

**BOROUGH OF WESTWOOD
NOTICE**

NOTICE IS HEREBY GIVEN that Ordinance #12-11 was introduced and passed on first reading on regular meeting of the Mayor and Council on the 17th day of April, 2012, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 15th day of May, 2012 at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

Karen Hughes, Borough Clerk
Borough of Westwood

ORDINANCE 12-11

**AN ORDINANCE TO AMEND ARTICLE XIV, CHAPTER 195, ZONING OF
THE BOROUGH OF WESTWOOD.**

BE IT ORDAINED by the Mayor and Council of the Borough of Westwood, in the County of Bergen and State of New Jersey, that section 195-42 entitled "Definitions", 195-107 entitled "Zoning Map", 195-118 entitled "CBD/SPE Central Business District/Special Pedestrian Environment Zone District" and section 195-119 entitled "CBD Central Business District" is hereby amended and supplemented in the following particulars only:

Section 1. Amend section 195-42 Definitions:

GOURMET/SPECIALTY FOOD STORE

Any fixed retail facility where gourmet/specialty cuisine is prepared on premises, not by quick production as is defined as a "fast-food restaurant," and sold in a form ready for consumption or to be cooked off premises. Should such an eating establishment exceed the maximum seating limitation defined herein (chair and stool seating), of said use then the Gourmet/Specialty Food Store is defined herein as a restaurant.

Section 2. Amend section 195-107 by adjusting the CBD Zone District boundary by adding the following lots to the CBD Zone District from the adjacent CO Central Office Zone District:

Block 909, Lots 3, 4 and 5

Section 3. Amend section 195-118 CBD/SPE Central Business District/Special Pedestrian Environment Zone District :

§ 195-118 B. (1).

gourmet and specialty foods stores (food stores having 1,500 square feet or more may install up to sixteen (16) seats for consumption of food prepared by the establishment, provided that table service shall be prohibited);

Nutritional and health food stores (maximum square footage of 2,500 square feet);

Section 4. Amend section 195-118 Conditional permitted uses allowed in the CBD/SPE District :

§ 195-118 D.

- (1) Underground Garage Parking Facilities. Subject to the following conditional requirements
 - (a.) Maximum number of levels: one floor
 - (b.) Underground garage driveway edge shall be no closer than 50 feet from a street intersection.
 - (c.) Underground garage shall meet all of the setbacks of an above ground structure in the zone.

Section 5. Amend section 195-118 CBD/SPE-District:

§ 195-118 F. Prohibited uses in the CBD/SPE District. The following uses are specifically prohibited in the CBD/SPE Zone District:

- (1) Drive thru facilities are specifically prohibited.

Section 6. Amend section 195-119 CBD-District:

§ 195-119 B (2).

Nutritionist, dietician and licensed physical therapist.

Section 7. Amend section 195-119 Conditional permitted uses allowed in the CBD District:

§ 195-118 D.

- (1) Underground Garage Parking Facilities. Subject to the following conditional requirements
 - (a.) Maximum number of levels: one floor
 - (b.) Underground garage driveway edge shall be no closer than 50 feet from a street intersection.
 - (c.) Underground garage shall meet all of the setbacks of an above ground structure in the zone.

Section 8. Amend section 195-119:

§ 195-119 F. Prohibited uses in the CBD District. The following uses are specifically prohibited in the CBD Zone District:

(1) Drive thru facilities are specifically prohibited.

Section 9. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section 10. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 11. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough clerk is further directed to publish notice of the passage thereof and to file copy of this ordinance as finally adopted with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

Section 12. This ordinance shall take effect upon final passage and publication as prescribed by law.

Adopted: _____

Approved:

Attest:

John Birkner, Jr., Mayor

Karen Hughes, Borough Clerk