

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN, STATE OF NEW JERSEY
AMENDING CHAPTER 94, ZONING, OF THE CODE OF THE
BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 94, Zoning, of the Code of the Borough of Merchantville, is amended as follows:

**ARTICLE I. ARTICLE II. SECTION 94-5 Definitions and Word
Usage.**

The following term is added to this Section of certain words, phrases and terms of this chapter are defined for the purpose thereof as follows:

GROSS FLOOR AREA - the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the center line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls.

FORMULA RETAIL STORE – a store or establishment with a type of retail sales or service activity, or retail sales or service establishment, that is part of a group or chain of 11 or more establishments in operation anywhere in the world, and which store or establishment is required by contractual or other arrangement to maintain two or more of any of the following:

- (1) Standardized name of business;
- (2) Standardized business signage;

- (3) Standardized architecture;
- (4) Standardized (formula) array of merchandise;
- (5) Trademark;
- (6) Logo; and
- (7) Uniforms (except that a personal identification or simple logo will not render the clothing a uniform).

RETAIL FLOOR AREA - the floor area of each of the floors of a building used for the display or sale of goods but does not include floor areas used for concealed storage, food preparation within the concealed storage area, a workshop or a toilet.

ARTICLE II. ARTICLE VIII. SECTION 94-33 Permitted uses.

Permitted principal uses in the B-1 District shall be as follows:

- A. Retail sales of goods and services where: (1) the total footprint of the building housing the retail business is less than five thousand square feet (5,000 sq. ft.), with eighty (80%) percent of the retail floor area being utilized for the sale of food for human consumption, if any type of food for human consumption is to be offered for sale within the retail floor area; or (2) one of the primary elements of the retail business is the sale of fresh foods, dairy and produce items (i.e., a grocery store, delicatessen) and/or the dispensing of pharmaceuticals under a license issued by the State of New Jersey (i.e., pharmacy); or (3) food for human consumption of any type is not sold by the business (i.e., clothing stores, cleaners).

ARTICLE III. ARTICLE VIII. SECTION 94-33.1 Conditional uses.

The purpose of this section is to set forth the requirements and procedures applicable to conditional uses, in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved for any site unless the use is specifically approved as a conditional use in the zone for which it is proposed by the Joint Land Use Board. The following conditional uses shall be permitted in the B-1 Central Business Zoning District as follows:

F. Retail sales of goods and services where the total footprint of the building housing the retail business is five thousand square feet (5,000 sq. ft.) or greater, with eighty (80%) percent of the retail floor area being utilized for the sale of food for human consumption, if any type of food for human consumption is to be offered for sale within the retail floor area, provided that should such a retail business be considered a “Formula Business” as defined in this Chapter, that the location of this “Formula Business” not be within two (2) miles of a similar Formula Business, whether the Formula Business is located within the Borough of Merchantville or a bordering municipality.

**ARTICLE IV. ARTICLE VIII. SECTION 94-33.4 Conditional uses –
Maple Avenue Redevelopment Zone.**

Conditional uses in the Maple Avenue Redevelopment Zone shall be as follows:

G. Retail sales of goods and services where the total footprint of the building housing the retail business is five thousand square feet (5,000 sq. ft.) or greater, with eighty (80%) percent of the retail floor area being utilized for the sale of food for human consumption, if

any type of food for human consumption is to be offered for sale within the retail floor area, provided that should such a retail business be considered a “Formula Business” as defined in this Chapter, that the location of this “Formula Business” not be within two (2) miles of a similar Formula Business, whether the Formula Business is located within the Borough of Merchantville or a bordering municipality.

**ARTICLE V. ARTICLE VIII. SECTION 94-33.5 Permitted uses—
Downtown Redevelopment Zone.**

A. Permitted principal uses are intended to have active facades on the ground floor. Therefore, permitted principal uses shall be as follows

(1) Retail sales of goods and services where: (1) the total footprint of the building housing the retail business is less five thousand square feet (5,000 sq. ft.), with eighty (80%) percent of the retail floor area being utilized for the sale of food for human consumption, if any type of food for human consumption is to be offered for sale within the retail floor area; or (2) one of the primary elements of the retail business is the sale of fresh foods, dairy and produce items (i.e., a grocery store, delicatessen) and/or the dispensing of pharmaceuticals under a license issued by the State of New Jersey (i.e., pharmacy); or (3) food for human consumption of any type is not sold by the business (i.e., clothing stores, cleaners).

**ARTICLE VI. ARTICLE VIII. SECTION 94-33.6
Conditional uses – Downtown Redevelopment Zone.**

Conditional uses in the Downtown Redevelopment Zone shall be as follows:

H. Retail sales of goods and services where the total footprint of the building housing the retail business is five thousand square feet (5,000 sq. ft.) or greater, with eighty (80%) percent of the retail floor area being utilized for the sale of food for human consumption, if any type of food for human consumption is to be offered for sale within the retail floor area, provided that should such a retail business be a “Formula Business” as defined in this Chapter, that the location of this “Formula Business” not be within two (2) miles of a similar Formula Business, whether the Formula Business is located within the Borough of Merchantville or a bordering municipality.

I. Nothing in this section eliminates the applicant's responsibility for meeting all other requirements of the land development ordinances, including site plan review standards and performance assurances.

ARTICLE VII. ARTICLE VIIIA. SECTION 94-37

Permitted uses.

Permitted principal uses in the B-2 District shall be as follows:

A. Retail sales of goods and services where: (1) the total footprint of the building housing the retail business is less five thousand square feet (5,000 sq. ft.), with eighty (80%) percent of the retail floor area being utilized for the sale of food for human consumption, if any type of food for human consumption is to be offered for sale within the retail floor area; or (2) one of the primary elements of the retail business is the sale of fresh foods, dairy and produce items (i.e., a grocery store, delicatessen) and/or the dispensing of pharmaceuticals under a license issued by the State of New Jersey (i.e., pharmacy); or (3) food for human

consumption of any type is not sold by the business (i.e., clothing stores, cleaners).

ARTICLE VIII. ARTICLE VIII.A. SECTION 94-37.1

Conditional uses.

The purpose of this section is to set forth the requirements and procedures applicable to conditional uses in the B-2 District in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved for any site unless the use is specifically approved as a conditional use in the zone for which it is proposed by the Joint Land Use Board. Conditional uses shall be permitted in the B-2 Neighborhood Business Zoning District as follows:

J. Retail sales of goods and services where the total footprint of the building housing the retail business is five thousand square feet (5,000 sq. ft.) or greater, with eighty (80%) percent of the retail floor area being utilized for the sale of food for human consumption, if any type of food for human consumption is to be offered for sale within the retail floor area, provided that should such a retail business be considered a “Formula Business” as defined in this Chapter, that the location of this “Formula Business” not be within two (2) miles of a similar Formula Business, whether the Formula Business is located within the Borough of Merchantville or a bordering municipality.

ARTICLE IX.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE X.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
EDWARD F. BRENNAN, MAYOR

ATTEST:

DENISE BROUSE, BOROUGH CLERK

The foregoing ordinance was introduced by the Borough Council at the regular meeting held on January 23, 2023. This Ordinance will be considered for adoption on final reading and public hearing to be held on February 13, 2023 at 7:30 p.m. in the Council Chambers, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to amend certain permitted and conditional uses to the B-1 and B-2 Zoning Districts in the Code of the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, One West Maple Avenue, Merchantville, New Jersey.