

AN ORDINANCE TO AMEND SECTION 347 OF THE CODE OF THE TOWNSHIP OF MONTCLAIR, NEW JERSEY TO CREATE A NEW C-3 CENTRAL BUSINESS DISTRICT ZONE

**May 24, 2016
(date of introduction)**

WHEREAS, the Planning Board adopted an amendment to the Unified Land Use and Circulation Plan on February 9, 2016 that created a new Historic Center Business district along Glenridge Avenue and Church Street; and

WHEREAS, in 2012 the Township Council eliminated the Urban Renewal zone district from the zoning ordinance; and

WHEREAS, the Council of the Township of Montclair, in the County of Essex, State of New Jersey, concludes that the proposed rezoning of these properties advances the goals and objectives of the Township's Master Plan;

NOW, THEREFORE BE IT ORDAINED by the Council of the Township of Montclair, in the County of Essex, State of New Jersey that it hereby amends Chapter 347 of the Montclair Code as follows:

1. **Montclair Code §347-2 Definitions of terms** is amended as follows:

ART GALLERY

A commercial establishment that engages in the sales, loan, and/or display of paintings, sculpture, photography, video art, or other works of art. An art gallery does not include uses such as a library, museum or non-commercial gallery that may also display paintings, sculpture, video art or other works of art.

ART STUDIO

A studio for artist activities, such as paintings, sculpture, photography, video art, and the creation of artisan-related crafts such as metalworking, glassblowing, furniture making, pottery, leathercraft and related items.

ART STUDIO, COMMERCIAL

A commercial establishment where an art, type of exercise, or activity is taught, practiced or studied, such as dance, martial arts, photography, music, painting, gymnastics, or yoga.

MOVIE STUDIO

Facilities for the production of motion pictures and films, including stages, film laboratories, sound recording facilities construction, repair and storage facilities, and accessory fabrication activities.

PARKLET

The conversion of a small number of on-street parking spaces or other small sites in the public right-of-way into “public park” space, with such improvements as seating, tables and landscaping.

RECORDING STUDIO

A facility for sound recording and mixing and/or rehearsal space.

RETAIL FOOD ESTABLISHMENT

Any fixed facility in which food or drink is sold primarily for off-premises preparation and consumption.

RETAIL SALES

Establishments engaged in the selling or rental of goods or merchandise (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods.

RETAIL SERVICES

Establishments providing services, as opposed to products, to the general public for personal or household use, including barbershops, beauty parlors, nail salons, dry-cleaning establishments, laundries, copy or printing establishments, tailors, household and electronic repair establishments and travel agencies.

RETAIL STORE, CONVENIENCE

A retail establishment of up to five thousand square feet selling primarily food products, beverages, newspapers and magazines, candy, cigarettes, household items and a limited supply of freshly prepared foods such as sandwiches and salads for off-premises consumption.

2. **Montclair Code §347-3. Zoning Districts** is amended as follows:

B. Commercial and limited residential.

C-1 Central Business Zone

C-2 General Business and Light Manufacturing Zone

C-3 Central Business Zone

N-C Neighborhood Commercial Zone

~~D. Urban renewal area.~~

~~—Urban Renewal Zone~~

D. Local historic buildings, structures, objects, sites and districts.

TCHD Town Center Historic District

Pine Street Historic District

Upper Montclair Historic District

Watchung Plaza Historic District

IHL Individual Historic Landmark Overlay Zone (as listed in §347-150.1 of the Montclair Code).

3. Montclair Code §347-4 Interpretation of boundaries is amended as follows:

A. The boundaries of each of these zones as created by this chapter are shown on the **Zoning Map, Township of Montclair, as prepared by the Montclair Township Department of Planning and Community Development and amended through March 2016, which is hereby adopted and made a part of this chapter**~~which accompanies this chapter and is hereby declared to be a part hereof.~~

4. Article XVI. UR Urban Renewal Zone in Montclair Code Chapter 347 is deleted in its entirety and replaced with the following:

Article XVI. C-3 Central Business Zone

§347-100. Purpose.

The purpose of the C-3 Central Business Zone is to preserve and reinforce the character of the historic business district along Glenridge Avenue and Church Street, which was originally called Old Bloomfield Avenue. This district will reinforce the pedestrian-oriented streetscape environmental along the corridor, while also supporting the burgeoning cultural and entertainment-related uses that characterize the area.

§347-100.1. Permitted principal and conditional uses.

A. The following principal uses shall be permitted:

- (1) Restaurants and eating and drinking establishments, but not drive-in or drive-through restaurants.
- (2) Retail sales
- (3) Retail food establishments
- (4) Retail store, convenience
- (5) Art galleries
- (6) Art studios
- (7) Movie studios.
- (8) Recording studios.
- (9) Banks.
- (10) Commercial recreation facilities.
- (11) Educational play centers.
- (12) Public parking decks.

