

NOTICE IS HEREBY GIVEN that Ordinance #19- 18 was introduced and passed on first reading at the regular meeting of the Mayor and Council on the 17<sup>th</sup> day of September, 2019 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 1<sup>st</sup> day of October, 2019 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.

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Karen Hughes, Borough Clerk  
Borough of Westwood

### ORDINANCE 19-18

#### 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 Article XII section 195 entitled “ General Provisions”, Article XIV section 195 entitled “CBD/SPE Central Business District/Special Pedestrian Environment District” and Chapter XXI section 195 entitled “Outdoor Dining Regulations” are hereby amending and supplemented the existing code in the following particulars only:

Section 1. Amend section 195 amending section 195-111 entitled “Regulations applicable to all districts” and adding or replacing with the following (deleted sections are noted by ~~strikethroughs~~, new sections are **bold**).

AMEND THE FOLLOWING:

§ 195-111 A. *Prohibited uses.*

- (4) Commercial amusements other than movie theaters, **except if specifically permitted herein.**

Section 2. Amend section 195 amending section 195-118 entitled CBD/SPE Central Business District/Special Pedestrian Environment District and adding or replacing with the following (deleted sections are noted by ~~strikethroughs~~, new sections are **bold**).

AMEND THE FOLLOWING:

§ 195-118 B. *The principal permitted uses allowed in the CBD/SPE District.*

- (1) Antique shops; art galleries; arts and crafts shops **or individual maker studio (non-manufacturing); amusement arcades;** bakery shops; banks; book and record and CD stores; brokerage houses (~~upper floor only~~); **coworking offices or study café;** finance companies (~~upper floor only~~); eyewear and optical stores; hair salons; nail salons (~~upper floor only~~); bookstores; butcher shops;

camera stores; card shops; chinaware/flatware and glassware shops; cigar stores; dry-cleaning stores; dry-goods and variety stores; clothing stores; dress shops; candy stores and confectioneries; coin stores; delicatessens; drapers; drugstores; **electronics repair retail store**; flower shops; furniture stores; home furnishing or **houseware sales** stores; gift shops; gourmet and specialty foods stores (food stores having 1,500 square feet or more may install up to 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); hardware stores; paint and wallpaper stores; hobby shops; **internet website design and hosting services**; interior decorators; jewelers; leather goods shops; hair accessory shops; knitting supplies stores; **language arts center**; linen stores; **merchandise showrooms and pick-up locations**; **personal instruction or learning center**; **personal training, dance or instructional studios (excluding health clubs) (maximum 1,750 square feet)**; **lifestyle coach**; **locksmith**; picture-framing shops; package liquor stores intended primarily for retail distribution for off-premises consumption; music shops; **and** musical instruments stores; business and professional offices (~~upper floor only~~); **medical offices (maximum 2,000 square feet)**; **personal care cosmetic or beauty salon (excluding massage facilities)**; **personal shopper service**; shoe repair shops; pet **and animal grooming** shops; photographic equipment and studios; post offices; radio and television repair shops (~~upper floor only~~); **recording studio**; telecommunications stores; parking areas or lots; custom packaging and retail mail services (~~upper floor only~~), provided that the service is incidental to the main use; coffee shops; ice cream parlors; shoe sales stores; sporting goods stores; stationers; stockbrokers (~~upper floor only~~); tailor shops (~~upper floor only~~); **tattoo studio**; toy stores; travel and ticket agencies (~~upper floor only~~); wearing apparel shops; **and weight loss center**; provided, however, that none of the foregoing permitted uses shall carry merchandise other than that to be sold at retail on the premises.

- (4) Sit-down restaurants, gourmet and specialty foods stores and **winery or brewery affiliated tasting rooms** (subject to the seating area and amount noted herein), specifically located on corner lots, provided that:
- (a) ~~The restaurant or gourmet and specialty foods store use shall be located on a lot with frontage on a public street other than Westwood Avenue, and such other public street frontage shall be physically contiguous with the demised patron space of the associated restaurant;~~
  - (b) ~~The minimum building frontage of the demised patron space of the restaurant or gourmet and specialty foods store shall be 25 feet on the non-Westwood Avenue public street frontage;~~
  - (c) ~~A public customer entrance/exit to said restaurant or gourmet and specialty foods store shall be provided from at least the public street frontage other than Westwood Avenue;~~
  - (d) Such restaurants or gourmet and specialty foods stores are limited to a maximum of 1,500 square feet of **patron** seating area, **maximum total**

**restaurant area of 2,500 square feet** or a maximum of ~~50~~ **70** seats or as the Building Code permits;

- (e) ~~To maintain the visual and physical continuity of the retail environment of Westwood Avenue and the CBD/SPE Zone, such demised building space utilized for the restaurant or gourmet and specialty foods store, if contiguous with Westwood Avenue, shall maintain a storefront with windows on Westwood Avenue.~~

AMEND THE FOLLOWING:

*§ 195-118 D. Conditional permitted uses allowed in the CBD/SPE District.*

- (2) Limited multifamily residential subject to the following conditions:
- (a) Permitted only on building floors above the first, street level or ground floor;
  - (b) Parking for proposed units is not required wherein units are being retrofitted into the existing building area (without an addition), up to a density of 25 units per acre on the lot or lots proposed. Parking beyond 25 units per acre density shall be required to be provided based upon applicable R.S.I.S. requirements. The approving authority at the time of a site plan application, may consider proximity to mass transit or shared parking arrangement subject to a parking needs analysis reviewed and approved by the Board;
  - (c) Maximum density permitted 30 dwelling units per acre.
  - (d) Subject to the maximum building height requirements

Section 3. Amend section 195 amending section 195-168 entitled “Regulations” pertaining to outdoor dining and adding or replacing with the following (deleted sections are noted by ~~strikethroughs~~, new sections are **bold**).

AMEND THE FOLLOWING

§ 195-168

- G. The applicant shall remove all chairs and other equipment, **except for tables (tables shall be secured overnight)**, from the sidewalk within 30 minutes of the time in which the outdoor cafe is vacated at the end of each business day.
- I. Tables shall be arranged so that the side of each table shall be sited as close as practical to the adjacent wall of the food establishment it is associated with, provided that in no event shall the establishment be allowed more than one table and four chairs for every five feet of storefront of the facility requesting outdoor dining. **Such area for outdoor dining shall extend for the entire storefront of the related business (except for the entrance area which shall be kept clear)**. Benches may be installed in place of tables and chairs, provided that the back of the bench shall abut the wall of the food establishment it is associated with, and further provided that in no event shall the food establishment be

allowed benches that exceed the number of seats as permitted in this section, based on a standard that equates 24 inches of seat length to one seat.

Section 4. 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 5. 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 6. 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 7. This ordinance shall take after final passage and publication as prescribed by law.

Adopted: \_\_\_\_\_

Approved:

Attest:

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John Birkner, Jr., Mayor

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Karen Hughes, Borough Clerk