

ORDINANCE NO. 2022-09

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 120, "LAND USE, PART 3 "ZONING" OF THE CODE OF THE BOROUGH OF KENILWORTH

WHEREAS, the Municipal Land Use Law ("MLUL") (N.J.S.A. §§ 40:55D-1 *et seq.*) enables municipalities to adopt, and subsequently amend, zoning ordinances relating to the nature and extent of the uses of land, buildings and structures within a municipality; and

WHEREAS, pursuant to N.J.S.A. 40:55D-62, all provisions of such zoning ordinance or amendment or revision shall either be substantially consistent with the land use plan element and housing element of the municipality's Master Plan or designed to effectuate such plan elements; and

WHEREAS, pursuant to N.J.S.A. 40:55D-89, a municipality shall provide for a general reexamination of their Master Plan at least every ten years; and

WHEREAS, Borough of Kenilworth (the "Borough") conducted a general reexamination of the Master Plan, and prepared a Master Plan Reexamination Report (the "Reexamination Report"), which was adopted by the Planning Board¹ on May 2, 2022; and

WHEREAS, the Reexamination Report reevaluated the Borough's land uses and zoning ordinance and determined that there have been significant changes in conditions and circumstances in traffic congestion, pedestrian access, and creation of "dead" spaces along the boulevard to the detriment of existing retail and restaurants since the zoning ordinance was last amended; and

WHEREAS, the Reexamination Report recommends amendments to certain aspects of the Borough's zoning ordinance to address the above concerns; and

WHEREAS, Chapter 120 "Land Use", Part 3, "Zoning" of the Code of the Borough of Kenilworth (the "Code") regulates zoning and establishes permissible and conditional uses within the Borough.

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

SECTION 1. The foregoing whereas clause is incorporated herein by reference and made a part hereof.

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

SECTION 2. Chapter 120, Land Use, Part 3, Zoning, is hereby amended in the following manner:

§ 120-23.4. BD Boulevard Downtown Zone District.

A. Purpose of the district. The downtown should be a place with many diverse retail shops and restaurants where the community can gather on nights and weekends, conduct business, buy personal and household needs and be a part of Borough life. The Boulevard Downtown District has been created to replace the current Local Commercial Zone along the Boulevard between 18th Street and near Market Street. The BD Zone District is intended to encourage retail sales and personal services oriented to pedestrian shopping on the ground floor and other commercial activity on the upper floors.

B. Principal uses and structures. The following principal uses and structures shall be permitted in the BD Zone District. Principal uses which are substantially similar to the listed principal uses shall be permitted uses.

¹ N.J.S.A. § 40:55D-89 ("the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination").

- (1) Business establishments devoted primarily to the retail sales of goods and personal services on the premises, including restaurants and food establishments intended for food consumption on the premises or for takeout of food, and taverns.
- (2) Banks and other financial institutions engaged in the business of accepting deposits from the public and/or extending credit to the public in the form of loans. Such business must be conducted on the premises and must be the principal activity of the use on the premises.
- (3) General, administrative, executive and professional offices.
- (4) Medical offices.
- (5) Veterinary offices.
- (6) Museums, art galleries and indoor motion-picture theaters, and theaters for conducting live entertainment or cultural performances.
- (7) Municipal parking facilities.
- (8) Offices on the second or third floor of a building.
- (9) Child-care centers.
- (10) Funeral homes.
- (11) Indoor commercial recreational facilities and schools of martial arts, yoga, and dance instruction.
- (12) Any other use, in the opinion of the approving authority, substantially similar to those identified in this subsection.

C. Accessory uses and structures. The following accessory uses and structures shall be permitted in the BD Zone District:

- (1) Parking and parking facilities as regulated in Article 27.
- (2) Signs, pursuant to the provisions of Article 31, for the uses for which signs are permitted.
- (3) Antennas, as regulated in Article 28.
- (4) Outdoor seating in conjunction with a permitted restaurant or eating and drinking establishment, subject to the following:
 - (a) The consumption of food by the public at tables located within that portion of the sidewalk which lies between the public street and the building's principal facade, excepting therefrom an unobstructed area at least four feet in width to permit the passage of pedestrians.
 - (b) Containing readily removable tables, chairs and other such temporary railings, furniture and structures.
 - (c) Unenclosed by fixed walls, ceilings or fences, except for retractable awnings, removable barriers, umbrellas or other nonpermanent enclosures.
- (5) Other accessory uses and structures customarily subordinate and incidental to permitted principal uses and permitted conditional uses.
- (6) Reference is made to Article 24 as it relates to accessory uses and structures in nonresidential zones.

