

ORDINANCE 2023-27

*Borough of Metuchen
County of Middlesex
State of New Jersey*

AN ORDINANCE AMENDING CHAPTER 56 (AMUSEMENT DEVICES) AND CERTAIN SECTIONS OF CHAPTER 110 (LAND DEVELOPMENT) CONCERNING THE REGULATION OF AMUSEMENT GAMES, DEVICES OR MACHINES, OTHER SIMILAR AMUSEMENT ACTIVITIES, BREW PUBS, BREWERIES, WINERIES, AND FLEXIBLE SPACES IN CERTAIN BUSINESS DISTRICTS WITHIN THE BOROUGH OF METUCHEN.

BE IT ORDAINED by the Borough Council of the Borough of Metuchen as follows (additions are indicated by underlining; deletions are indicated by ~~strikethroughs~~):

SECTION 1. Chapter 56 (Amusement Devices) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§ 56-1 Purpose.

This chapter is enacted for the purpose of licensing and regulating the location, placement ~~and number~~operation, maintenance, storage or use of ~~coin-operated~~ automatic amusement games, devices or machines and the proprietors who desire to own, operate, possess, maintain or invite for public use those games, devices or machines.

§ 56-2 License.

No person shall operate, maintain, possess or install in any store, building, public or quasi-public place where the public is invited, or wherein the public may enter, any ~~coin-operated~~ automatic amusement game, device or machine unless such person or entity shall have first obtained a license for that purpose from the Mayor and Council of the borough.

§ 56-3 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COIN-OPERATED AUTOMATIC AMUSEMENT, GAME, DEVICE OR MACHINE

Any ~~coin-operated machine or game,~~ device or machine, whether mechanical, electrical ~~or,~~ electronic or digital, designed for operation by the public by the insertion of a coin, cash, debit card, credit card, or purchased token, player card, or mobile application for use as a game, entertainment or amusement, ~~the object of which is to achieve a score which, by comparison to that obtained by other players, demonstrates relative supposed skill or competence, irrespective of whether skill or competence was required, whether or not registering a score.~~ The term shall

include, but not be limited to, games, devices or machines such as pinball machines, skeeball machines, ~~devices utilizing a video or cathode tube cranes/claw machines, basketball arcade, boxing arcade, air-hockey, rod-hockey, foosball, table tennis, billiard tables, pool tables, dartboards, mini bowling, dance arcade, laser maze, racing/gaming stations, motion simulators~~ and other similar games, devices or machines ~~or devices~~ designed to be representative of real games or activities; ~~provided, however, that~~ The definition term shall not include vending machines designed for the sale of a product which do not incorporate gaming or amusement features, ~~nor does this specific definition include any coin-operated mechanical music vending device or machine, as separately defined herein, or individual businesses or enclosed rooms for billiard tables, pool tables or bowling alleys, as separately regulated by Chapter 134, Poolrooms and Bowling Alleys, of the Borough Code, or individual businesses for virtual reality, escape rooms and other similar uses.~~

JUKEBOX

Any music vending ~~machine or device~~ or machine which, upon the insertion of a coin, cash, debit card, credit card or purchased token, player card, or mobile application, may be operated for the playing of music, songs or other melodies or similar sounds.

§ 56-4 License issuance; term; fee; transfer.

- A. All licenses for the location, placement, operation, maintenance, storage or use of ~~coin-operated automatic~~ amusement games, devices or machines as defined herein shall be issued to and in the name of the proprietor of the premises where the game, device or machine ~~or device~~ is to be installed, for one-year periods commencing January 1 and expiring December 31 at midnight.
- B. To offset anticipated administrative and inspection expenses and other expected costs, a licensing fee shall be imposed upon each proprietor and for each automatic amusement game, device or machine ~~or device~~ licensed in the following amounts:
 - (1) Jukeboxes: \$50 per year for each machine.
 - (2) Proprietor's license:
 - (a) ~~Fees for all other coin-operated~~ the first two (2) automatic amusement games, devices or machines, which shall include the license fee for one machine: \$250 per year.
 - (b) Fees for each automatic amusement game, device or machine thereafter: \$75 per year ~~for the next four machines licensed for each premises to the proprietor and \$50 per year for each machine beyond five licensed at the same premises to the proprietor.~~

