

NOTICE IS HEREBY GIVEN that Ordinance #12-18 was introduced and passed on first reading on regular meeting of the Mayor and Council on the 21st day of August, 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 18th day of September, 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 12-18

AN ORDINANCE TO AMEND CHAPTER 195 ARTICLE XIV, ZONING AND PERMITTED USES, SPECIFICALLY THE LB-3 LIMITED BUSINESS DISTRICT 3 OF THE CODE 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”, 195-124 entitled “LB-3 Limited Business District 3” is hereby amended and supplemented in the following particulars only:

Section 1. Add to section 195-42 Definitions:

§ 195-42

Adult Senior Day Care

A non-residential facility providing care for the elderly and/or functionally impaired adults in a protective environment. Operators shall be licensed as required by the state of New Jersey as applicable to operate and offer services such as providing meals, social services, recreational outings and trips, physical therapy, general supervision and support. The participants at such a facility are not related to the members of the facilities governing authority by marriage, blood, or adoption. Adult day health services facilities may not provide services to participants for longer than 12 hours in a calendar day.

Health Clubs

An establishment that provides facilities for aerobic exercises, running and jogging, weight training and strength conditioning, game courts, swimming facilities, exercise equipment, saunas, showers and lockers for members and guests. Health clubs may include pro shops, as well as instructional programs for members and guests.

Section 2. Amend section 195-124 LB-3 Zone District permitted and conditional uses by replacing the existing paragraph B with the following:

§ 195-124 B. The principal permitted uses allowed in the LB-3 District include the following:

1. Retail sale of appliances, furniture, office equipment or similar bulky, durable items;
2. Medical equipment sales, rental and service;
3. Instructional dance or martial arts studios;
4. Music studios and music instruction studios;
5. Retail custom packaging and mail services;
6. Passenger car rental uses;
7. Personal care services such as hair and beauty salons;
8. Individualized instructional sports training facility (excluding health clubs), shall not exceed a maximum net training floor area of 10,000sf;
9. Neighborhood hardware store (maximum floor area 5,000sf);
10. Farmers market;
11. Restaurants (excluding drive thru's);
12. Banks, including drive-thru banks;
13. Business, professional and medical (including veterinary) offices;
14. Child care centers subject to §195-129B;
15. Antique shops;
16. Animal grooming and animal day-care services.
17. Dry cleaners(retail distribution only)

Section 3. Amend section 195-124 D to include the following:

(3) Adult Senior Day Care facilities subject to the following conditions:

(a.) Adult day Care center shall be duly licensed as required by applicable New Jersey state standards.

(b.) Parking Areas, driveways and drop-off pick up areas shall be appropriately screened and buffered from adjoining residential properties by a minimum 15 foot wide landscaped buffer.

Section 4. Add to section 195-162 Table 1-Off Street Parking Requirements:

§ 195-162 Table 1. ADD THE FOLLOWING:

<u>Land Uses</u>	<u>Required Off-Street Parking Spaces</u>
Adult Day Care Center	1 space per 6 participants in the adult day care center, maximum attendance, plus 1 space for every employee on the maximum shift.

Section 5. 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 6. 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 7. 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 8. 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