

ZONING ORDINANCE NO. 2361-25

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 540, ZONING ORDINANCE OF THE BOROUGH OF HAWTHORNE, PASSAIC COUNTY, NEW JERSEY REGULATING GASOLINE SERVICE STATIONS WITH CONVENIENCE STORES IN THE B-1 ZONE

WHEREAS, The Governing Body has determined that gasoline service stations, a permitted use in the B-3 and B-3A Zones, and convenience stores, also a permitted use in the B-3 and B-3A Zones, can be co-located on a single lot, and has amended the Borough zoning code to specifically permit the same, including the conversion of existing auto repair facilities associated with gasoline service stations into convenience stores, all as set forth in the amending ordinance; and

WHEREAS, current market conditions suggest that gasoline service stations combined with convenience stores have in many instances supplanted gasoline service stations combined with automotive repairs as gasoline service station owners are phasing-out automotive repairs as part of a combined use; and

WHEREAS, the current Borough of Hawthorne B-1 zoning regulations do not explicitly permit gasoline service stations within the zone however convenience stores are a permitted use in the zone; and

WHEREAS, there are pre-existing non-conforming gasoline service stations with auto repair in the B-1 zone; and

WHEREAS, the Governing Body of the Borough of Hawthorne has been approached by operators of nonconforming gasoline service stations seeking similar permission to convert their repair bays into convenience stores; and

WHEREAS, The Governing Body wishes to encourage such conversions as a means of modernizing existing service stations consistent with current market conditions, bringing a permitted use, convenience store, into the B-1 Zone; and

WHEREAS, such conversions can serve as an incentive to clean up otherwise environmentally compromised sites; and

WHEREAS, the Governing Body of the Borough of Hawthorne seeks to limit such conversions to existing facilities subject to the regulations contained herein;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council 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, §540-161 is hereby amended to add Item G as follows:

G. Conversion of existing gasoline service stations. Automotive fueling stations, as defined within Article VII, Definitions, and limited solely to those automotive fueling stations existing at the time of the adoption of this regulation, may convert existing automobile repair bays into a convenience store subject to the following requirements;

- (1) Minimum lot size: 6,500 square feet.
- (2) Minimum street frontage:
 - (a) Interior lots: 100 feet.
 - (b) Corner lots: minimum lot width of 100 feet must be satisfied on at least one frontage.
 - (c) Minimum depth of lot: 65 feet.
- (3) Setbacks:

- (a) Building: Front yard 25 feet
 - (b) Fuel pumps to front property line: from base or platform exceeding three inches in height: 15 feet.
 - (c) Side yards (open space): 10 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): 25 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) Notwithstanding the foregoing, existing building lines including front-yard, side-yard, rear-yard, height, canopy height, building coverage and impervious coverage, may be continued upon conversion without necessity of variance approval in the event of a conversion as anticipated by this ordinance.
 - (9) Minimum buffer adjoining residential zone or residential property. There shall be a minimum 5-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.
 - (10) Streetscape Requirements. Streetscape standards as required within the B3 and B3A zones shall apply.
 - (11) Maximum Number of Fueling Stations: There shall be a maximum of four (4) dispensers with two fueling positions at each dispenser.
 - (12) Permitted hours of operations will be limited to the hours of 6 am to 11 pm, Monday through Sunday, or as otherwise permitted in the B-1 Zone, however, the store may be open for cleaning, stocking of shelves etc., but may not be open for regular business during off hours.
 - (13) 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.

(14) 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.
- (c) Repair of automobiles.

SECTION 2. 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 3. 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 4. 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 February 5, 2025. 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 March 5, 2025, 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.

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 MARCH 5, 2025.