- C. Any and all civic, fraternal, religious or other nonprofit organizations which are, or are entitled to be, exempt from taxation under federal or state law shall be required to apply for and obtain the necessary and appropriate licenses and shall comply with all other provisions of this chapter; provided, however, that the fee for these organizations for jukeboxes and other automatic amusement games, devices or machines shall be \$25 per year for each game, device or machine.
- D. No license shall be transferable or assigned to any other person, firm, partnership, corporation or association.
- ~~CE.~~ Said license shall ~~state be transferable to a similar device or machine during the license year; provided, however, that~~ the number of licenses issued to the proprietor shall ~~specifically state the number, automatic amusement games, devices or machines, and the type of device,~~ common title and identifying serial number of ~~the each individual game, device or machines~~ which such proprietor shall be allowed to install, possess and/or operate on such premises, and which number shall not be exceeded at any time by the proprietor; Individual games, devices or machines shall be permitted to be transferred to a similar game, device or machine ~~and,~~ provided, ~~further,~~ that the proprietor shall advise the Municipal Clerk ~~of the transfer of license~~ within 10 business days of its occurrence, with the type, common title and identifying, ~~by~~ serial number ~~and title by which the game is commonly known,~~ of the game, device or machine which is now installed, possessed or operated.
- F. In the case where the proprietor seeks to increase the number of automatic amusement games, devices or machines to be installed, possessed or operated, the proprietor shall file an amendment to the original application for a proprietor's license filed and surrender the original proprietor's license to the Municipal Clerk. The proprietor shall pay any additional fees in accordance with the fee schedule referred to herein.
- ~~D. Any and all civic, fraternal, religious or other nonprofit organizations which are, or are entitled to be, exempt from taxation under federal or state law shall be required to apply for and obtain the necessary and appropriate licenses and shall comply with all other provisions of this chapter; provided, however, that the fee for these organizations for jukeboxes and other coin-operated automatic amusement games, devices or machines shall be \$5 per year for each machine.~~

§ 56-5 License application; investigation; appeal.

- A. All applications for a proprietor's ~~or machine~~ license shall be accompanied by the required license fee and shall be made to the Municipal Clerk on forms provided by the Clerk, which shall require the completion of the following information:

- (1) Name and address of the applicant; if the applicant is a corporation, the name and address of its principal officer, all persons or entities holding 10% or more of its shares and its registered agent.
 - ~~(2) A certified statement as to whether the applicant or any individual possessing a legal or beneficial equity interest of 10% or more in the applicant has ever been convicted of any crime, criminal offense or disorderly persons act (other than motor vehicle offenses), as well as the violation of any local ordinance pertaining to gambling or lotteries and, if so, the date and place of the conviction or plea, the nature of the offense and the punishment or penalty imposed.~~
 - (23) The address and description of the premises for which the issuance of a proprietor's license is desired and the location where the licensed automatic amusement games, devices or machines will be used, operated or stored.
 - (34) A description of the nature of the principal business or occupation, if any, in which the proprietor is engaged at the premises, including a calculation of the gross floor area of the premises and the gross floor area occupied by the principal business or occupation of the proprietor.
 - ~~(4) A certified statement as to whether the applicant or any individual possessing a legal or beneficial equity interest of 10% or more in the applicant has ever been convicted of any crime, criminal offense or disorderly persons act (other than motor vehicle offenses), as well as the violation of any local ordinance pertaining to gambling or lotteries and, if so, the date and place of the conviction or plea, the nature of the offense and the punishment or penalty imposed.~~
 - ~~(5) An inventory containing the common title and identifying serial number of each individual game, device or machine which such proprietor shall be allowed to install, possess and/or operate on such premises, and which shall be specified on the license.~~
 - (56) A scaled drawing of the interior of the premises of the proprietor showing the number and layout of the proposed automatic amusement games, devices or machines sought to be licensed, as well as fire egress routing, plumbing fixture count, and calculated occupant load.
- B. Upon receipt of an application completed in accordance with Subsection A, the Municipal Clerk shall refer the application to both the ~~Police~~ Chief of Police and the Zoning Official, who may defer to the Construction Code Official, who ~~both~~ shall promptly commence whatever investigation of the applicant's business responsibility, ~~location and number of machines, and~~ moral character and ability to lawfully conduct the license activity, they consider necessary for the protection of the public, and review the scaled drawing to determine the occupant load, if

~~construction permits and/or if a certificate of continued occupancy (CCO) is required.~~ Both the ~~Police~~ Chief of Police and the ~~Construction Code Zoning~~ Official shall communicate their findings in writing to the Municipal Clerk within 14 business days after a completed application has been filed. If both the ~~Construction Code Zoning~~ Official and the ~~Police~~ Chief of Police decide that the applicant's character, prior conduct, business responsibility, compliance with ~~the Land Development Ordinance~~ this chapter and ~~machine interior~~ layout are satisfactory, the Municipal Clerk shall recommend the issuance of the license to the Mayor and Council. If either the ~~Code Zoning~~ Official or the ~~Police~~ Chief of Police finds that the application is unsatisfactory in accordance with the aforesaid criteria, the Municipal Clerk shall refuse to issue the license.

