin, trailer court, tourist home and hotel.
 - (3) Billiard room.
 - (4) Used car lot or trailer sales unless accessory to the sale or leasing of new vehicles actually conducted on the same lot.
 - (5) Automobile laundry or car-wash establishment.
 - (6) Coin-operated dispensers, including mechanical and automatic machines in which a product is returned, except when located in a principal building.
 - (7) Commercial public auctions, whether open or closed.
 - (8) Retail use in excess of 35,000 square feet of gross floor area.
 - (9) Any establishment engaged in the sale of goods or materials or storing, displaying or selling goods or materials where forklifts are utilized in areas open to the public, when open to the public, to move merchandise and/or load or unload a customer vehicle.
 - (10) Restaurants, eatery restaurants, and take-out restaurants with a drive-through.
- C. Other provisions and requirements.
- (1) Area requirements.
 - (a) As specified in the schedule, § 95-45.
 - (b) One side yard and rear yard required adjacent to a residence zone equal to the larger of the two sides and equal to the rear yard requirements in such adjacent residential zone.
 - (c) The minimum side yard requirements may be waived in locations where the adjoining property is in a business zone, provided that all other requirements with respect to parking, servicing and access as specified in this article are provided. The waiving of the side yard requirements shall be subject to the approval of the Planning Board.
 - (2) Off-street parking space. The "floor area" as used herein is that area used or intended to be used for service to the public as customers, patrons, clients, patients or tenants, including areas occupied by fixtures and equipment and used for the display or sale of merchandise, but not including storage area. One space shall be required for each two employees or operators, plus:
 - (a) Retail stores: one space for each 300 square feet of floor area or portion thereof.

- (b) Business, professional offices and banks: one space for each 400 square feet of floor area.
 - (c) Restaurants and eatery restaurants: one space for every two seats/stools, plus one space for every two linear feet of bar or counter space where patrons may eat/drink while standing. One space for each two employees shall not be required for restaurants and eatery restaurants.
 - (d) Funeral home: one space for each car used in connection with the business, plus one space for each 40 square feet of assembly room floor area.
 - (e) Theater or similar commercial recreation and so forth: one space for each five seats provided for its patrons (based on maximum seating capacity).
 - (f) Bowling alley: four spaces for each alley.
 - (g) Public utility installation: one space for each two employees.
 - (h) Instructional uses: one space for each 120 square feet of public area for uses with less than 5,000 square feet of public area. For uses with 5,000 or more square feet of public area, the parking requirement shall be determined based on the peak number of students and employees.
 - (i) Take-out restaurants: four spaces.
- (3) All parking spaces provided for business uses in this section may be located on a lot within 300 feet of the premises of the building they are intended to serve, but only if it is determined by the appropriate municipal board that it is impractical to provide the required parking spaces on the same lot as the building they are intended to serve.
 - (4) Nothing in this article shall be construed to prevent collective provision of off-street parking facilities by two or more buildings or uses located on adjacent lots, provided that the off-street parking facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the standards contained in this section, and further provided that the land is owned by one or more of the collective users.
 - (5) If more than one user collectively meets the off-street parking requirements of this article, all users shall specify the parking requirements being furnished by each at the time of site plan approval. Said site plan resolution shall provide as a condition that all subsequent owners or users of the premises shall be bound by the parking facilities collectively provided and agreed to by the original users.
 - (6) Off-street loading and unloading area shall be provided in sufficient amount to permit the transfer of goods and products in an area other than on the public streets.
- D. No use permitted within the B-1 Zone shall operate except during the hours of 7:00 a.m. to 11:00 p.m.
 - E. Conditional uses. The following uses are permitted only upon a showing that the use will comply with the conditions and standards as contained herein:

