

ZONING ORDINANCE 2353-24

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 540, ZONING, OF THE BOROUGH OF HAWTHORNE, PASSAIC COUNTY, NEW JERSEY REGULATING GASOLINE SERVICE STATIONS WITH CONVENIENCE STORES IN CERTAIN ZONES

WHEREAS, the current Borough of Hawthorne zoning regulations do not explicitly permit convenience stores in conjunction with gasoline service stations; and

WHEREAS, current market conditions encourage the combination of gasoline service stations with convenience stores as gasoline service stations are phasing out automotive repairs; and

WHEREAS, the Governing Body of the Borough of Hawthorne desires to permit such facilities within certain commercial zones in the community with appropriate zoning regulations.

BE IT ORDAINED by the Governing Body of the Borough of Hawthorne, New Jersey that it does hereby amend and supplement the Zoning Ordinance of the Borough of Hawthorne as follows:

SECTION 1. Article VII, §540-50 Definitions is hereby amended to delete the following definitions:

GARAGE, PUBLIC - Any building, premises, or land in which or upon which a business, service or industry involving the maintenance, washing, servicing or repair and storage in connection therewith is conducted or rendered, and including automatic car washes and motor vehicle service stations as defined herein.

MOTOR VEHICLE SERVICE STATION - A building or premises in which or upon which is conducted a business involving the retail sale and direct delivery to motor vehicles of motor fuel and lubricating oil regardless of any other business on the premises, which business may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but not including facilities for body repair work or painting.

SECTION 2. Article VII, §540-50 Definitions is hereby amended to add, supplement or otherwise modify the following definitions:

Automotive fueling station shall mean any establishment servicing motor vehicles with fuel or electrical charging stations, but not including repairs, changing of tires, or any other replacement of essential or accessory parts. Automotive fueling stations may service automobiles with air pumps and by selling or adding oil, windshield washer fluid or similar fluids, but shall not provide any services which require bays or lifts, such as oil changes or lubrication of chassis.

Automotive fueling station with convenience store shall mean any automotive fueling station which has on the same site a retail store offering for sale prepackaged food products and grocery items, hot and cold made-to order drinks, freshly pre-prepared foods, including sandwiches, soups and salads, household items, tobacco products, newspapers and magazines, in-store ATM and lottery, and which includes outside facilities for dispensing motor fuels, gasoline, and diesel fuel as well as electrical charging stations for light trucks and passenger vehicles.

Automotive service station shall mean any establishment, which may or may not include the serving of gasoline or offering electrical charging stations, serving motor vehicles with vehicle maintenance not requiring extensive or prolonged mechanical work (for the purpose of this Ordinance, extensive or prolonged mechanical work shall mean work which requires a vehicle to be on the site for a period of more than 30 days) before completion. Service work offered shall be limited to oil changes; lubrication; tune-ups; minor engine or drive train repairs; installation of tires, batteries and accessories; wheel balancing and

alignment; and the replacement of mechanical parts, such as hoses, spark plugs, ignition wiring, brakes, alternators, water pumps and similar parts not requiring extensive repairs. Repair facilities which provide repairs and service to any large trucks or equipment, such as semi-tractors or heavy grading equipment shall not be considered automotive service stations. Repair facilities which provide automotive body of collision repairs shall not be considered automotive service stations.

AUTOMOBILE REPAIR - See "automotive service station."

GASOLINE SERVICE STATION – See “-motor vehicle service station automotive fueling station.”

SECTION 3. Article XX, §540-189 Public Garages and Gasoline Stations is hereby amended to read as follows:

Automotive Fueling and Service Stations

SECTION 3. Article XVI, §540-163B, B3 retail Business Zone is hereby amended to add the following permitted use:

§540-163B (14) Automotive Fueling station with convenience store as defined herein under Article VII, Definitions subject to the requirements of §540-163 I.

