ORDINANCE NO. 3622
INTRODUCED BY: COMMISSIONER THOMAS J. EVANS
INTRODUCED ON: AUGUST 4, 2026
PUBLISHED: AUGUST 5, 2026
PUBLIC HEARING: AUGUST 18, 2026
PUBLISHED: AUGUST 19, 2026

TOWNSHIP OF NUTLEY
COUNTY OF ESSEX

ORDINANCE NO. 3622

AN ORDINANCE TO AMEND AND REVISE CHAPTER 700 "ZONING" OF THE CODE OF THE TOWNSHIP OF NUTLEY REGARDING ACCESSORY BUILDINGS AND USES UNDER § 700-67 AND OFF-PREMISES AUTOMOBILE PARKING LOT PROVISIONS

WHEREAS, the Board of Commissioners of the Township of Nutley has reviewed Chapter 700, "Zoning," of the Code of the Township of Nutley, including § 700-67, "Accessory buildings and uses," and has determined that revisions are appropriate to clarify and update the regulations applicable to accessory buildings, accessory structures, decks, patios, privacy screens, and related accessory uses;

WHEREAS, the Board of Commissioners finds that the public purpose of this zoning amendment is to promote clear, consistent, and enforceable standards for accessory buildings and uses, including regulations governing the location, height, coverage, setbacks, and related dimensional requirements for detached accessory buildings, attached accessory structures, decks, patios, privacy screens, and similar accessory improvements; and

WHEREAS, the Board of Commissioners has also determined that certain provisions authorizing automobile parking lots on premises other than those upon which the use is located, including standards related to off-premises parking lots needed for partial or complete compliance with minimum off-street parking requirements under Article XIII, should be deleted, repealed, and removed from Chapter 700; and

WHEREAS, the Board of Commissioners further finds that these revisions will advance orderly land use, protect neighboring properties, provide clearer guidance to property owners, applicants, and municipal officials administering Chapter 700, and remove obsolete or unnecessary off-premises automobile parking lot provisions.

BE IT ORDAINED by the Board of Commissioners of the Township of Nutley, in the County of Essex, New Jersey, as follows:

SECTION 1. Chapter 700, "Zoning," of the Code of the Township of Nutley is hereby amended and revised by amending § 700-67, "Accessory buildings and uses," to update the regulations applicable to accessory buildings, accessory structures, decks, patios, privacy screens, and related accessory uses, and by deleting, repealing, and removing certain provisions authorizing off-premises automobile parking lots as set forth herein.

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SECTION 2. Chapter 700 is hereby amended to reflect the additions, deletions, and revisions shown below, including revisions to § 700-67 governing accessory buildings and uses, decks, patios, privacy screens, and related accessory improvements; the addition of subsection § 700-67E(7); and the deletion, repeal, and removal of off-premises automobile parking lot provisions appearing in the applicable zoning district regulations.

SECTION 3. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect immediately upon final passage and publication as required by law.

§ 700-15. Permitted uses in B-1 Zoning District.

The following uses are permitted in the B-1 Zoning District:
Delete Section M.

§ 700-16. Permitted uses in B-2 Zoning District.

The following uses are permitted in the B-2 Zoning District:

Delete Section L.

§ 700-17. Permitted uses in B-3 Zoning District.

The following uses are permitted in the B-3 Zoning District:

Delete Section N.

§ 700-18. Permitted uses in B-3A Zoning District.

A. The following uses are permitted in the B-3A Zoning District:

Delete Section E.

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§ 700-19. Permitted uses in B-4 Zoning District.

A. The following uses and buildings shall be permitted in B-4 District:

Delete Section D.

§ 700-67. Accessory buildings and uses.

Add Section E. 7.

(7) No deck shall be constructed more than two feet above the highest finished first floor of any building or structure, unless permitted elsewhere in the Zoning Ordinance.

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