D. Conditional uses and structures. The following conditional uses and structures shall be permitted only if they comply with the appropriate regulations for such uses or structures in Article 30:

- (1) Nonprofit chartered membership organizations.
- (2) Residential-type public utility facilities.
- (3) Certain telecommunications antennas, as set forth in Article 28.
- (4) Gasoline and automotive service stations presently existing.
- (5) Private commercial parking lots as a principal use.
- (6) Public utility facilities.

E. Prohibited uses and structures:

- (1) Any uses and structures other than those uses or structures permitted in Subsection B, C, or D above are prohibited.
- (2) The operation of cultivation facilities, product manufacturing facilities and/or testing facilities for marijuana, hashish and/or cannabis, and/or products containing same, and/or paraphernalia that facilitates the use of marijuana, hashish and/or cannabis.

[Added 6-9-2021 by Ord. No. 2021-06]

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

- (1) Minimum lot area. Every lot shall contain a minimum lot area of 2,500 square feet.
- (2) Minimum lot width. Every lot shall have a minimum lot width of 25 feet.
- (3) Minimum lot frontage. There shall be a minimum lot frontage of 25 feet for all lots.
- (4) Minimum lot depth. There shall be a minimum of 100 feet of depth.
- (5) Setbacks.
 - (a) Front. No front yard setback is required.
 - (b) Rear. Ten feet or 10% of the lot depth, whichever is greater.
 - (c) Side. No side yard will be required unless the side property line is adjacent to a residential zone, where a minimum side yard of five feet, which is to be heavily landscaped, is required.
- (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 80%.
- (8) Maximum impervious cover shall not exceed 90%.
- (9) Minimum open space ratio. The minimum area of the lot that shall be provided as landscaped open space shall be 10% of the total lot area. Such landscaped area shall be planted with lawn, shrubs, hedges
- (10) Maximum floor area ratio. The total habitable floor area of all buildings or structures on any lot shall not be more than 250% of the total lot area.

G. Other regulations. In addition to the above requirements, any development in the BD Zone District must comply with all applicable regulations of this chapter.

§ 120-23.5. AC Area Commercial Zone District.

A. Purpose of district. The purpose of the AC Area Commercial District is to encourage retail and wholesale sales, personal and business services, as well as business, administrative and professional offices. Well-planned, larger-scale commercial developments designed in a comprehensive manner, integrating the needs of pedestrians, employees and vehicles, are also encouraged.

B. Permitted uses. In the AC 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.
- (3) Supermarkets.
- (4) Restaurants and eating and drinking establishments.
- (5) Taverns.
- (6) Banks and financial institutions, including drive-through banks.
- (7) Art, music and dance studios.
- (8) Motor inns and hotels.
- (9) Banquet and catering facilities.
- (10) General, administrative, executive and professional offices.
- (11) Medical offices.
- (12) Veterinary offices.
- (13) Computer and data processing centers.
- (14) Indoor commercial recreational facilities.
- (15) Museums, art galleries and indoor motion-picture theaters, and theaters for conducting live entertainment or cultural performances.
- (16) Child-care centers.
- (17) Municipal parking facilities.
- (18) Wholesale commercial establishments.
- (19) Dry cleaner.
- (20) Fine arts schools.
- (21) Automobile gasoline and service stations.

(22) Car wash.

(23) Funeral homes.

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

C. Accessory uses and structures. Accessory uses and structures in the AC Zone District shall be subject to the following requirements:

(1) Parking and parking facilities as regulated in Article 27.

(2) Signs as regulated in Article 31.

(3) Antennas as regulated in Article 28.

(4) Mobile storage structures are prohibited, except to the extent they are regulated by the definition of "mobile storage structures" in Article 1.

