

ROCKAWAY TOWNSHIP
COUNTY OF MORRIS, NEW JERSEY

ORDINANCE NO. O-23-23

AN ORDINANCE AMENDING CHAPTER 54 ENTITLED “LAND USE AND DEVELOPMENT” OF THE CODE OF THE TOWNSHIP OF ROCKAWAY TO AMEND ITS REGULATIONS PERTAINING TO AMUSEMENT CENTERS, FITNESS CENTERS, AND INDOOR RECREATION IN THE B-1 NEIGHBORHOOD BUSINESS DISTRICT, THE B-2 HIGHWAY BUSINESS DISTRICT, THE R-B REGIONAL BUSINESS DISTRICT, THE I INDUSTRIAL DISTRICT, THE PED PLANNED ECONOMIC DEVELOPMENT DISTRICT, AND THE O-2 OFFICE BUILDING DISTRICT

WHEREAS, pursuant to NJSA 40:55D-89 of the Municipal Land Use Law, the Township of Rockaway Planning Board adopted its most recent Reexamination Report of the Master Plan on November 18, 2019; and

WHEREAS, in accordance with NJSA 40:55D-89.d of the Municipal Land Use Law, the 2019 Reexamination Report of the Master Plan offers several specific changes recommended for the Township’s development regulations; and

WHEREAS, the 2019 Reexamination Report of the Master Plan recommends the Township amend its development regulations to clarify that fitness centers are permitted uses in the B-1 Neighborhood Business District, the B-2 Highway Business District, the R-B Regional Business District, and the O-2 Office Building District; and

WHEREAS, the 2019 Reexamination Report of the Master Plan further recommends the Township identify indoor recreation facilities as permitted uses in the B-2 Highway Business District, the R-B Regional Business District, the I Industrial District, and the PED Planned Economic Development District; and

WHEREAS, the 2019 Reexamination Report of the Master Plan further recommends identifying arcades as permitted uses in the B-2 Highway Business District and the R-B Regional Business District.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Rockaway, County of Morris and State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Township of Rockaway, Chapter 54 entitled “Land Use and Development Regulations.”

Section 1. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 4.1, Definitions, is hereby amended by adding the following definitions.

AMUSEMENT CENTER – An establishment providing amusement or entertainment services in an indoor facility for the purpose of leisure activity. Such services may include, but shall not be limited to, the following: arcades; billiards; bowling; computer arcades; escape rooms; laser tags; miniature golf; virtual reality rooms; and similar uses.

FITNESS CENTER – An establishment providing a facility or a combination of facilities primarily contained indoors for: personal training; physical exercise; running and jogging; weight training and strength conditioning; game courts; swimming facilities; exercise equipment; saunas, showers and/or lockers; and similar uses. Fitness centers may include accessory retail sales and snack bars, as well as instructional programs for members and guests which may include individual or group sessions.

INDOOR RECREATION FACILITY – An establishment designed for the conduct of sports, leisure-time activities, and customary and usual recreational activities in an indoor facility. Such activities may include, but shall not be limited to, the following: archery, batting cages, children’s play and entertainment facilities, golf driving ranges, go-carts, gymnastic facilities, rock climbing, swimming pools, and accessory retail uses.

Section 2. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.49, B-1 Neighborhood Business District, Section A. Permitted principal uses is amended to read as follows.

- A. Permitted principal uses. The B-1 district is intended to accommodate retail establishments of a neighborhood service character such as small personal or general service establishments, or small firms, branches or individuals providing business or professional services. Principal uses permitted include, but are not limited to the following:
- (1) Retail stores, such as delicatessens, dry cleaners and laundries, food stores, general stores, hardware stores, newsstands and package liquor stores;
 - (2) Banks, including banks with drive-in facilities;
 - (3) Business and professional offices or agencies, such as accountants, architects, dentists, engineers, medical doctors and realtors;
 - (4) Eating and drinking establishments;
 - (5) General service establishments such as appliance repair, carpentry, electrical and plumbing services, upholstery and furniture repair;
 - (6) Personal service establishments, such as barber shops and beauty parlors;
 - (7) Private schools and studios for dancing and music instruction;

- (8) One apartment in a building otherwise used for business;
- (9) One single-family detached dwelling on a lot; provided the dwelling complies with all required conditions of the R-13 district;
- (10) Fitness centers, limited to a gross floor area of 2,000 square feet.