- C. In the event of a refusal to issue a license, the applicant may appeal to the Mayor and Council for a hearing by filing a notice in writing with the Municipal Clerk within 14 days after receiving notice of the refusal or denial. The Mayor and Council shall hold a hearing to review the determination on the grounds stated in the notice of appeal within 15 days after the filing of the appeal. Following the hearing, the Mayor and Council shall announce its decision no later than its next regular meeting and, if it denies the application, its decision shall include findings of fact and conclusions based thereon which state the grounds for its decision.

~~§ 56-6 Minors.~~

- ~~A. No person under the age of 17 shall be permitted to play or operate any machine or device licensed pursuant to this chapter between the hours of 8:00 a.m. and 3:00 p.m. during the regular school days of the Metuchen Public School year unless such person is accompanied by his or her parent or guardian or other supervisory adult over the age of 21 years.~~
- ~~B. Any licensee governed by § 56-2, his or her agents, servants or employees who shall permit a person under the age of 17 to operate any machine or device during the prohibited hours shall be deemed to be guilty of a violation of this chapter and shall be punished in accordance with the penalty provisions herein.~~
- ~~C. However, nothing herein shall prohibit or make it unlawful for a person attending a private, parochial or nonborough public school from playing or operating said machines or devices on his or her nonschool days upon presenting satisfactory proof of same to the licensee.~~
- ~~D. In addition, every licensee under this chapter shall post in the licensed premises a notice setting forth the prohibition provided for in Subsection A. Failure to post or maintain the posting of said notice shall be grounds for the revocation of the license granted or grounds for refusal to renew or grant a license for the operation of any machines or devices as set forth in this chapter.~~

~~§ 56-76 Location and number.~~

- A. ~~No license shall be issued for any premises containing one or more automatic amusement games, devices or machines kept, placed or exhibited for use or operation by the public and located within 500 feet of any other premises licensed pursuant to this chapter containing one or more automatic amusement games, devices or machines. No license for a coin-operated automatic amusement device or jukebox shall be issued until the Construction Code Official is satisfied that the location and number of the machines sought does not violate any of the provisions of Chapter 110, Land Development, or of the ancillary and related restrictions contained herein. Coin-operated automatic amusement devices and jukeboxes are prohibited as a principal use of any premises in the B-1 and B-2 Commercial Zones and in all residential zones.~~
- B. Adequate space shall be provided for each automatic amusement game, device or machine ~~or device~~ to allow its use without overcrowding, as follows:
- (1) ~~A~~ A minimum width of one foot shall be provided between each machine or device. A space of three (3) feet in front of the game, device or machine shall be provided, in addition to a minimum unobstructed aisle width of four (4) feet.
- (2) ~~No game, device or machine shall be located within eight (8) feet of any doorway, hallway, passageway or other means of egress, including designated fire exits. Unless the proprietor can clearly establish that the space necessary for occupancy by the machine is otherwise, each machine or device shall be deemed to occupy 40 square feet of gross floor area for its operation.~~
- (3) Games, devices or machines shall be located in the same room as the primary use of the premises.
- ~~C. Effective January 1, 1986, the operation of more than three coin-operated amusement devices on the same premises shall be conclusively presumed by the Construction Code Official to be the principal use of and not an accessory use to any other permitted commercial use, and no licenses shall be issued unless the location of the premises allows a principal arcade use on the site; provided, however, that the proprietor may operate up to five game machines if the gross floor area of the premises to which the public is invited shall exceed 1,200 square feet, the total square footage occupied, as defined herein, by the coin-operated amusement devices is less than 10% of the gross floor area of the proprietor's premises to which the general public is invited, or the proprietor operated five game machines prior to September 4, 1984.~~
- ~~D. Any proprietor operating more than five game machines on the premises shall provide attendants or uniformed security personnel, whose primary duty shall be supervision of the patrons of the game machines, during operation of the premises~~

~~after 6:00 p.m. weekdays and during all operating hours on weekends and school holidays. Said security guards or attendants shall be subject to a background check by the Chief of Police or his or her designee who shall disapprove the individual if he or she shall have been convicted of any offense involving gambling or against minors relating to the public peace within the preceding five years.~~

§ 56-7 Contents of Automatic Amusement Game, Device or Machine; Display.

