

**ZONING ORDINANCE NO. 2384-26**

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 540, ZONING ORDINANCE OF THE BOROUGH OF HAWTHORNE, PASSAIC COUNTY, NEW JERSEY, AMENDING VARIOUS SECTIONS REGARDING AFFORDABLE HOUSING**

**WHEREAS**, the Borough of Hawthorne has entered into a Settlement Agreement with Fair Share Housing Center, resolving a challenge to the Borough's Fourth Round Housing Element and Fair Share Plan, and as part of that settlement has agreed to modify certain provisions of the Zoning Ordinance of the Borough of Hawthorne;

**NOW, THEREFORE, 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.** Chapter 540, Zoning, §540-160 AHO, Affordable Housing Overlay Zone, is amended at §540-160(F), with the Section to now read as follows:

(F) Residential Development shall be subject to an affordable housing set-aside of 20% and shall be further subject to all requirements provided for under Article XXIV, Affordable Housing.

**SECTION 2.** Chapter 540, Zoning, §540-162, B-2 Central Business Zone, is amended at §540-162(E), with the Section to now read as follows:

§540-162(E)

1. Residential development above a commercial use is permitted in the zone, provided that the entire first floor is devoted to the B-1 commercial use and the entire second and if applicable, third floor, are devoted to residential use, with separate entranceway to said upper floors.
2. The maximum permitted density is 16 units to an acre for a three-story building. For a two-story building, the maximum density shall be 8 units to an acre.
3. All residential development shall be subject to a 20% set-aside for affordable housing and shall further be subject to all requirements provided for under Article XXIV, Affordable Housing.
4. Development of any such site shall be subject to the requirements of the B-2 Zone.
5. For any residential use, parking shall be consistent with RSIS requirements at NJAC 5:21-4.14, Table 4.4. Notwithstanding the same, alternative parking standards shall be considered by any reviewing board and accepted if the applicant demonstrates that the standard better reflects localized site conditions. Factors to be considered include but are not limited to household characteristics, availability of mass transit, proximity to public parking, characteristics of the neighborhood, and constraints of the site.

**SECTION 3.** Chapter 540, Zoning, §540-229 Affordable Housing Mandatory Overlay, is amended at §540-229(A) and (F), so as to provide in each such section that a 20% set-aside for affordable housing shall apply to any such site without regard to whether or not the units constructed thereon shall be rental units or offered for sale.

**SECTION 4.** Any ordinance or parts of any 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 5.** 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 6.** 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 18, 2026. 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 4, 2026, 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, <https://www.hawthornenj.org/651/Legal-Notices> 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

CERTIFICATION

I, Lori Fernandez, Borough Clerk of the Borough of Hawthorne, County of Passaic State of New Jersey, do hereby certify this copy of Zoning Ordinance 2384-26 to be a true copy as adopted by the Municipal Council on 2/18/26 introduced

*L. Fernandez*  
Lori Fernandez, RMC, CMC, Borough Clerk

