

ORDINANCE NO. 3608
INTRODUCED BY: COMMISSIONER THOMAS J. EVANS
INTRODUCED ON: MARCH 3, 2026
PUBLISHED: MARCH 12, 2026
PUBLIC HEARING: APRIL 7, 2026
PUBLISHED: APRIL 16, 2026

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AN ORDINANCE TO AMEND AND REVISE CHAPTER 700 “ZONING” OF THE NUTLEY TOWNSHIP CODE

WHEREAS the Board of Commissioners have determined that it is in the best interest of the Township and its residents to revise Chapter 700 to the Township Code.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY AS FOLLOWS:

SECTION 1. §700-3 – Definitions of the Township Code of the Township of Nutley is hereby amended to add and amend the following definitions.

§700-3 – Definitions

Existing Definitions (to be removed from the code)

WAREHOUSE

(1) ACCESSORY WAREHOUSE

A completely enclosed building used for storage of merchandise to be sold at retail in an establishment located on the same lot and constituting an accessory use to such establishment.

(2) INDUSTRIAL WAREHOUSE

A completely enclosed building used for storage of products manufactured or processed or goods to be manufactured or processed on the premises and constituting an accessory use, but not including a truck terminal as defined herein.

(3) WHOLESALE WAREHOUSE

A completely enclosed building used for the storage of goods to be resold through retail outlets or retail mail sale and constituting the principal use of the property, but not including a truck terminal as defined herein.

New Definitions (to be added to the code)

WAREHOUSE, ACCESSORY

A completely enclosed building where up to 50 percent of the building may be used for the storage of merchandise, constituting an accessory use to such establishment. An accessory warehouse may not exceed 35,000 square feet of gross floor area.

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COLD STORAGE

Means a structure, building, space or facility where temperature-sensitive goods or products are stored for extended periods of time.

TRUCK TERMINAL OR CROSS DOCKING FACILITY

Means a structure, building, space or facility where the unloading of materials from a manufacturer takes place within the building and where materials are assembled and palletized to be shipped via a mode of transportation directly to the customer with little or no storage time in between. They are designed for high-throughput transshipment, meaning they are not used for long-term warehousing. These facilities are typically characterized by low building to land coverage and large secured lots for parking trucks, trailers and chassis.

COMMERCIAL WAREHOUSE

Includes the warehousing and distribution of goods, provided that up to 5% of the gross floor area of any "warehouse" may be used for executive or administrative office uses ancillary to the warehouse distribution uses. Warehousing in a "commercial warehouse" shall not include the storage of fuels; NJ Department of Environmental Protection-regulated hazardous materials or hazardous waste; highly flammable liquids or gases; or petrochemical products. All warehousing and storage of goods must be conducted exclusively within enclosed structures and buildings. The total gross leasable area of warehouse space shall be limited to 35,000 square feet. A commercial warehouse may include multitenant facilities and cold storage facilities. "Commercial Warehouses" shall not include mini warehouses or similar uses or truck terminals or similar uses.

WAREHOUSE, FULFILLMENT CENTER

Means a large format regional fulfillment facility dedicated to e-commerce supply chains that pick and pack incoming orders (i.e., items/parcels) from shelves for individual delivery in order to "fulfill" individual online orders. They are short-term storage-based (holding a very high range of goods) but also rely on a high level of throughput and receive, pick, pack, kit, label, and deliver products to people's doorsteps in delivery trucks and vans. Buildings would include cross-docking functions, whereby palletized freight is moved across the distribution center to another truck to complete the rest of its journey. Characterized as having little or no storage function due to the perishable nature of many goods being shipped, such as food (including refrigeration and heated) and includes fabrication functions (e.g., sorting and packaging before final delivery), cold storage and refrigeration functions, break-bulk functions, whereby palletized freight or boxed goods are completely broken down so that a customer can receive a smaller quantity to their exact specifications.

OFFICE, CONTRACTOR

A designated indoor area where construction and trade businesses store vehicles, equipment, and materials, servicing as a central operational hub for a contractor's activities rather than temporary on-site storage for a single project. Such facilities include administrative functions and organizing staging of resources for future job sites, providing a secure and controlled

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environment for managing the business's assets.

SECTION 2. §700-20 of the Township Code of the Township of Nutley, entitled Permitted uses in M Zoning District, is hereby amended as follows:

A. The following uses shall be permitted in the M Zoning District:

(2) ~~Commercial warehouses~~ (2) Contractor office

SECTION 3. §700-21 of the Township Code of the Township of Nutley, entitled Permitted uses in M-O Zoning District is hereby amended to add subsection A. as follows:

A. Any use and building permitted in an M Zoning District as prescribed, with the exception of all types of warehouses as a principal use.

SECTION 4. §700-22 of the Township Code of the Township of Nutley, entitled Permitted uses in M-1 Zoning District is hereby amended to add subsection A. as follows:

A. Any use and building permitted in B-4 and M Zoning Districts, with the exception of all types of warehouses as a principal use.

c. Contractor office.

SECTION 5. §700-22.1 of the Township Code of the Township of Nutley, entitled Permitted uses in M-2 Zoning District is hereby amended to add subsection A. as follows:

B. Any use and building permitted in an M Zoning District, with the exception of all types of warehouses as a principal use.

C. Contractor office

SECTION 6. §700-39 of the Township Code of the Township of Nutley, entitled Prohibited uses in all districts is hereby amended as follows:

Q. Commercial warehouse, truck terminal, cross docking facility, warehouse fulfillment center, and cold storage as a principal permitted use.

R. Accessory warehouses shall be limited to one principal building per lot.