

**BOROUGH OF MIDLAND PARK
ORDINANCE 06-2024**

ORDINANCE OF THE BOROUGH OF MIDLAND PARK TO AMEND CHAPTER 34 OF THE BOROUGH CODE ENTITLED “ZONING” TO ESTABLISH CONDITIONAL USE STANDARDS FOR DRIVE-THROUGH RESTAURANTS

WHEREAS, drive-through restaurant facilities have grown in popularity and utilization; and

WHEREAS, the restaurant industry is focusing future business expansion and reinvestment areas with opportunities for drive-through facilities; and

WHEREAS, restaurant drive-through facilities provide increased access to quick, convenient and inexpensive food options across a wider spectrum of the community; and

WHEREAS, the current zoning ordinances do not provide an opportunity for restaurant drive-through facilities or sufficient protection of surrounding neighborhoods; and

WHEREAS, it is in the best interest of the Borough of Midland Park (the “Borough”) to encourage the safe and appropriate siting of drive-through restaurant uses within the Borough, which allow for the protection of the health, safety and welfare of the residents of the Borough; and

WHEREAS, the Borough Council wishes to amend Chapter 34, Section 12 to establish local land use regulations for drive-through restaurant facilities and to make such other amendments to Chapter 34 as are necessary to effectuate such land use regulations.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Midland Park, in the County of Bergen and State of New Jersey, as follows:

SECTION 1: Section 3 of Chapter 34 of the Code of the Borough of Midland Park entitled “Definitions” is hereby amended as follows:

Restaurant, Drive-Through – An establishment in which food or drink is served to customers within automobiles outside of the confines of the building and where the consumption of such food or drink is intended to occur off the premises, and which may or may not also allow for the consumption of food or drink inside the building.

SECTION 2: Section 12.5 of Chapter 34 of the Code of the Borough of Midland Park entitled “Drive-Through Restaurants” is hereby established as follows:

Drive-Through Restaurant facilities as defined in §34-3 hereof are permitted in the B-1 Zone, Business District and B-3 Zone, Retail/Office District subject to the underlying bulk regulations for each Zone, and further subject to the following additional conditions:

- a. A minimum lot area of 20,000 sq ft shall be required.
- b. All drive-through service window(s)/canopy(s) shall be located a minimum of 75 feet from any residential zone or residential use.
- c. All drive-through service queuing lanes shall have a minimum queuing line length of 150 feet from the center of the first service window.
- d. Restaurant drive-through facilities shall be prohibited from operation between the hours of 12:00 a.m. and 6:00 a.m.

e. Signs shall be subject to §34-17. The following additional conditions shall be applicable to signs for a Drive-Through Restaurant:

i. Menu boards shall be limited to one menu board per drive-through lane, and limited to a dimension of 16 sq ft.

ii. Directional signs shall be unlimited in number, as may be required to effectuate safe traffic patterns on site, but limited to a dimension of 2 sq ft.

SECTION 3: Section 34-13.13 of Chapter 34 of the Code of the Borough of Midland Park entitled “Drive-Through/Drive-Up Windows and Outdoor Ordering Locations” is hereby amended to provide that this Section shall apply to all Drive-Through/Drive-up Windows and Outdoor Ordering Locations other than Drive-Through Restaurants.

SECTION 4: SEVERABILITY

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION 4: REPEAL OF PRIOR ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5: EFFECTIVE DATE

This ordinance shall take effect after final passage and publication as provided by law.

Harry Shortway Jr., Mayor

Wendy Martin, Borough Clerk

Member	Motion	Second	Aye	Nay	Abstain	Absent
Sansone						
Braunius						
Kruis						
DeLuca						
Peet						
DeBlasio						

Introduced: March 14, 2024

Adopted: April 18, 2024