

§ 194-58. B Commercial Business District.

- A. Primary intended uses. The following uses are permitted in the B Commercial Business District: retail sales and service facilities designed to serve the needs of the residential community, such as stores, shops, financial institutions, hotels, motels, social halls, lodges, fraternal organizations, eating and drinking places with or without entertainment, business and professional offices, theaters, churches and parish houses, and passenger automobile or truck salesrooms having enclosed walls and a roof and used for motor vehicle sales in conjunction therewith, gasoline filling stations, car-washing establishments and public garages subject to the limitations and standards as set forth in § 194-64C hereof.
- B. Prohibited uses.
- (1) Within any commercial zone, no building or premises shall be used in whole or in part for any other than the purposes specified above under Subsection A. In addition to the restrictions set forth in Subsection A, the following uses are expressly prohibited:
 - (a) Any process of manufacture, fabrication, assembly, disassembly, treatment, conversion or alteration of any material.
 - (b) Fuel distributing plants.
 - (c) Trailer camps or storage or parking of trailers.
 - (d) The commercial care, boarding, treatment or breeding of domestic animals.
 - (e) Storage of crude oil or any of its volatile products or other flammable products.
 - (f) Junkyards, dumps, refuse depots, secondhand material yards, automobile graveyards or disassembly plants and places for storing, baling or treating of junk, old iron, rags, bottles or scrap paper.
 - (g) Slaughtering poultry and animals; rendering lards or fats and smoking meats, whether or not the same is incidental to a retail business.
 - (2) No carousels, roller coasters, merry-go-rounds, Ferris wheels, pony ride tracks, exhibitions of animals and similar commercial amusements shall be permitted, except in connection with a carnival or circus having a special permit from the governing body.
- C. Performance standards. Before the issuance of any building or occupancy permit for any use in the commercial district, all of the following regulations must be complied with:
- (1) Fire and explosion hazards. All activities or operations involving fire or explosion hazards shall be carried on in conformity with the provisions of the Fire Prevention Code of the Borough of Netcong.
 - (2) Smoke, fumes, gases, dust, odors. There shall be no emission of any smoke, fumes, gas, dust, odors or any other atmospheric pollutant which will disseminate beyond the boundaries of the lot occupied by such use.
 - (3) Liquid or solid waste. No business operations shall discharge waste of any kind into any reservoir, pond, pool or other body of open water. The discharge of untreated waste into

a stream shall be prohibited.

- (4) Vibration. There shall be no vibration which is discernible to the human sense of feeling beyond the immediate site on which such use is conducted.
- (5) Noise. There shall be no noise emanating from the operation which will be audible beyond the boundaries of the immediate site.
- (6) Nuisances. No store, shop or office within any district shall use any noise-making instruments such as phonographs, loudspeakers, amplifiers, radios, television sets or similar devices which are so situated as to be heard outside any building in the district. No smoke, fumes or objectionable odors shall be emitted from any building. The display of merchandise placed on the premises outside the exterior walls of any building is prohibited.

D. Off-street parking.

- (1) The number of off-street parking spaces required shall be as set forth in § 194-55E(8). **[Amended 10-13-2016 by Ord. No. 2016-14]**
- (2) No part of any off-street parking area shall occupy more than 1/2 of the front yard setback requirement.
- (3) Any owner or group of owners of a business building or buildings may jointly sponsor off-street parking facilities, provided that the area of the parking facilities equals the total parking area requirements of each owner participating therein, and further provided that such jointly sponsored facilities comply with all the other requirements of this chapter.
- (4) All parking areas shall be designed with service aisles adequate in width to maintain a safe flow of traffic.

E. Conditional uses. **[Added 10-12-2023 by Ord. No. 2023-16]**

- (1) Cannabis retailers.
- (2) Billboards. **[Added 12-14-2023 by Ord. No. 2023-24]**

§ 194-64. Conditional uses.