(5) Outdoor seating in conjunction with a permitted restaurant or eating and drinking establishment, subject to the following:

(a) The consumption of food by the public at tables located within that portion of the sidewalk which lies between the public street and the building's principal facade, excepting therefrom an unobstructed area at least four feet in width to permit the passage of pedestrians.

(b) Containing readily removable tables, chairs and other such temporary railings, furniture and structures.

(c) Unenclosed by fixed walls, ceilings or fences, except for retractable awnings, removable barriers, umbrellas or other nonpermanent enclosures.

(6) Day-care center.

(7) Storage areas.

(8) Other accessory uses and structures customarily subordinate and incidental to permitted principal and/or permitted conditional uses.

(9) Reference is made to Article 24 as it relates to accessory uses and structures in nonresidential zones.

D. Conditional uses and structures. The following uses and structures shall be permitted in the AC Zone District only if they comply with the appropriate regulations for such uses or structures in this chapter:

(1) Public utility facilities.

(2) Nonprofit chartered membership organizations.

(3) Certain telecommunications antennas as set forth in Article 28.

(4) Private commercial parking lots as a principal use.

E. Prohibited uses and structures:

(1) Any use or structure other than those uses or structures permitted in Subsection A, B, C or D above is prohibited.

(2) The operation of cultivation facilities, product manufacturing facilities and/or testing facilities for marijuana, hashish and/or cannabis, and/or products containing same, and/or paraphernalia that facilitates the use of marijuana, hashish and/or cannabis.

[Added 6-9-2021 by Ord. No. 2021-06]

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

(1) Minimum lot area. Every lot shall contain a minimum lot area of 40,000 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 for all lots.

(4) Minimum lot depth. There shall be a minimum of 200 feet of lot depth.

(5) Setbacks.

(a) Front. A fifty-foot front yard setback is required. A corner lot shall have a fifty-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 30 feet. For corner lots facing two streets with equal rights-of-way, a fifty-foot front yard setback is required.

(b) Rear. A thirty-foot rear setback is required.

(c) Side. Minimum side yard shall be 15 feet with a total of 40 feet for both side yards. If the side property line is adjacent to a residential zone, a minimum of five feet is required to be heavily landscaped.

(6) Maximum building height. No principal building shall exceed the maximum of three habitable floors, exclusive of basement, but not more than 40 feet in height.

(7) Maximum building coverage shall not exceed 40%.

(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 100% of the total lot area.

§ 120-23.6. C Commercial Zone District.

A. Purpose of district. The purpose of the C Commercial District is to encourage retail and wholesale sales, personal and business services, as well as business, administrative and professional offices. Well-planned, larger-scale commercial developments designed in a comprehensive manner, integrating the needs of pedestrians, employees and vehicles, are also encouraged. Multifamily residential buildings are also encouraged as a transitional use. This zone is intended to function as a transition zone between residential and industrial zones.

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

C. Accessory uses and structures. Accessory uses and structures in the C Zone District shall be subject to the following requirements:

- (1) Parking and parking facilities as regulated in Article 27.
- (2) Signs as regulated in Article 31.
- (3) Antennas as regulated in Article 28.
- (4) Mobile storage structures are prohibited, except to the extent they are regulated by the definition of "mobile storage structures" in Article 1.
- (5) Outdoor seating in conjunction with a permitted restaurant or eating and drinking establishment.
- (6) Day-care center.
- (7) Storage areas.
- (8) Other accessory uses and structures customarily subordinate and incidental to permitted principal and/or permitted conditional uses.
- (9) Reference is made to Article 24 as it relates to accessory uses and structures in nonresidential zones.

D. Conditional uses and structures. The following uses and structures shall be permitted in the C Zone District only if they comply with the appropriate regulations for such uses or structures in this chapter:

- (1) Public utility facilities.
- (2) Nonprofit chartered membership organizations.
- (3) Certain telecommunications antennas as set forth in Article 28.
- (4) Private commercial parking lots as a principal use.
- (5) Multifamily apartment buildings with a density of less than 26 units per acre.

