

**ZONING ORDINANCE 2373-25**  
**AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF  
THE BOROUGH OF HAWTHORNE CHAPTER 540, ZONING,  
TO CREATE SECTION 540-163(J), DRIVE THRU RESTAURANTS**

**BE IT ORDAINED** by the Municipal Council of the Borough of Hawthorne in the County of Passaic and State of New Jersey that the following amendments be made to Chapter 540, Zoning.

SECTION 1. Chapter 540, Zoning, is hereby amended and supplemented so as to create Section 540-163(J), permitting certain specified drive thru restaurants in the B-3 and B-3A business zones, with the said section to read as follows:

**§ 540-163(J). Drive Thru Restaurants**

1. Restaurants serving eat-in and take-out food, where permitted in the any Business Zone, or existing as a conforming or non-conforming use in any other Zoning District, may not engage in sale or distribution of food by way of drive thru window or other opening in an exterior wall of a building. Notwithstanding the same, a restaurant serving eat-in or take-out food and established as a coffee-based business, may be permitted to sell or distribute coffee, drinks and related foods through use of a drive thru lane or aisle and window or opening in an exterior wall, in the B-3 or B-3A Zone, subject to the terms of this section.

- a. Hours of operation for such business shall be limited to 6:00 a.m. to 10:00 p.m.
- b. Prior to the issuance of any permit to construct such drive thru facility, site plan approval shall be applied for and granted by the Planning Board. The following standards shall apply:
  1. Drive thru lanes shall be not less than 12 feet in width.
  2. Order boards or other signs adjacent to the drive thru lanes shall have sound attenuation devices and illumination shall not be permitted after 10 p.m. No sign or order board shall have a height of greater than eight feet, measured from the ground below such sign, and have an area of greater than 32 square feet.
  3. A by-pass lane shall be provided adjacent to the drive thru lane.
  4. Vehicle stacking of at least four vehicles shall be accommodated in the drive thru lane.
  5. Drive thru lanes on properties adjacent to residential zones or residential uses shall be screened from such adjoining property by way of opaque fence having a height of six feet or alternatively dense landscaping serving such purpose, as approved by the Planning Board. In addition to screening, the applicant shall provide a lighting plan demonstrating that light spillage is appropriately minimized.

SECTION 2. If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION 3. 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 July 23, 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 August 13, 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 at the Borough of Hawthorne website, [www.hawthornenj.org](http://www.hawthornenj.org) and at the Clerk's Office in said Municipal Building during regular business hours at no cost 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 AUGUST 13, 2025.**