- A. Purpose. In recognition of innovations and changes in the technology of residential land development which can be beneficial to the future well-being of the Borough, but which benefits are unlikely to be realized through the uniform treatment of area, yard and building requirements on a lot-by-lot basis, and also in recognition of certain uses which are necessary to serve the needs and convenience of the Borough, but which uses may be or become inimical to the public health, safety and general welfare by reason of their inherent nature and/or operation and, therefore, require special and proper consideration of existing and probable future conditions and characteristics of the surrounding area, this chapter provides that such uses are declared to be conditional uses.
- B. Requirement. Uses which are specifically authorized in this chapter as conditional uses may

be permitted in the particular zone where authorized if found appropriate in the specific location and circumstances upon the approval of such conditional use by the Planning Board pending site plan review, and such conditional use shall adhere to the minimum standards specified for that particular use by the applicable regulations of this chapter and shall further conform to such other conditions and requirements as may be stipulated in the approval of the conditional use.

C. Guiding principles. In its consideration of any application for a conditional use, the Planning Board shall duly consider and take its action within the frame of reference established by the following guiding principles:

- (1) Such use shall be one which is specifically authorized as a conditional use in the zone within which such particular site is located.
- (2) Such use shall not be contrary to the purpose of this chapter and such use will be beneficial toward achievement of the objectives of the Borough.
- (3) Such use shall adhere to the minimum standards specified for that particular use by the Schedule I, Area and Bulk Requirements,¹ the specific regulations for conditional uses and all other applicable regulations of this chapter.
- (4) The design, characteristics and operation of the use shall be such that the public health, safety and general welfare will be protected and reasonable consideration is afforded to the following:
 - (a) Existing and probable future character of the neighborhood.
 - (b) Conservation of property values.
 - (c) Traffic safety and road capacities.
 - (d) The existing physical environment.
- (5) For every such use, the approving authority shall make its findings supported by evidence produced at a public hearing in the manner provided by law.
- (6) For every such use the approving authority shall determine that the design and operation of the use shall meet the standards of this chapter and principles of good engineering and design through the process of site plan review in accordance with the Site Plan Review Article.²

D. Public garages.

- (1) No permit shall issue for a public garage use other than in the B Commercial Business District or any of the industrial districts, and then only after the approving authority has authorized such use and the applicant has complied with Article VI, Site Plan Review.
- (2) Public garage requirements.

1. Editor's Note: Schedule I is located at the end of this chapter.

2. Editor's Note: See Article VI, Site Plan Review.

- (a) Anything in this chapter to the contrary notwithstanding, the approving authority shall not order, direct or authorize the issuance of a permit to use any building, structure or premises as or for a public garage unless:
 - [1] The lot or parcel of land so to be used has a street frontage of at least 150 feet on an average depth of at least 150 feet.
 - [2] The walls of the building or structure are set back at least 25 feet from the front street property line and at least 25 feet from every adjoining property line.
 - [3] The entrance and exit driveways are at least 15 feet wide and 10 feet from the adjoining property line and at least 50 feet from the point of intersection of the right-of-way lines.
 - [4] Every gasoline or oil tank, pump, lift, filling, greasing or other device, appliance or apparatus is located at least 25 feet from any street right-of-way line and at least 15 feet from the side and rear lines of the premises.
 - [5] All storage tanks shall be installed below ground level.
 - [6] The nearest boundary line of the lot or parcel of land so to be used is at least 300 feet, measured in a straight line, from any boundary line of property which is used as or upon which is erected:
 - [a] A public or private school.
 - [b] A church or other place of worship.
 - [c] A hospital.
 - [d] A public library, public art museum or other public building.
 - [e] A public playground or civic center.
 - [f] A firehouse or fire station.
- (b) Surfacing. All unused portions in gasoline service stations shall either be improved with a durable and dustless surface or shall be provided with grass and/or planting material in areas which are not to be improved.
- (c) Lighting. All lighting used to illuminate any gasoline service station shall be so arranged as to reflect the light away from adjoining premises.
- (d) Drainage. All gasoline service stations shall be graded and drained so as to dispose of all surface water without detriment to surrounding uses.
- E. Cannabis retailers, subject to the following standards: **[Added 10-12-2023 by Ord. No. 2023-16; amended 12-14-2023 by Ord. No. 2023-23]**
 - (1) Cannabis retailers shall only be permitted within tax blocks 37, 40, 41, 42 and 43.
 - (2) Cannabis retailers shall be subject to site plan review and approval and shall be required

to submit as part of the application an environment impact statement, a traffic study and a parking study.