Section 3. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.49, B-1 Neighborhood Business District, Section D. Prohibited uses, Subsection (8) is amended to read as follows.

- 8. Nightclubs with live entertainment, cabarets, discos, bowling alleys, amusement centers, flea markets, massage parlors, pool rooms.

Section 4. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.50, B-2 Highway Business District, Section A. Permitted principal uses is amended to read as follows.

- A. Permitted principal uses. The B-2 district is intended to accommodate the same types of retail business and professional establishments as are permitted in the B-1 district, though on a larger scale, as well as uses appropriate to a highway location. Integrated developments of personal service establishments of offices enclosed in one building and utilizing common facilities, such as parking and access services are to be encouraged. Also permitted in this district are:
 - (1) Storage buildings and yards, fuel distributing plants, lumberyards, warehouses, and wholesale distributing buildings;
 - (2) Hotels, motels and nursing homes;
 - (3) Amusement centers;
 - (4) Fitness centers with no limitation as to gross floor area; and
 - (5) Indoor recreation.

Section 5. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.50, B-2 Neighborhood Business District, Section D. Prohibited uses, is amended to read as follows.

- D. Prohibited uses. Those uses prohibited in the B-1 district are prohibited in the B-2 district, unless otherwise specifically permitted by Section 54-30.50A. above.

Section 6. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.51, R-B Regional Business District, Section A. Permitted principal uses is amended to read as follows.

- A. Permitted principal uses. The R- B District is intended to permit a building or group of buildings, whether owned by one or more parties, developed as an integral mall entity

and located within the ring road, or one or more buildings located between the ring road and a public thoroughfare. No building shall be erected, enlarged, altered, arranged or designed to be used, in whole or in part, except for one or more of the following uses:

- (1) Retail sales and service businesses and operations;
- (2) Public repair garages, where such garages are an integral part of a tire, battery and automobile accessory sales establishment operated by and in conjunction with a department store located inside the ring road, which department store has a total floor area of not less than 100,000 square feet. Each such tire, battery and automobile accessory sales establishment shall be limited to one vehicular entrance and exit doorway for each 10 automobile service bays within the building;
- (3) Business and professional offices, banks, savings and loan, small loan and other financial institutions and operations;
- (4) Hotels and motels as hereinafter defined and regulated, including accessory uses incidental to their operation, such as convention facilities, restaurants, kitchens, cafeterias, bars, nightclubs, gift shops, newspaper stands, cigar stores, barber shops, beauty parlors, swimming pools, sauna baths, gymnasiums and health clubs. Hotels and motels as herein regulated will be permitted only between the ring road and a public thoroughfare;
- (5) Food and beverage operations, including cocktail lounges, cafeterias and restaurants, as well as accessory outdoor dining areas as regulated at Subsection 54-30.51E(16);
- (6) Theaters and bowling alleys subject to the limitations set forth in paragraph E, below;
- (7) Medical Cannabis Dispensaries;
- (8) Cannabis Retailers;
- (9) Cannabis Delivery Services;
- (10) Private schools and studios for dancing and music instruction and similar uses;
- (11) Amusement centers;
- (12) Fitness centers; and
- (13) Indoor recreation.

Section 7. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.51, R-B Regional Business District, Section D. Prohibited uses, is amended to read as follows.

- D. Prohibited uses. Any use other than those uses specifically permitted in paragraphs A, B and C above is prohibited. In addition, the following uses are specifically prohibited:
- (1) Any type of residential construction or use unless otherwise permitted by the R-B MFO Regional Business Multifamily Overlay District.
 - (2) Any type of industrial operation or use such as manufacturing, fabrication, assembly, disassembly, extraction or alterations of materials;
 - (3) Hospitals and mental, penal or correctional institutions;
 - (4) Any business operation or storage or display of merchandise conducted outside the confines of a building, except as follows:
 - (a) For outdoor dining as regulated at Subsection 54-30.51E(16).
 - (b) If the primary use of the tenancy of the building is for the sale of garden supplies or nursery stock, in which case any storage or display as heretofore permitted shall be screened by a wall made of the same building material as the building containing the primary use. The wall shall be not less than seven feet high, and all merchandise stored or displayed shall not project higher than the required screening wall;
 - (c) For operations accessory to the principal use and limited to 10% of the floor area of the primary use of the tenancy of the building.
 - (5) Establishments commonly called and known as snack bars, dairy bars or fast-service food establishments and similar businesses engaged in the sale of food, soft drinks, ice cream and other similar goods or confections which are so prepared and served as to be intended for immediate consumption, and including those which provide direct sales through a window to patrons seated or standing outside the confines of the building in which the business is conducted. This shall not be construed to prohibit the fast-service food establishments within a mall building or outdoor dining areas as regulated at Subsection 54-30.51E(16).
 - (6) Self-service or commercial laundries which conduct cleaning or laundering on the premises;
 - (7) Massage parlors or stores with individual movie viewing facilities; and
 - (8) Used car lots.

