

## ORDINANCE 2025-02

### ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 120, "LAND USE," PART 3, "ZONING," ARTICLE 23 TO PERMIT "HOUSES OF WORSHIP" AS A PERMITTED USE IN THE C COMMERCIAL ZONE DISTRICT AND TO AMEND BULK AND LOT REGULATIONS FOR THE C COMMERCIAL ZONE AND TO ESTABLISH CERTAIN DESIGN AND SITE REQUIREMENTS FOR THE C COMMERCIAL ZONE IN THE BOROUGH OF KENILWORTH

**WHEREAS**, the Borough of Kenilworth (the "Borough") seeks to amend the Borough's existing zoning ordinance to allow for Houses of Worship (as the term is defined in §120-1.4 of the Code) as a permitted use in C Commercial Zone District ("C Zone") in the Borough; and

**WHEREAS**, the Mayor and Council find that there is a substantial interest in furthering the public health, safety, and welfare to allow for Houses of Worship (as the term is defined in §120-1.4 of the Code) as a permitted use in C Zone in the Borough; and

**WHEREAS**, the Borough also seeks to amend the Borough's existing zoning ordinance to amend the Bulk and Lot regulations for the C Zone and to establish Design and Site requirements for the C Zone; and

**WHEREAS**, the Mayor and Council find that there is a substantial interest in furthering the public health, safety, and welfare to amend Bulk and Lot regulations for the C Zone and to establish certain Design and Site requirements for the C Zone; and

**WHEREAS**, pursuant to N.J.S.A. 40:55D-62, the governing body of a municipality may amend a zoning ordinance relating to the nature and extent of the uses of land provided the Planning Board has adopted the land use plan element and housing element plan; and

**WHEREAS**, such amendments to the zoning ordinance must be substantively consistent with the land use plan element and housing plan element of the Master Plan before it can be considered for final passage; and

**WHEREAS**, prior to adoption of an amendment to a zoning ordinance, the Governing Body must refer the ordinance to the Planning Board, pursuant to N.J.S.A. 40:55D-64, to determine consistency with the Land Use Plan Element and Housing Plan Element of the Master Plan.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Kenilworth in the County of Union, State of New Jersey as follows:

**SECTION 1.** The foregoing clauses are incorporated herein by reference and made a part hereof.

**SECTION 2.** Chapter 120 "Land Use," Part 3 "Zoning," Article 23 "Zone District Regulations," Section 6 "C Commercial Zone District," Subsection B (§120-23.6(B)) shall be amended as follows:

Note: Additions are shown in **bold and underlined**, and deletions are shown as ~~strike-through~~.

B. Permitted uses. In the C District, only the following uses shall be permitted, except as provided in Subsections C and D. Principal uses which are substantially similar to the listed principal uses shall be permitted uses.

- (1) Retail establishments.
- (2) Personal and consumer service uses.

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- (3) Restaurants and eating and drinking establishments.
- (4) Taverns.
- (5) Banks and financial institutions, including drive-through banks.
- (6) Art, music and dance studios.
- (7) Motor inns and hotels.
- (8) Banquet and catering facilities.
- (9) General, administrative, executive and professional offices.
- (10) Medical offices.
- (11) Veterinary offices **and pet daycare facilities, including kennels/grooming facilities, and ancillary services associated therewith**
- (12) Computer and data processing centers.
- (13) Indoor commercial recreational facilities.
- (14) Museums, art galleries and indoor motion-picture theaters, and theaters for conducting live entertainment or cultural performances.
- (15) Child-care centers.
- (16) Municipal parking facilities.
- (17) Wholesale commercial establishments.
- (18) Dry cleaner.
- (19) Fine arts schools.
- (20) Private schools.
- (21) Automobile gasoline and service stations.
- (22) Car wash.
- (23) **Houses of Worship (Reserved)**[1]

[1]Editor's Note: Former Subsection B(23), Funeral homes, was repealed 6-1-2022 by Ord. No. 2022-09 and 5-17-2023 by Ord. No. 2023-11.

- (24) Storage warehouse.
- (25) Any other use, in the opinion of the approving authority, substantially similar to those identified in this subsection.

**SECTION 3.** Chapter 120 “Land Use,” Part 3 “Zoning,” Article 23 “Zone District Regulations,” Section 6 “C Commercial Zone District,” Subsection F (§120-23.6(F)) shall be amended as follows:

Note: Additions are shown in **bold and underlined**, and deletions are shown as ~~strike-through~~.