E. Prohibited uses and structures:

- (1) Any use or structure other than those uses or structures permitted in Subsection A, B, C or D above is prohibited.
- (2) The operation of cultivation facilities, product manufacturing facilities and/or testing facilities for marijuana, hashish and/or cannabis, and/or products containing same, and/or paraphernalia that facilitates the use of marijuana, hashish and/or cannabis.

[Added 6-9-2021 by Ord. No. 2021-06]

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 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 setback is required.
 - (c) Side. Minimum side yard shall be five feet with a total of 15 feet for both side yards. If the side property line is adjacent to a residential zone, a minimum of five feet is required to be heavily landscaped.
- (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.

§ 120-23.8. I Industrial Zone District.

A. Purpose. This zone is designed to protect and concentrate those commercial and industrial/manufacturing uses that are currently viable and those sites for which industrial/commercial reuse is feasible and probable. It is also designed for those industrial and commercial uses which have a minimum of environmental impacts but have vehicular traffic or utilitarian or operational requirements that make them more appropriately located adjacent to major arterials and compatible land uses, rather than residential uses.

B. Permitted uses. In the I District, only the following uses shall be permitted, under the performance standards in § 120-22.14, except as provided in Subsections C and D. Principal uses which are substantially similar to the listed principal uses shall be permitted uses.

- (1) Activities of an industrial nature and associated office and clerical activities, provided that they do not cause a nuisance or hazard due to fire, toxic or corrosive fumes, gas, smoke, odors, flashes or objectionable effluent.
- (2) Public utility and public service activities of an industrial character.
- (3) Public garages, automotive repair shops, and new motor vehicle sales and used motor vehicle sales in conjunction therewith, all fully enclosed in a building.
- (4) Storage warehouses, lumber and building material sales and storage and contractor storage yards.
- (5) Processing, assembling, finishing, packaging and storing of goods and materials.
- (6) Packaging and bottling establishment.
- (7) Metalworking and welding activities, excluding the use of heavy machinery of a nuisance-producing character.
- (8) Household appliance repairs, reupholstering and furniture repairs.
- (9) Research laboratories.
- (10) Animal hospitals and kennels.
- (11) Automotive service stations at which motor fuel and oil are dispensed; lubrication, maintenance and minor repair services are performed; tires, batteries and other automobile accessories are sold; and vehicles are washed, provided that they are not within 500 feet of another station, whether said station is inside or outside the Borough limits.
- (12) Telecommunications towers, antennas and appurtenant facilities; all such uses shall comply with the provisions of Article 28. Clustering or grouping of multiple towers is disfavored in the Borough; co-location of antennas on existing towers is encouraged.
- (13) Retail establishments.
- (14) Personal and consumer service uses.
- (15) Restaurants and eating and drinking establishments.
- (16) Taverns.
- (17) Banks and financial institutions, including drive-through banks.
- (18) Art, music and dance studios.
- (19) General, administrative, executive and professional offices.
- (20) Medical offices.
- (21) Veterinary offices.
- (22) Computer and data processing centers.
- (23) Indoor commercial recreational facilities.
- (24) Child-care centers.
- (25) Wholesale commercial establishments.
- (26) Dry cleaner.
- (27) Fine arts schools.
- (28) Private schools.
- (29) Automobile gasoline and service stations.
- (30) Car wash.
- (31) Funeral Homes**

C. Accessory uses and structures. Accessory uses and structures in the I Zone District shall be subject to the following requirements:

- (1) Parking and parking facilities as regulated in Article 27.
- (2) Signs as regulated in Article 31.
- (3) Antennas as regulated in Article 28.

- (4) Mobile storage structures are prohibited, except to the extent they are regulated by the definition of "mobile storage structures" in Article 1.
- (5) Outdoor seating in conjunction with a permitted restaurant or eating and drinking establishment.
- (6) Storage areas and buildings as accessory uses shall preferably be confined to enclosed buildings, but may be permitted in outdoor areas or compounds, provided that such an area or compound shall be screened on all sides by a solid masonry wall, solid fence or dense evergreen planting not less than six feet in height. Such accessory storage shall not exceed 10% of the lot area and shall be so arranged at the rear of the building as to be minimally visible from a street. No unscreened outdoor storage areas shall be permitted.
- (7) Other accessory uses and structures customarily subordinate and incidental to permitted principal and/or permitted conditional uses.
- (8) Reference is made to Article 24 as it relates to accessory uses and structures in nonresidential zones.

