

ORDINANCE No. 2052-11

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE ZONING ORDINANCE
OF THE BOROUGH OF HAWTHORNE**

BE IT ORDAINED by the governing body of the Borough of Hawthorne that it does hereby amend and supplement the Zoning Ordinance of the Borough of Hawthorne as follows:

SECTION 1. Article XV § 540-120 **Conditionally Permitted Uses** is hereby amended and supplemented with the following:

Within the I-1 Industrial Zone, a shopping center inclusive of an anchor retail store with at least 30,000 square feet of floor area shall be permitted as a conditional use, subject to compliance with the conditions set forth in this section. In addition, a single retail user consisting of minimally 30,000 square feet of floor area but in no event more than 100,000 square feet of floor area, shall be permitted as a conditional use, also subject to compliance with the conditions set forth in this section. It is the specific intent of this section to promote the alternative redevelopment of industrial facilities in the Borough, particularly those in and about the area of Wagaraw Road, and in so doing, provide for the reclaiming of the Passaic River as a resource within the community.

SECTION 2. Article XV § 540-121 **Area and Setback Conditional Use Requirements for Shopping Center** is hereby amended and supplemented with the following requirements:

- A. Minimum lot area: 7.5 acres
- B. Minimum street frontage: Street frontage shall be a minimum of 500 feet on a major road, as identified by the Master Plan of the Borough of Hawthorne, or a County road.
- C. Maximum building coverage, entire tract: 25 percent
- I. Minimum unit floor area: 2,000 square feet
- J. Minimum floor area of anchor retail store: 30,000 square feet
- K. Maximum number of retail units with less than 5,000 square feet of floor area shall not exceed five per anchor store.

SECTION 3. Article XV § 540-122 **Site Requirements for Shopping Center Conditional Use Development** is hereby amended and supplemented with the following requirements:

- A. Mix of uses. Any shopping center developed as a conditional use may contain the following uses as set forth below:
 - (1) Retail or personal service establishments. For purposes of this section, “retail or personal service establishments” shall be a use wherein the principal activity is the sale or provision of goods, commodities or services to the ultimate consumer.
 - (2) Restaurant. For purposes of this section, the term “restaurant” shall mean a business or establishment where food or beverages are sold or dispensed for consumption by patrons who are served within the building. Drive-thru windows are not a permitted accessory use for restaurants.

- (3) Offices, utilized for professional, medical or business purposes, and banks or similar financial institutions.

SECTION 4. Article XV § 540-123 **Single Retail User Shopping Center Conditional Use** is hereby amended and supplemented with the following requirements:

- D. Maximum building and impervious coverage: Maximum building coverage for all buildings on the site shall not exceed 20 percent of the entire tract. All impervious coverage, including buildings, structures and pavement shall not exceed 65 percent of the entire tract.
- I. (DELETED IN ITS ENTIRETY)

SECTION 5. Article XV § 540-124 **Site Requirements for Conditional Use Development of Single Retail Users** is hereby amended and supplemented with the following requirements:

- A. Permitted Conditional Use. The conditionally permitted use allowable in the zone shall be the use of a single structure, meeting the requirements of this article, containing not less than 30,000 square feet and not more than 100,000 square feet, to be occupied by a single user as a retail store.

SECTION 6. This Ordinance shall take effect upon final adoption and publication as provided by law.

Frank Matthews
Council President

Attest:
Susan Witkowski, RMC
Borough Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Municipal Council of the Borough of Hawthorne, in the County of Passaic, New Jersey, held on July 20, 2011. It will be further considered for final passage after public hearing thereon at a meeting of said Municipal Council to be held in the Municipal Building, 445 Lafayette Avenue, in said Borough on August 17, 2011, at 8:00 p.m., at which time and place all interested members of the public who desire will be given an opportunity to be heard in connection with said Ordinance.

Susan Witkowski, RMC
Borough Clerk