- (3) Cannabis retailers may be located within single or multi-tenant commercial buildings or within buildings with mixed (commercial and residential) uses.
- (4) Drive-through cannabis retail operations shall be prohibited.
- (5) Consumption of cannabis-related products shall be prohibited on the premises (i.e., within or outside the building).
- (6) Cannabis retailers in multi-tenant or mixed-use buildings shall provide a separate exterior entrance.
- (7) Cannabis retailers shall be prohibited from operating as a home occupation.
- (8) Cannabis retailers shall not be located in a vehicle or any moveable or mobile structure.
- (9) Cannabis retailers shall be prohibited on any property where there exists a grocery store, delicatessen, indoor food market or other store engaged in retail sales of food, or a store where alcoholic beverages are sold.
- (10) No cannabis retailer shall be located within a building or property or within 800 feet of a property where there are alcoholic beverage sales by an Alcohol Beverage Control Class D license holder or an Alcohol Beverage Class C license holder acting as a Class D license holder.
- (11) No cannabis retailer shall be located within 200 feet of a school, child-care facility or place of worship.
- (12) No cannabis retailer shall be located within 400 feet of another cannabis retailer.

F. Billboards, subject to the following standards: **[Added 12-14-2023 by Ord. No. 2023-24]**

- (1) Billboards shall only be permitted within 250 feet of the Interstate 80 right-of-way as measured from the outside edge of the sign face.
- (2) Billboards shall be directed to face Interstate 80 only.
- (3) Billboards shall be freestanding and shall not be erected upon any building, tree, utility pole or similar structure.
- (4) Billboards shall be single- or double-faced only.
- (5) Billboards shall be located no closer than 500 feet from a residential zone as measured from the outside edge of the sign face.
- (6) No more than one billboard shall be permitted on any single tax lot.
- (7) Billboards shall be permitted on lots with another principal building or structure.
- (8) The maximum billboard sign area in one direction shall be 672 square feet.

- (9) The maximum billboard height shall be 70 feet as measured from existing grade to the top of the billboard.
- (10) No billboard shall be located within 300 feet of another billboard as measured from the outside edge of the sign face.
- (11) Billboards shall be set back a minimum of 20 feet from a street line and a minimum of five feet to an adjacent lot line as measured from the outside edge of the sign face.
- (12) Billboards that use digital displays may cycle at predetermined intervals provided that the message may change no more frequently than once every eight seconds, with a transfer period of one second or less.
- (13) Billboard illumination shall be concentrated on the billboard surface to avoid glare or reflection onto any adjacent street, property line or vehicular traffic travel lane.
- (14) Maximum brightness levels for digital billboards shall not exceed 0.3 footcandles above ambient light levels measured within 250 feet of the sign face.
- (15) Billboards shall be prohibited from containing a message or display that appears to flash, undulate, pulse, move or portray explosions, fireworks, blinking lights or otherwise appear to expand or contract, rotate or make other comparable movements.
- (16) Billboards shall be exempt from § 194-55H(5)(a), which expressly prohibits off-site advertising signs within the Borough.
- (17) Any application for the construction of a billboard shall require compliance with the Road Side Sign Control and Outdoor Advertising Act as found at N.J.S.A. 27:5-5, et seq.,³ and such other laws and applicable regulations to the construction of structures and/or billboards.
- (18) Applications for the construction of a billboard shall comply with the requirements contained within this chapter as to site plan and conditional use review procedures.

3. Editor's Note: See N.J.A.C. 16:41C-1.1.