Section 8. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.62, PED Planned Economic District, Section A. Permitted principal uses, is amended to read as follows.

- A. Permitted principal uses. The PED District is designed for:
- (1) Restricted manufacturing and industrial operations.
 - (2) Warehousing.
 - (3) Wholesale distribution centers.
 - (4) Office buildings.
 - (5) Commercial planned village center, subject to the regulatory controls set forth in § 54-30.62G below.
 - (6) Medical cannabis alternative treatment centers, including:
 - (a) Medical cannabis clinical registrants.
 - (b) Medical cannabis cultivators.
 - (c) Medical cannabis dispensaries.
 - (d) Medical cannabis manufacturers.
 - (7) Cannabis research and development facilities.
 - (8) Recreational cannabis uses, including:
 - (a) Cannabis cultivators.
 - (b) Cannabis manufacturers.
 - (c) Cannabis wholesalers.
 - (d) Cannabis distributors.
 - (e) Cannabis retailers.
 - (f) Cannabis delivery services.
 - (9) Cannabis testing facilities.
 - (10) Fitness centers.
 - (11) Indoor recreation.

Section 9. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.62, PED Planned Economic District, Section D. Prohibited uses, Item (2), is amended to read as follows.

- (2) Business construction or conversion, unless otherwise permitted in the above use regulations.

Section 10. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.63, I Industrial District, Section A. Permitted principal uses, is amended to read as follows.

A. Permitted principal uses. The I District is designed for:

- (1) Limited manufacturing and industrial operations.
- (2) Office buildings.
- (3) Restaurants.
- (4) Banks.
- (5) Medical cannabis alternative treatment centers, including:
 - (a) Medical cannabis clinical registrants.
 - (b) Medical cannabis cultivators.
 - (c) Medical cannabis dispensaries.
 - (d) Medical cannabis manufacturers.
- (6) Cannabis research and development facilities.
- (7) Recreational cannabis uses, including:
 - (a) Cannabis cultivators.
 - (b) Cannabis manufacturers.
 - (c) Cannabis wholesalers.
 - (d) Cannabis distributors.
 - (e) Cannabis retailers.
 - (f) Cannabis delivery services.
- (8) Cannabis testing facilities.
- (9) Fitness centers.
- (10) Indoor recreation.

Section 11. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.57, O-2 Office District, Section A. Permitted principal uses, is amended to read as follows.

- A. Permitted principal uses. The O-2 district is designed to permit business offices, professional offices, administrative offices and retail shopping centers in relatively close proximity to the R-B district, which will contribute to the creation of a town center, and also to permit uses that are compatible and complementary to the R-B district. Those principal uses permitted in the O-2 district are:
- (1) Business offices, administrative offices and professional offices;
 - (2) Banks;
 - (3) Restaurants;
 - (4) Conference centers/hotels containing at least 150 hotel rooms;
 - (5) Retail shopping centers;
 - (6) Amusement centers;
 - (7) Fitness centers; and
 - (8) Indoor recreation.

Section 12. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Section 30.57, O-2 Office District, Section D. Prohibited uses, is amended to read as follows.