Any automatic amusement game, device or machine licensed pursuant to this chapter shall contain their serial number and type of device, which shall be firmly attached at a conspicuous place on the device.

§ 56-8 Storage of Unlicensed Automatic Amusement Game, Device or Machine.

Any automatic amusement game, device or machine not licensed pursuant to this chapter shall not be kept on the premises in any areas to which the public is invited and has access.

§ 56-89 Revocation.

Any license heretofore granted pursuant to this chapter may be revoked by the Municipal Clerk or by the Mayor and Council for any of the following reasons:

- ~~(1)~~A. The violation of any of the provisions of this chapter.
- ~~(2)~~B. The proprietor has made a materially false statement on the application for license.
- ~~(3)~~C. Upon a determination by the Chief of Police that the proprietor has used or permitted to be used any automatic amusement game, device or machine ~~or device~~ licensed under this chapter for the purpose of gambling or individual wagering.
- ~~(4)~~D. Upon the conviction of the proprietor or any person owning 10% or more of the proprietor of a crime, criminal offense or disorderly persons offense, other than a motor vehicle violation.
- ~~(5)~~E. For good cause resulting from the operation, placement or location of the licensed automatic amusement games, devices or machines.

§ 56-910 Violations and penalties.

Any willful violation of the provisions of this chapter shall be subject to the penalties provided in Chapter 1, General Provisions, Article 1.

SECTION 2. Section 110-75 (B-1 Central Business District) in Article 17 (Permitted Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-75 B-1 Central Business District.

Principal, accessory and conditional uses shall be permitted and regulated in the B-1 Central Business District as follows:

A. Permitted principal uses:

- (1) Retail shops and stores.
- (2) Personal service businesses.
- (3) Physical fitness studios.
- (4) Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses.
- (45) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within 50 feet of residentially zoned land.
- (6) Brew pubs, distilleries and wineries.
- ~~(57)~~ Banks and other financial institutions, except drive-in banks.
- ~~(68)~~ Offices, except located on the ground floor of a building fronting on Main Street.
- (9) Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.
- ~~(710)~~ Nursery schools and day-care centers.
- ~~(811)~~ Apartments, except located on the ground floor of a building.
- ~~(912)~~ Borough-operated public facilities.
- ~~(1013)~~ Massage and somatic therapy establishments.

B. (No Changes)

C. (No Changes)

SECTION 3. Section 110-77 (B-3 Office Business District) in Article 17 (Permitted Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-77 B-3 Office Business District.

Principal, accessory and conditional uses shall be permitted and regulated in the B-3 Office Business District as follows:

A. Permitted principal uses:

- (1) Retail shops and stores, provided that they are located fronting on Main Street.
- (2) Personal service businesses.
- (3) Physical fitness studios.

- ~~(4)~~ Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses, provided that they are located on a lot fronting on Middlesex Avenue east of Factory Street, Amboy Avenue or Lake Avenue.
- ~~(4)~~ ~~Offices.~~
- ~~(5)~~ ~~Banks and other financial institutions, except drive-in banks.~~
- ~~(65)~~ Eating and drinking establishments, except fast-food restaurants and drive-in restaurants, provided that such shall not have an outdoor dining area within 50 feet of residentially zoned land.
- ~~(6)~~ Brew pubs, distilleries and wineries, provided that they are located on a lot fronting on Middlesex Avenue east of Factory Street, Amboy Avenue or Lake Avenue.
- ~~(7)~~ Banks and other financial institutions, except drive-in banks.
- ~~(8)~~ Offices.
- ~~(9)~~ Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.
- ~~(710)~~ Funeral homes and mortuaries.
- ~~(811)~~ Nursery schools and day-care centers.
- ~~(912)~~ Social halls, clubs, lodges and places of public assembly.
- ~~(103)~~ Apartments, if located on upper floors above another permitted use at the ground level.
- ~~(14)~~ Affordable senior housing.
- ~~(145)~~ Borough-operated public facilities.