F. Bulk and lot regulations. The following bulk and lot regulations shall apply to all uses permitted in the C Zone District, unless more stringent requirements are provided by this chapter:

- (1) Minimum lot area. Every lot shall contain a minimum lot area of 20,000 square feet.
- (2) Minimum lot width. Every lot shall have a minimum lot width of 100 feet.
- (3) Minimum lot frontage. There shall be a minimum lot frontage of 100 feet.
- (4) Minimum lot depth. There shall be a minimum of 100 feet of lot depth.
- (5) Setbacks.
  - (a) Front. A ten-foot front yard setback is required. A corner lot shall have a twenty-five-foot front yard which is parallel to the street with the larger right-of-way. The front yard on a street with a lesser right-of-way may be reduced to 15

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feet. For corner lots facing two streets with equal rights-of-way, a twenty-five-foot front yard setback is required.

(b) Rear. A ten-foot rear yard setback is required. If the rear property line is adjacent to a residential zone or residential use, a 20-foot rear yard setback is required, a minimum of 10 feet of the setback is required to be buffered with landscaping, in accordance with § 120-17.25(B).

(c) Side. Minimum side yard shall be five 10 feet with a total of ~~15~~ 20 feet for both side yards. If the side property line is adjacent to a residential zone, a minimum of five 10 feet of the setback is required to be buffered with landscaping heavily landscaped, in accordance with § 120-17.25(B).

(6) Maximum building height. No principal building shall exceed the maximum of three habitable floors, exclusive of basement, but not more than 35 feet in height.

(7) Maximum building coverage shall not exceed 50%.

(8) Maximum impervious cover shall not exceed 80%.

(9) Minimum open space ratio. The minimum area of the lot that shall be provided as landscaped open space shall be 20% of the total lot area. Such landscaped area shall be planted with lawn, shrubs, hedges, flowering plants or trees. Walkways provided in such a landscaped area may be included in the minimum open space area, provided they do not exceed 5% of the total lot area.

(10) Maximum floor area ratio. The total habitable floor area of all buildings or structures on any lot shall not be more than 125% of the total lot area.

**SECTION 4.** Chapter 120 “Land Use,” Part 3 “Zoning,” Article 23 “Zone District Regulations,” Section 6 “C Commercial Zone District,” Subsection G (§120-23.6(G)) shall be enacted as follows:

Note: Additions are shown in **bold and underlined**, and deletions are shown as ~~strikethrough~~.

### **G. Design and site requirements.**

- (1) **Parking areas shall be screened from view from residential zones by landscaping, fencing, or a combination thereof to create a buffer in accordance with § 120-17.25(A)(3)(b) and § 120-17.25(B).**
- (2) **Trash disposal areas shall be located as far from residential zone boundaries as possible and shall be buffered and screened accordance with § 120-17.25(A)(3)(d) and § 120-17.25(B).**
- (3) **Lighting shall be located no closer than 8 feet to an adjoining residential district and shall not exceed 8 feet in height. Lighting shall be designed to avoid up-lighting or halo effect with fixtures incorporating shielding/cutoffs to prevent spillage off site and on adjacent residential properties. Property illumination must not exceed 4.0 footcandle anywhere and shall not exceed 0 footcandle at any part of the property line shared with a residential zone.**

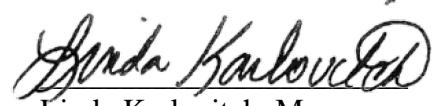
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**SECTION 5.** After adoption by the Borough Council on first reading, a copy of this ordinance shall be submitted to the Planning Board for a Consistency Hearing, pursuant to N.J.S.A. 40:55D-26a and as required by N.J.S.A. 40:55D-64.

**SECTION 6.** If any section, paragraph, subdivision, sentence, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, sentence, clause, or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

**SECTION 7.** Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**SECTION 8.** This Ordinance shall take effect upon final passage and publication according to law.



Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION				
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.
		X				PATRICK BOYLE			X		
		X				JOSEPH FINISTRELLA			X		
	X	X				TONI GIORDANO PICERNO			X		
		X				WILLIAM MAURO		X	X		
X		X				SAVINO SCORESE	X		X		
		X				DOUGLAS PIPER			X		
Introduced: March 5, 2025			I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.								
Final Adoption: April 2, 2025			 Laura Reinertsen, Borough Clerk								