- (1) House of worship, subject to the following conditions:
 - (a) The minimum lot size shall be one acre.
 - (b) The minimum lot frontage shall be 100 feet.
 - (c) The maximum building coverage shall be 40%.
 - (d) The maximum lot coverage shall be 70%.
 - (e) The remainder of the B-1 Zone bulk standards shall apply.
 - (f) Parking shall be provided as stipulated in § 95-47A(9)(c).
 - (g) Accessory uses shall be as stipulated in § 95-47A(9)(b).
- (2) Multifamily mixed-use development, subject to the following conditions:
 - (a) The parcel shall have frontage on Ridgedale Avenue or Eagle Rock Avenue.
 - (b) The minimum lot size shall be 30,000 square feet.
 - (c) The maximum residential density shall be 15 units per acre.
 - (d) The maximum building height shall be three stories and 38 feet.
 - (e) The first floor shall contain permitted B-1 Zone principal uses as stipulated in § 95-54A(1).
 - (f) The second and third floor may contain multifamily dwellings.
 - (g) Parking shall be provided for the residential units in accordance with residential site improvement standards. All required parking shall be provided on site.
 - (h) A minimum of 15% of the residential units shall be reserved for affordable households if the affordable units are rental. A minimum of 20% of the residential units shall be reserved for affordable households if the affordable units are for sale. If the required number of affordable units results in a fraction of 0.5 or greater, the developer shall round up and provide the additional unit. Developments that result in an affordable housing fraction of 0.4 or less shall pay a payment-in-lieu fee for the fraction or round up and provide the additional affordable unit.
 - (i) All affordable units shall be deed-restricted for a minimum of 30 years and comply with the Fair Housing Act,¹ the Uniform Housing Affordability Controls, and provide a 13% very-low-income set-aside. The developer shall be responsible for paying the fees for a qualified administrative agent.
 - (j) The following standards are required, but any deviations shall be treated as "c" bulk variances:
 - [1] Minimum lot frontage, minimum side and rear yards, minimum usable floor

1. Editor's Note: See N.J.S.A. 52:27D-301 et seq.

area, and minimum cubic content of principal building shall comply with § 95-45.

- [2] The minimum front yard shall be 10 feet.
- [3] The maximum total building coverage shall be 50%.
- [4] The maximum percentage of impervious surface shall be 80% of lot area.
- [5] Where the property abuts an existing single- or two-family home, a solid screen comprised of either a six-foot-tall fence or evergreen shrubs six feet in height shall be installed.
- [6] Parking for nonresidential uses shall comply with § 95-54C(2). However, if an applicant can demonstrate to the Board's satisfaction that the proposed development can share parking spaces because of the mixture of uses, the total required parking (residential plus nonresidential) may be reduced by up to 20%.
- [7] Parking spaces shall be nine feet wide by 18 feet long.

§ 95-55. Business B-2 Zone regulations.

A. Uses. In the Business B-2 Zone, no lot shall be used and no building shall be erected, altered or occupied for any purpose other than the following:

(1) Permitted uses.

- (a) Business uses as permitted in the Business B-1 Zone, including those uses in excess of 35,000 square feet of gross floor area. **[Amended 3-20-1997 by Ord. No. 6-1997]**
- (b) Business uses serving highway traffic, such as automobile repair garages and designed shopping centers and business offices.
- (c) Commercial greenhouses and nurseries.
- (d) Restricted industrial uses as follows:
 - [1] Automated and nonautomated wholesale, warehouse storage and distribution facilities, and wholesale distribution centers, provided such activities and inventories are conducted entirely within an enclosed structure. **[Amended 12-6-2021 by Ord. No. 14-2021]**
 - [2] The finishing or assembling of articles made from previously prepared or refined materials.
 - [3] The preparation and fabrication of metals and metal products and chemicals and chemical products.
 - [4] Research activities, including laboratories and structures and facilities used in connection therewith and the testing, sale or lease of articles designed and

produced in such laboratories. Such uses and other similar uses shall be permitted, provided that they meet the requirements outlined in § 95-56B.

- (e) Hotels or motor inns, with appurtenant restaurants, meeting rooms, and recreational facilities such as swimming pools, under the following restrictions:

- [1] Minimum site area: three acres.
- [2] Minimum frontage at the street line: 200 feet.
- [3] Maximum height: the greater of two stories or 35 feet.
- [4] Minimum height of section of building used for bedrooms: two stories.
- [5] Maximum percentage of lot to be occupied by buildings, excluding parking areas: 30%.
- [6] Minimum front yard setbacks: 75 feet. Setbacks apply to all buildings, excluding parking areas, on the site.
- [7] Minimum off-street parking: one space per bedroom; for restaurant facilities: one parking space per two seats over 20 seats, the first 20 seats not requiring any parking spaces; for meeting room facilities: one parking space per five seats; for employees: one space per two employees.