SECTION 4. Section 110-80 (D-1 Downtown Development District) in Article 17 (Permitted Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-80 D-1 Downtown Development District.

Principal, accessory and conditional uses shall be permitted and regulated in the D-1 Downtown Development District as follows:

A. Permitted principal uses:

- (1) Retail shops and stores, provided that they are located fronting on New or Pearl Streets.
- (2) Personal service businesses.
- (3) Physical fitness studios.
- ~~(4)~~ Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses.
- ~~(4)~~ ~~Offices.~~
- ~~(5)~~ ~~Banks and other financial institutions, except drive-in banks.~~
- ~~(65)~~ Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.
- ~~(6)~~ Brew pubs, distilleries and wineries.

- ~~(7) Banks and other financial institutions, except drive-in banks.~~
- ~~(8) Offices.~~
- ~~(9) Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.~~
- ~~(10) Nursery schools and day-care centers.~~
- (711) Apartments, except located fronting on Middlesex Avenue unless substantial buffering is provided.
- ~~(12) Affordable senior housing.~~
- ~~(8) Nursery schools and day-care centers.~~
- (913) Borough-operated public facilities.

- ~~(10) Affordable senior housing.~~
- (114) Massage and somatic therapy establishments.

B. (No Changes)

C. (No Changes)

~~(12) Affordable senior housing.~~

SECTION 5. Section 110-83 (LI Light Industrial District) in Article 17 (Permitted Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-83 LI Light Industrial District.

A. (No Changes)

B. (No Changes)

C. (No Changes)

D. Permitted conditional uses:

- (1) Warehouse and mini-storage warehouses with individualized compartments pursuant to § 110-87W.
- (2) Automotive repair establishments inclusive of detailing and customizing but not including body repair or painting, pursuant to § 110-87I.
- (3) Machine shops pursuant to § 110-87M.
- (4) ~~Arcades, amusement centers, bowling alleys, indoor tennis courts, skating rinks, handball courts, batting cages and billiard parlors, pursuant to § 110-87P.(Reserved)~~
- (5) Dance halls and discotheques, pursuant to § 110-87Q.
- (6) Go-go dancing establishments and cabarets, pursuant to § 110-87R.
- (7) Artist's body painting studios, tattoo shops, modeling studios and massage parlors, pursuant to § 110-87S.

- (8) Adult bookstores, adult gift shops and adult motion-picture theaters, pursuant to § 110-87T.
- (9) Wireless communications facilities pursuant to § 110-87X.
- (10) Off-track betting parlor.
- (11) For properties having required frontage on Middlesex Avenue, drive-in bank facilities, pursuant to § 110-87J.
- (12) For properties not abutting a residential district, contractor's establishments.
- (13) Class 3 Cannabis Wholesalers, provided that they are located on a lot fronting on Liberty Street, Aylin Street, Leonard Street or Norcross Avenue and comply with the requirements of Chapter 72, Article I, § 72-5C of the Code of the Borough of Metuchen

E. (No Changes)

SECTION 6. Section 110-87 (Specific conditions) in Article 18 (Conditional Uses) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-87 Specific conditions.

- A. (No Changes)
- B. (No Changes)
- C. (No Changes)
- D. (No Changes)
- E. (No Changes)
- F. (No Changes)
- G. (No Changes)
- H. (No Changes)
- I. (No Changes)
- J. (No Changes)
- K. (No Changes)
- L. (No Changes)
- M. (No Changes)

N. (No Changes)

O. (No Changes)

P. ~~Arcades, amusement centers, bowling alleys, billiard parlors, indoor tennis courts, skating rinks, handball courts and batting cages.~~

~~(1) — Not more than 24 video games and/or pinball machines shall be located in any single establishment, and there shall be a minimum of 600 square feet of floor area for such establishments.~~

~~(2) — Food and beverages may be prepared and/or dispensed as an accessory use to a principal use, provided that the area devoted to the storage, preparation, service and consumption shall not exceed 25% of the gross floor area of the establishment and such use complies with all other applicable Borough ordinances.~~

~~(3) — Parking areas shall be provided for bicycles in addition to that parking required for automobiles in § 110-154.~~

~~(4) — No such use shall be located on a lot having any of its lot lines located within 500 feet of a lot containing a school, church, Borough-operated public facility, any residential use or district or within 500 feet of a similar type use. (Reserved)~~

Q. (No Changes)

R. (No Changes)

S. (No Changes)

T. (No Changes)

U. (No Changes)

V. (No Changes)

W. Warehouses.

(1) (No Changes)

(2) (No Changes)

(3) Warehouses shall not be used to store hazardous, toxic or corrosive substances as defined by the United States Environmental Protection Agency and/or New Jersey Department of Environmental Protection and Energy. ~~X. Wireless communications facilities.~~

X. ~~Mixed-use neighborhoods~~ Wireless communications facilities.

(1) (No Changes)

(2) (No Changes)

(3) (No Changes)

(4) (No Changes)

Y. (No Changes)

Z. (No Changes)

AA. Downtown Gateway Overlay District.