- D. Prohibited uses. Any use other than those uses specifically permitted in paragraphs A, B and C above is prohibited. In addition, the following uses are specifically prohibited:
- (1) Wholesale stores;
 - (2) Industrial operations;
 - (3) Multifamily dwelling units;
 - (4) Any type of residential construction or use;
 - (5) Hospitals and mental, penal or correctional institutions;
 - (6) Any business operation or storage or display of merchandise conducted outside the confines of a building, except if the primary use of the tenancy of the building is for the sale of garden supplies or nursery stock or for operations accessory to the primary use and limited to 10% of the floor area of the primary use of the tenancy of the building. Any storage or display as heretofore permitted shall be screened by a wall made of the same building material as the building containing the primary use. The wall shall be not less than seven feet

high and all merchandise stored or displayed shall not project higher than the screening wall;

- (7) Establishments commonly called and known as snack bars, dairy bars, or fast service food establishments and similar businesses engaged in the sale of food, soft drinks, ice cream, and other similar goods or confections which are so prepared and served as to be intended for immediate consumption, and in or from which customers are served while seated or standing outside the confines of the building in which the business is conducted. This shall not be construed to prohibit the fast service food establishments within a mall building;
- (8) Self service and commercial laundries which conduct cleaning or laundering on the premises;
- (9) Massage parlors or stores with individual movie viewing facilities; and
- (10) Used car lots.

Section 13. Chapter 54 of the Code of the Township of Rockaway, Land Use and Development, Attachment 2, Table of Off-Street Requirements for Nonresidential Land Uses, is amended to read as follows.

Nonresidential Land Uses	Required Off-Street Parking Spaces Per Indicated Area
Amusement Centers	1 per 125 square feet of GFA
Auto sales establishment	1 per 400 square feet of GFA
Bar	1 per 2 seats, or 1 per 1.5 persons of max. allowable capacity, whichever is greater
Barbershops and beauty shops	3 per chair or 1 per 150 square feet GFA, whichever is greater
Bowling alley	4 per alley
Day Care Centers*	1 per 6 children which center is designed to accommodate*
Doctor's offices and Veterinarian	1 per 150 square feet of GFA*
Banks	1 per 300 square feet of GFA
Fitness Center	1 per 200 square feet of GFA
Flexible office/warehouse	Utilize component standards.
Funeral home	1 per 150 square feet GFA
Furniture store	1 per 500 square feet GFA
Garden center	1 per 400 square feet GFA
Hospital	1 per 2 patient beds + 1 per staff at a maximum shift
Hotel	1.2 per guest room
House of worship	1 per 3 seats. For benches, 1 seat = 3 feet of linear space
Industrial	1 per 400 square feet of GFA
Library	1 per 300 square feet of GFA
Manufacturing and Assembly Operations	1 per 400 square feet of GFA
Medical center	1 per 200 square feet of GFA
Neighborhood convenience center	1 per 200 square feet of GFA
Nightclub	See Bar
Nursing Home/Congregate Care	1 per 0.75 beds
Office	
Under 49,999 square feet of GFA	1 per 250 square feet of GFA
50,000 - 99,999 square feet of GFA	1 per 275 square feet of GFA
100,000 - square feet GFA	1 per 300 square feet of GFA

Recreation, indoor	1 per 150 square feet of GFA
Recreation, outdoor	1 per design cap. for each activity
Restaurant	1 per 3 seats, or 1 per 75 square feet GFA, whichever is greater.
Quick food establishments	1 per 50 square feet of GFA

Section 14. All ordinances, resolutions, and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 15. If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this action, paragraph, article, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

Section 16. This ordinance shall take effect as required by law.

CERTIFICATION

I, EVERETT FALT, DO HEREBY CERTIFY the above to be a true copy of an Ordinance adopted by the Township Council of the Township of Rockaway at a duly convened Meeting held on September 12, 2023.



Howard Kritz
Council President



Everett Falt, RMC
Township Clerk



Joe Jackson
Mayor

APPROVE
VETO

(SEE ATTACHED STATEMENT)

ORDINANCE 23-23

INTRODUCED SEPTEMBER 12TH TOWNSHIP COUNCIL REGULAR MEETING

MOTION R. BROOKES

SECOND SALBERG

ROLL CALL AYE FRIEDLANDER, NOON, SACKETT, R. BROOKES, SALBERG,
WOJTOWICZ, QUINN, PRESIDENT KRITZ

NAY NONE

ADVERTISED SEPTEMBER 19, 2023

ADOPTED OCTOBER 10, 2023

MOTION QUINN

SECOND SACKETT

ROLL CALL AYE FRIEDLANDER, NOON, D. BROOKES, SACKETT, R. BROOKES,
SALBERG, WOJTOWICZ, VP QUINN, PRESIDENT KRITZ

NAY NONE

ADVERTISED OCTOBER 16, 2023