- (f) Instructional uses. **[Added 11-4-2015 by Ord. No. 13-2015]**

- (g) Houses of worship. **[Added 12-10-2018 by Ord. No. 18-2018]**

- (h) Fast-food restaurants. **[Added 12-7-2020 by Ord. No. 9-2020]**

- (i) Banquet halls. **[Added 12-7-2020 by Ord. No. 9-2020]**

- (j) Permanent cosmetics. **[Added 12-2-2024 by Ord. No. 21-2024]**

- (2) On all property lines except the street line, a strip of property no less than 10 feet in width shall be utilized as a buffer area in accordance with specifications set forth in § 95-37B(5) unless waived by the appropriate municipal board at the time of site plan application. **[Amended 8-17-1982 by Ord. No. 24-1982]**

- (3) Permitted accessory uses: exceptions and limitations.

- (a) Accessory uses incidental to the permitted uses.

- (b) Signs as permitted in § 95-100 et seq. **[Amended 10-2-2017 by Ord. No. 13-2017]**

- (c) Accessory uses to houses of worship as stipulated in § 95-47A(9)(b). **[Added 12-10-2018 by Ord. No. 18-2018]**

- B. Prohibited uses. Although it should be understood that any use which is not specifically permitted in Subsection A of this section is thereby prohibited, the following uses and activities are specifically prohibited in the Business B-2 Zone:

- (1) Same as specified for the Business B-1 Zone in § 95-54B.
- (2) Residential dwelling units, excluding motels.
- (3) Industrial uses which do not meet the requirements of § 95-56.
- (4) Any establishment engaged in the sale of goods or materials or storing, displaying or selling goods or materials where forklifts are utilized in areas open to the public, when open to the public, to move merchandise and/or load or unload a customer vehicle. **[Added 3-20-1997 by Ord. No. 6-1997]**

C. Other provisions and requirements.

- (1) Area requirements.
 - (a) As specified in the schedule, § 95-45.
 - (b) One side yard and rear yard required adjacent to a residential zone equal to the larger of the two sides and equal to the rear yard requirements in such adjacent residential zone.
- (2) Off-street parking. Off-street parking spaces shall be provided on the same lot as the use which they are intended to serve and shall be located in other than the required front yard area or the required side yard area on the street side in the case of corner lots. Such parking area shall not be located closer than 50 feet to a residential zone, unless this requirement is waived by the appropriate municipal board in cases where a buffer strip as required by such board is provided and maintained. The following standards shall govern the provisions of such parking space. For uses other than those listed, the number of off-street parking spaces required is the number of spaces required for the use which most nearly approximates the proposed use. **[Amended 11-21-2005 by Ord. No. 32-2005]**
 - (a) Retail and shopping center retail uses. One space for each 300 square feet or part thereof of total floor area for buildings up to and including 24,000 square feet. For all others, one space per 200 square feet or part thereof of total floor area.
 - (b) Retail furniture and major appliances exclusively. One space for each 500 square feet or part thereof of total floor area.
 - (c) Retail financial institutions and office buildings. One space for each 300 square feet or part thereof of total floor area.
 - (d) Restaurants, eatery restaurants, and fast-food restaurants. One space for every two seats/stools, plus one space for every two linear feet of bar or counter space where patrons may eat/drink while standing. **[Amended 12-7-2020 by Ord. No. 9-2020]**
 - (e) Take-out restaurants. One parking space for every two employees on the maximum shift, plus four spaces. **[Amended 12-7-2020 by Ord. No. 9-2020]**
 - (f) Gasoline station. The greater of three spaces or one space for each pump island plus four spaces for the first repair bay and three spaces for each additional bay

plus one additional space for each 150 feet or part thereof of total floor area devoted to selling food, beverages, sundries or other nonautomotive merchandise.

