

ORDINANCE # 8-2009
BOROUGH OF WASHINGTON
WARREN COUNTY, NEW JERSEY
AN ORDINANCE AMENDING CHAPTER 94 OF THE
CODE OF THE BOROUGH OF WASHINGTON TO
AMEND THE USES PERMITTED IN THE B-1 CENTRAL
BUSINESS DISTRICT AND THE B-2 CENTRAL
BUSINESS DISTRICT

WHEREAS, the Borough finds that Section 94 of the Development Regulations Ordinance of the Borough of Washington should be revised in an effort to ensure that the Borough's land use regulations compliment the Borough's redevelopment efforts.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and the Council of the Borough of Washington that Section 94 of the Code of the Borough of Washington is hereby amended as follows:

Section 1. Section 94-81A of the Code of Washington is amended to read as follows:

Permitted Principal Uses. In the B-2 Central Business District, no lot shall be used and no structure shall be erected, altered or occupied for any purposes except as herein described. Permitted principal uses shall be limited to residential units (permitted on second and upper floors) and non-residential uses shall be permitted in accordance with the restrictions set forth herein. The following establishments or uses shall be permitted except as the various establishment types are limited by the subsequent section describing prohibited uses. Any business not included below will require a use variance appeal.

- (i) **Retail Trade Stores** shall be permitted and limited to furniture stores, window treatment stores, floor covering stores, all other home furnishing stores, household appliance stores, electronics stores (including television and radio sales), computer and software stores, camera and photographic supplies stores, paint and wallpaper stores, hardware stores, food and beverage stores, supermarkets and other grocery stores, convenience stores, meat markets, fish and seafood markets, fruit and vegetable markets, baked goods stores, confectionery and nut stores, all other specialty food stores, beer/wine and liquor stores, pharmacies and drug stores, cosmetic stores, beauty supplies and perfume stores, optical goods stores, health food and supplement stores, all other health and personal care stores (limited to: convalescent supply stores, hearing aid stores, medical equipment and supplies stores, prosthetic stores, sick room supply stores) men's clothing stores, women's clothing stores, children's and infants' clothing stores, family clothing stores, clothing accessory stores (limited to: apparel accessory stores, clothing accessories stores, costume jewelry stores, men's and boys' furnishings stores, women's and girls' furnishings stores, handbag stores, hat and cap stores, jewelry stores, neckwear stores, tie shops, wig and hairpiece stores), bridal gown shops (except custom bridal shops), coat stores, costume stores, dress shops, fur apparel stores, hosiery stores, leather coat stores, school uniform stores, swimwear stores, t-shirt shops, custom printed t-shirt shops, uniform stores, shoe stores, jewelry stores, luggage and leather goods stores, sporting goods stores, hobby shops, toy and game stores, sewing and piece goods stores, musical instrument and supplies stores, book stores, news dealers and newsstands, music shops, department stores, florists, office supplies and

- stationary stores, novelty and souvenir stores, pet and pet supplies stores, art dealers and tobacco stores
- (ii) **Transportation and Warehousing** shall be permitted and limited to taxi services, limousine services, postal services and courier services.
 - (iii) **Publishing Industries** shall be permitted and limited to newspaper publishers, periodical publishers, book publishers, directory and mailing list publishers, software publishers, tele-production and other post-production services, music publishers, internet publishing and broadcasting, internet service providers, data processing, hosting and related services and libraries.
 - (iv) **Finance and Insurance Offices (Including any FDIC Insured Banks or lenders).**
 - (v) **Real Estate, Rental and Leasing Offices**
 - (vi) **Professional, Scientific and Technical Services Offices** shall be permitted and limited to businesses that provide research and analysis in economics, sociology and related fields, specifically broadcast media rating services, market research analysis services, opinion research services, political opinion polling services, public opinion polling services, public opinion research services, and statistical sampling services.
 - (vii) **Legal Services Offices** shall be permitted and limited offices of lawyers, notary public offices, paralegal services, patent agent services, process server offices, title abstract and settlement offices.
 - (viii) **Accounting, Tax Preparation, Bookkeeping, and Payroll Services** shall be permitted and limited to offices of certified public accountants, tax preparation services, payroll services, other accounting services, billing services, and bookkeepers' offices.
 - (ix) **Architectural, Engineering, and Related Services** shall be permitted and limited to architectural services offices, landscape architectural services, engineering services, drafting services, building inspection services, geophysical surveying and mapping services, surveying and mapping services, testing laboratories, specialized design services, interior design services, industrial design services, graphic design services, computer systems design and related services, custom computer programming services, computer systems design services, computer facilities management services, scientific and technical consulting services, management consulting services, administrative management and general management consulting services, human resources consulting services, marketing consulting services, physical distribution and logistics consulting services, environmental consulting services, scientific research and development services, research and development (specifically for physical, engineering, life sciences, social sciences and humanities), research and development in biotechnology, advertising agencies, public relations and related services, media buying agencies, advertising material distribution services, marketing research and public opinion polling, photographic services, portrait photography studios, commercial photography, translation and interpretation services, veterinary Services
 - (x) **Management of Companies and Enterprises** shall be permitted and limited to establishments that hold the securities of (or other equity interests in) companies and enterprises for the purpose of owning a controlling interest or influencing management decisions or establishments that administer, oversee, and manage establishments of the company or enterprise and that normally undertake the strategic or organizational planning and decision-making role of the company or enterprise.
 - (xi) **Education Services** shall be permitted and limited to establishments that provide instruction and training in a wide variety of subjects. This instruction and training is provided by specialized establishments, such as schools, colleges, universities, and training centers.