- (1) A Downtown Gateway Overlay District shall be a permitted conditional use. The permitted uses within a Downtown Gateway Overlay District shall be:
 - (a) Supermarkets, not exceeding 50,000 square feet in gross floor area and which may include eating, drinking and an outdoor cafe on premises.
 - (b) Retail shops and stores.
 - (c) Personal service businesses.
 - (d) Physical fitness studios.
 - (e) Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses.
 - ~~(e) Offices.~~
 - ~~(f) Banks and other financial institutions, including drive-in banks.~~
 - ~~(g) Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.~~
 - (g) Brew pubs, distilleries and wineries.
 - (h) Banks and other financial institutions, excluding drive-in banks.
 - (i) Offices.
 - (j) Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.
 - (k) Nursery schools and day-care centers.
 - (l) Social halls, clubs, lodges and places of public assembly.
 - ~~(m) Apartments, only if located on the north side of Middlesex Avenue and not including any apartments located on the ground floor of a building fronting on Middlesex Avenue or Central Avenue.~~
 - ~~(i) Nursery schools and day care centers.~~
 - ~~(j) Dry cleaning establishment where no dry cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.~~
 - ~~(k) Inns and hotels.~~
 - ~~(l) Social halls, clubs, lodges and places of public assembly.~~
 - ~~(m) Borough-operated public facilities.~~
 - ~~(n) Massage and somatic therapy establishments.~~
 - (q) Dry-cleaning establishment where no dry cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.
- (2) (No Changes)
- (3) (No Changes)
- (4) (No Changes)

BB. (No Changes)

CC. (No Changes)

SECTION 7. Section 110-91 (Specific requirements) in Article 19 (Planned Unit Residential Developments (PURDs)) in Part III (Zoning) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

A. (No Changes)

B. (No Changes)

C. (No Changes)

D. (No Changes)

E. (No Changes)

F. Planned unit commercial development (PUCD) in D-1 District.

(1) (No Changes)

(2) (No Changes)

(3) The following are permitted uses within any PUCD:

(a) Permitted principal uses within a PUCD:

[1] Common open space or public open space in the form of a public plaza.

[2] Retail shops and stores.

[3] Business and personal service businesses.

[4] Physical fitness studios.

[5] Indoor amusement businesses, including arcades, virtual reality, escape rooms, and other similar uses.

~~[5] Hotels.~~

~~[6] Offices.~~

~~[7] Banks and other financial institutions, except drive-in banks.~~

~~[86] Eating and drinking establishments, except fast-food restaurants and drive-in restaurants.~~

~~[7] Banks and other financial institutions, except drive-in banks.~~

~~[8] Offices.~~

[9] Flex space, including demonstration kitchens, event rental space, party rental space, and other similar uses.

[10] Nursery schools and day-care centers.

~~[911] Apartments.~~

~~[102] Townhouses.~~

~~[143] Work-live units.~~

[14] Hotels.

- ~~[15] Borough-operated public facilities.~~
- ~~[16] Parking structures.~~
- ~~[12] Nursery schools and day care centers.~~
- ~~[13] Dry cleaning establishment where no dry cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.~~
- ~~[14] Parking structures.~~
- ~~[15] Borough-operated public facilities.~~
- [167] Grocery stores with a gross floor area not exceeding 15,000 square feet.
- [178] Massage and somatic therapy establishments.
- ~~[19] Dry-cleaning establishment where no dry cleaning occurs on the premises. If dry cleaning occurs on the premises, it shall be subject to § 110-87B.~~

- (b) (No Changes)
- (4) (No Changes)

SECTION 8. Repealer. Any section, paragraph, subsection, clause, or provision of the Borough Code or prior Ordinances inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

SECTION 9. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

SECTION 10. Effective Date. This Ordinance shall take effect upon its passage and publication and filing with the County of Middlesex County Planning Board, and as provided for by law.