- (g) Motor vehicle repair garage. Four spaces for the first repair bay and three spaces for each additional bay.
 - (h) Automobile sales. One space for each 500 square feet or part thereof of total floor area excluding the service area plus the parking required for a repair facility if service is provided on site.
 - (i) Industrial uses. Three spaces for each 1,000 square feet or part thereof of total floor area.
 - (j) Instructional uses. One space for each 120 square feet of public area for uses with less than 5,000 square feet of public area. For uses with 5,000 or more square feet of public area, the parking requirement shall be determined based on the peak number of students and employees. **[Added 11-4-2015 by Ord. No. 13-2015]**
 - (k) Houses of worship. See § 95-47A(9)(c). **[Added 12-10-2018 by Ord. No. 18-2018]**
 - (l) Banquet halls: one space for every two persons permitted under the Fire Code's maximum occupancy for each rentable space, not including accessory rooms. **[Added 12-7-2020 by Ord. No. 9-2020]**
- (3) Loading facilities. Where goods, merchandise, materials or equipment are delivered to, shipped from or loaded at a use, an off-street loading area must be planned and provided in accordance with the following provisions to safely accommodate delivery, shipment or loading operations: **[Added 3-20-1997 by Ord. No. 6-1997]**
- (a) An off-street loading and unloading area shall be provided in sufficient amount to permit the transfer of goods and products in an area other than in the public streets. This off-street loading and unloading area is specifically not to be included in calculation of required parking.
 - (b) The site plan application shall include a full description of the nature and extent of the loading and unloading operations to be undertaken at the use as well as the types of materials involved, including any materials which may be hazardous, toxic or have special handling considerations.
 - (c) The site plan application shall identify the number and types of vehicles, including but not limited to flatbed trucks, tractor-trailer trucks, tank trucks and pickup trucks, that shall be loaded or unloaded, the duration of the loading or unloading operations and the maximum number of vehicles by type expected to be loading or unloading at a loading or unloading area at one time.
 - (d) The site plan shall clearly identify each and every area where loading and unloading operations will take place and each location where a forklift vehicle will enter or exit a building to assist in loading or unloading operations.
- (4) (Reserved)²

- (5) Maximum percentage of impervious surface shall be 70% of lot area. **[Added 3-20-1997 by Ord. No. 6-1997]**
 - (6) Establishments having a gross floor area in excess of 35,000 square feet, shall not equal, in the aggregate, more than 33% of the total gross floor area of the entire shopping center. **[Added 3-20-1997 by Ord. No. 6-1997]**
- D. Conditional uses. The following uses are permitted only upon a showing that the use will comply with the conditions and standards as contained herein: **[Added 12-12-2019 by Ord. No. 16-2019]**
- (1) Multifamily mixed-use development, subject to the following conditions:
 - (a) The parcel shall have frontage on Eagle Rock Avenue.
 - (b) The minimum lot size shall be 30,000 square feet.
 - (c) The maximum residential density shall be 15 units per acre.
 - (d) The maximum building height shall be three stories and 38 feet.
 - (e) The first floor shall contain permitted B-2 Zone principal uses as stipulated in § 95-55A(1).
 - (f) The second and third floor may contain multifamily dwellings.
 - (g) Parking shall be provided for the residential units in accordance with Residential Site Improvement Standards. All required parking shall be provided on site.
 - (h) A minimum of 15% of the residential units shall be reserved for affordable households if the affordable units are rental. A minimum of 20% of the residential units shall be reserved for affordable households if the affordable units are for sale. If the required number of affordable units results in a fraction of 0.5 or greater, the developer shall round up and provide the additional unit. Developments that result in an affordable housing fraction of 0.4 or less shall pay a payment-in-lieu fee for the fraction or round up and provide the additional affordable unit.
 - (i) All affordable units shall be deed-restricted for a minimum of 30 years and comply with the Fair Housing Act,³ the Uniform Housing Affordability Controls, and provide a 13% very-low-income set-aside. The developer shall be responsible for paying the fees for a qualified administrative agent.
 - (j) The following standards are required, but any deviations shall be treated as "c" bulk variances:
 - [1] Minimum lot frontage, minimum side and rear yards, minimum usable floor area, and minimum cubic content of principal building shall comply with § 95-45.

2. Editor's Note: Former Subsection C(4), pertaining to premises with merchandise stored above floor level, which was added 3-20-1997 by Ord. No. 6-1997, was repealed 11-21-2005 by Ord. No. 32-2005.

3. Editor's Note: See N.J.S.A. 52:27D-301 et seq.

- [2] The minimum front yard shall be 10 feet.
- [3] The maximum total building coverage shall be 50%.
- [4] The maximum percentage of impervious surface shall be 80% of lot area.
- [5] Where the property abuts an existing single- or two-family home, a solid screen comprised of either a six-foot-tall fence or evergreen shrubs six feet in height shall be installed.
- [6] Parking for nonresidential uses shall comply with § 95-54C(2). However, if an applicant can demonstrate to the Board's satisfaction that the proposed development can share parking spaces because of the mixture of uses, the total required parking (residential plus nonresidential) may be reduced by up to 20%.
- [7] Parking spaces shall be nine feet wide by 18 feet long.