- (xii) **Health Care and Social Assistance** shall be permitted and limited to physicians' offices, dental offices, offices of other health care practitioners, medical and diagnostic laboratories, home health care services, vocational rehabilitation services, day care services, vocational rehabilitation services, individual and family services.
- (xiii) **Arts, Entertainment and Recreation** shall be permitted and limited to theater companies and dinner theaters, dance companies, musical groups and artists, ice skating companies, ice skating shows, magic shows, comedy clubs, fitness and recreational sports centers.
- (xiv) **Accommodation and Food Services** shall be permitted and limited to bed and breakfast inns, full service restaurants, limited service restaurants, cafeterias, snack and non-alcoholic beverage bars, and establishments that serve alcoholic beverages.
- (xv) **Public Administration** shall be permitted and limited to public administration, government support, executive offices, legislative bodies, public finance activities, executive and legislative offices, American Indian and Alaska Native Tribal governments, other general government support, public order and safety activities, courts, police offices, legal counsel and prosecution, correctional institutions, parole offices and probation offices, fire protection, governmental administrative and regulation services, space research and technology, national security and international affairs.
- (xvi) **Other Services** shall be permitted and limited to establishments that provide consumer electronics repair and maintenance, computer and office machine repair and maintenance, communication equipment repair and maintenance, other electronic and precision equipment repair and maintenance, re-upholstery and furniture repair, footwear and leather goods repair, other personal and household goods repair and maintenance. Personal care service provider including barber shops, beauty salons, nail salons, diet and weight reducing centers shall be permitted as well as funeral homes and funeral services, coin-operated laundries and dry cleaners, dry cleaning and laundry services, photofinishing laboratories, parking lots and garages, religious organizations, civic and social organizations, agricultural organizations, animal breeders' associations, bankers' associations, better business bureaus, boards of trade, business associations, chambers of commerce, construction associations, contractors' associations, distributors' associations, farmers' associations, farmers' unions, growers' associations, hospital associations, industrial associations, insurers' associations, junior chambers of commerce, manufacturers' associations, merchants' associations, mining associations, producers' associations, public utility associations, real estate boards, restaurant associations, retailers' associations, service industries associations, shipping companies' associations, trade associations, warehousing associations, wholesalers' associations, accountants' associations, architects' associations, bar associations, consultants' associations, dentists' associations, dietitians' associations, educators' associations, engineers' associations, health professionals' associations, hospital administrators' associations, learned societies, medical associations, nurses' associations, occupational therapists' associations, optometrists' associations, peer review boards, personnel management associations, pharmacists' associations, professional associations, professional standards review boards, psychologists' associations, scientific associations, social workers' associations, standards review committees, political campaign organizations, political party constituencies' associations, local political organizations, political action committees, political campaign organizations, political organizations or clubs, and political parties

Section 2. Prohibited Uses. The following uses are prohibited within the B-2 Central Business District:

- i. Adult shops or adult media stores (an establishment offering goods for sale or rent that meet any of the following tests: (a) the establishment offers for sale items including adult media, leather good marketed or presented in a context to suggest their use in sadomasochistic practices and the combination of such items constitutes more than 10% of its stock, sales or its gross floor area; (b) more than 5% of its stock consists of sexually-oriented toys or novelties; (c) more than 5% of its gross floor area is devoted to sexually oriented novelties or lingerie or (d) advertises or otherwise conducts itself in any forum as “XXX”, “adult”, “sex” or otherwise as a sexually oriented business).
- ii. Adult cabaret (a building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by patrons therein).
- iii. Shops displaying or selling paraphernalia used for the ingestion or injection of illegal drugs including but not limited to hookahs, bongos, water pipes, hashish pipes, ice pipes and cocaine kits.
- iv. Massage parlors (including all non-certified and/or unlicensed medicinal massage therapy) operating without all certifications and licenses required by federal, state and local law.
- v. Tattoo and/or piercing parlors.
- vi. Pawn shops and other institutions offering non-depository credit intermediation primarily engaged in extending credit or lending funds raised by credit market borrowing.
- vii. Establishments that advertise that over 90% of the merchandise purchased in such establishment shall be sold for \$1 or less.

Section 3. Those uses prohibited in the B-2 Central Business District as set forth in Section 2 shall not be prohibited or restrict the B-1 Central Business District.

Section 4. This Ordinance shall take effect upon passage in accordance with the law.

Introduction 5/19/2009

Public Hearing/ Adoption 7/7/2009