SECTION 4. Article XVI, §540-163B, B3 retail Business Zone is hereby amended to add the following:

- I. An automotive fueling station with convenience store shall comply with the following requirements:
 - (1) Minimum lot size: 43,560 square feet.
 - (2) Minimum street frontage:
 - (a) Interior lots: 200 feet.
 - (b) Corner lots: 150 feet on each street.
 - (c) Minimum depth of lot: 175 feet.
 - (3) Setbacks:
 - (a) Building: 40 feet
 - (b) Fuel pumps, to * from base or platform exceeding three inches in height: 25 feet.
 - (c) Side yards (open space): 20 feet. On corner lots, only one side yard is required, on an interior sideline of the lot. The remaining yards shall be considered front yards as they front the public right-of-way.
 - (d) Rear yard (open space): 50 feet.
 - (4) Maximum building height: one story/ 20 feet exclusive of towers, cupolas or other architectural elements but in no event shall the total height including architectural elements exceed 30 feet.
 - (5) Maximum Canopy Height: The height of a canopy shall be no greater than the height of the principal building on site. If no principal building exists on site, the height of the canopy shall not exceed 15 feet.

- (6) Maximum building coverage, excluding pump islands: 25%.
- (7) Maximum impervious coverage: 90%.
- (8) Minimum buffer adjoining residential zone or residential property. In the B3, B-3A and I zones wherein public garages and gas stations are permitted, there shall be a minimum ten-foot-wide landscaped buffer adjoining any residential zone or residential property secured by a minimum six (6) foot fence that may extend into the front yard setback.
- (9) Streetscape Requirements. Streetscape standards as required within the B3 and B3A zones shall apply.
- (10) Maximum Number of Fueling Stations: There shall be a maximum of eight (8) dispensers with two fueling positions at each dispenser.
- (11) Permitted hours of operations will be limited to the hours of 5am to midnight, Monday through Sunday however, the store may be open for cleaning, stocking of shelves etc., but may not be open for regular business during off hours.
- (12) Permitted signage. Permitted signage shall be limited to the following:
 - (a) One freestanding sign is permitted per street frontage subject to the following:
 - i. Signage shall not exceed a maximum 48 square feet inclusive of price signage.
 - ii. Signage height shall not exceed a maximum of 20 feet.
 - iii. Such sign shall be setback minimally 10 feet from the front property line.
 - iv. Such sign may be internally illuminated.
 - (b) Canopy signage is permitted not to exceed a letter height of 1.5 feet and a combined total of 10 square feet per side.
 - (c) Wall-mounted signage is permitted wherein one such sign may be erected on any entrance wall and one on any wall facing on a street and one on any wall facing an off-street parking area and one on any wall facing a railroad track, and shall be erected parallel to the face of such wall, not extending more than 12 inches therefrom, the bottom of which shall be at least seven feet above the level of the sidewalk and shall be rigidly and securely attached thereto. The area of each sign shall not exceed two square feet for each foot of wall width, the maximum height of such sign shall not exceed two feet, and the maximum width shall not exceed 90% of the width of the building or wall of that portion of the premises.
 - (d) Prohibited signs. Signs as prohibited by §540-179 and signage placed on the canopy columns is prohibited.
- (13) Prohibited Activities and Uses
 - (a) The sale, rental or storage of cars, trucks, trailers, boats or any other vehicles on the premises.

(b) Drive-thru windows shall not be permitted in an automotive fueling station convenience store.

SECTION 5. §540-173 A. Parking is hereby amended as follows:

- A. The minimum number of off-street parking spaces required shall be as shown in the table below. Where multiple uses are proposed, the required parking shall be the sum of each individual use.

SECTION 6. Article XVIII Parking and Loading §540-173, Parking Specifications, is hereby amended and supplemented as follows:

Automotive fueling station	1 space per employee
Automotive service station with fuel service	3 spaces per bay or 1 per gas pump and 1 per bay, whichever is greater

SECTION 7. All ordinances or parts of ordinances of the Borough of Hawthorne which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. If any section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 9. This Ordinance shall take effect immediately upon final adoption and publication in the manner prescribed by law.

Frank E. Matthews, Council President

Attest:

Lori Fernandez, RMC, CMC
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 November 6, 2024. 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 December 4, 2024, at 7:00 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, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available on the borough website, www.hawthornenj.org, and at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

Lori Fernandez, RMC, CMC, Borough Clerk

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF AN ORDINANCE ADOPTED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HAWTHORNE AT A REGULAR MEETING ON DECEMBER 4, 2024.