B. The following principal uses shall be permitted on all upper floors and on the first floor only if located behind a use permitted in paragraph A and provided that the area dedicated to the use includes no more than fifty percent (50%) of the depth of the building:

- (1) Educational or quasi-educational establishments.
- (2) Arts studio, commercial.
- (3) Gyms and health clubs.
- (4) General, business and professional offices, including medical offices, finance, insurance and real estate offices.
- (5) Municipal, county, state and federal government offices.
- (6) Nonprofit institutional uses.

C. The following principal uses shall be permitted on all but the first floor:

- (1) Apartments.
- ~~(2) Senior citizen housing.~~

§347-100.2. Conditional Uses.

The following principal uses shall be permitted as conditional uses:

A. Private parking decks, subject to the following conditions:

- (1) The façade of the parking deck facing a public street shall have an architectural finish in keeping with the commercial character of the surrounding area.
- (2) In order to maintain the commercial streetscape, commercial uses shall be maintained at the ground level of the parking deck on a public street for a minimum depth of 20 feet. Breaks in the retail façade are permitted to allow vehicular ingress and egress to the site.

B. Commercial parking lots, subject to the following conditions:

- (1) All commercial parking lots shall prepare a site plan that shall be approved by either the Planning Board or the Board of Adjustment.
- (2) The approved site plan will indicate the number of cars that may be parked in the lot, and no more than the approved number of cars shall be parked on the site at all times.
- (3) The parking lot shall be designed consistent with the requirements set forth in §281-9, §347-102 and §347-104 of the Montclair Code.
- (4) The parking lot shall be surrounded by a fence or landscaping designed to screen the cars from public view and must be designed to maintain sight triangles for pedestrian and vehicular traffic at all points of egress.
- (5) Any trash receptacles located in the parking area shall be enclosed pursuant to §281-8.1H of the Montclair Code.

§347-100.3. Permitted accessory uses.

The following principal uses shall be permitted as accessory uses:

- A. Uses that are customarily incidental to a principal use.
- B. Parklets.
- C. Surface parking.

§347-100.4. Prohibited uses.

Any use not permitted is strictly prohibited, including the following uses:

- A. Drive-in and drive-through establishments, including banks.
- B. Adult entertainment uses.
- C. Tattoo parlors, including body-piercing establishments.
- D. New and used automobile sales, automobile rentals, automobile service stations, automobile repair establishments and automobile washing establishments.
- E. Manufacturing, research and development, wholesale trade or warehouse establishments and bus and truck depots.
- F. Storage establishments, including mini-storage warehouses.
- G. Pawn shops.
- H. Check-cashing shops.
- I. The retail or wholesale sale of weapons or firearms, as the same are defined in N.J.S.A. 2C39-1.
- J. Head shops.

§347-100.5. Area, height and setback requirements.

- A. Lot size requirements.
 - (1) Residential uses: 20,000 square feet.
 - (2) Nonresidential uses: 10,000 square feet.
- B. Lot width requirements.
 - (1) Residential uses: 100 feet.
 - (2) Nonresidential uses: 60 feet.
- C. Principal structures.
 - (1) Maximum building height: Thirty-seven (37) feet.
 - (2) Maximum number of stories: Three (3) stories.
 - (3) Front yard setback: Zero feet and no building shall be set back further than the greater setback of buildings on the adjoining lots.

- (4) Side yard setback: Zero feet, except that where a side yard is provided, such side yard shall be a minimum of six (6) feet.
- (5) Minimum rear yard setback: Ten (10) feet.
- (6) Maximum density: Forty (40) units per acre.
- (7) Commercial uses in a mixed-use building shall contain no less than 1,000 square feet of area and shall maintain the commercial use along all facades of the building that face a street at a minimum depth of 20 feet. Breaks in the retail façade are permitted to allow vehicular ingress and egress to the site.
- (8) Where off-street loading presently exists, subsequent development shall continue to require off-street loading.

D. Accessory structures.

- (1) No parking or accessory structure shall be permitted in the front yard.
- (2) Maximum height: Fifteen (15) feet.
- (3) Side yard setback: Four (4) feet.
- (4) Rear yard setback: Four (4) feet.

E. Public parking decks are excluded from the requirements set forth Montclair Code §347-100.5.

5. Montclair Code §347-101. Off-street parking requirements is amended as follows:

Off-street parking shall be required for all new buildings, additions to buildings and conversions to a greater residential density or conversions to other uses which require more off-street parking in accordance with the following schedule. In the C-1 and C-3 Zones, additions of less than 15% of the existing building's total square footage which do not reduce the number of off-street parking spaces that serve the property, and conversions to more intensive uses, have a one-time exemption from the off-street parking requirements.



RECORD OF COUNCIL VOTE

	YES	NO	ABS	N.V.	AB		YES	NO	ABS	N.V.	AB
Councilor Baskerville						Councilor Schlager					
Councilor Hurlock						Councilor Spiller					
Councilor McMahon						Mayor Jackson					
Deputy Mayor Russo											

X - Indicate Vote ABS - Abstain N.V. - Not Voting AB - Absent

I HEREBY CERTIFY the foregoing to be a true copy of an Ordinance adopted by the Council of the Township of Montclair, in the County of Essex, at its meeting held on June 14, 2016.

Linda S. Wanat
Clerk of the Township of Montclair, N.J.