D. Prohibited uses and structures:

- (1) Any use or structure other than those uses or structures permitted in Subsection A, B, or C above is prohibited.
- (2) The operation of cultivation facilities, product manufacturing facilities and/or testing facilities for marijuana, hashish and/or cannabis, and/or products containing same, and/or paraphernalia that facilitates the use of marijuana, hashish and/or cannabis.

[Added 6-9-2021 by Ord. No. 2021-06]

E. Bulk and lot regulations. The following bulk and lot regulations shall apply to all uses permitted in the I 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 fifteen-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 10 feet. For corner lots facing two streets with equal rights-of way, a fifteen-foot front yard setback is required.
 - (b) Rear. A ten-foot rear setback is required.
 - (c) Side. Minimum side yard shall be five feet with a total of 15 feet for both side yards. If the side property line is adjacent to a residential zone, a minimum of five feet is required to be heavily landscaped.
- (6) Maximum building height. No principal building shall exceed three stories and 40 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.
- (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.

F. Design and site requirements.

- (1) Landscaping.
 - (a) All portions of a lot not covered by buildings and outdoor storage enclosures and pedestrian and vehicular surfaces shall be landscaped and thereafter maintained in good condition. "Landscaping" shall mean the planting of grass, shrubs, trees and other comparable ground cover. Appropriate foundation plantings along the front building line shall be provided.
 - (b) When the lot, or portion thereof, on which parking or loading spaces are located abuts the rear line or side line of, or is across the street from, any land in a residential district, a solid

wall, solid fence or compact evergreen planting no less than four feet in height shall be provided and maintained in good condition. Such screen shall be located adjacent to parking or loading areas rather than on the periphery of the lot.

(c) Luminaries on off-street parking areas shall not be more than 15 feet above ground level and shall be arranged and designed so as not to cause offensive light or glare in abutting or nearby residential properties.

[Amended 9-12-2018 by Ord. No. 2018-14]

(2) Architectural appearance. No permit shall be granted in an I District for a building or use if the design or construction of the building is so markedly incongruous with the character of the neighborhood as to be seriously detrimental to the value of adjacent or nearby property. For this purpose, the Planning Board shall review all plans.

§ 120-23.12. CS Community Serving Zone District.

A. Purpose of district. The purpose of the Community Serving (CS) Zone District is to establish and preserve areas for community services which are needed to serve the residents of the Borough. The Community Serving District shall include those lands currently occupied by uses that serve the community while owned by nongovernmental organizations, such as the following:

- (1) Churches, synagogues and mosques.
- (2) Public and private educational institutions and services (other than state education facilities), including public, private and religious schools.
- (3) Veterans organizations.
- (4) Community groups.

B. Principal uses and structures: houses of worship; parochial schools; nonprofit chartered membership organizations; religious, recreational, social, educational and cultural purposes, subject to the performance standards in § 120-22.14.

C. Accessory uses and structures: off-street parking and signs.

D. Bulk and lot regulations: none. Reasonable standards shall be applied by the approving authority during site plan review.

E. Prohibited uses and structures:

[Added 6-9-2021 by Ord. No. 2021-06]

(1) The operation of cultivation facilities, product manufacturing facilities and/or testing facilities for marijuana, hashish and/or cannabis, and/or products containing same, and/or paraphernalia that facilitates the use of marijuana, hashish and/or cannabis.

(2) No new Community Serving uses shall be allowed with any frontage on the Boulevard.

SECTION 3. A copy of this Ordinance after adoption by the Municipal Council on first reading shall be submitted to the Planning Board for a Consistency Hearing, pursuant to N.J.S.A 40:55D-26a.

SECTION 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

SECTION 5. 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.	NP
		X				KAY CECERI			X			
	X	X				MARK DAVID					X	
X		X				JOSEPH FINISTRELLA	X		X			
		X				SCOTT PENTZ			X			
		X				FRED PUGLIESE			X			
		X				JOHN ZIMMERMAN	X	X				
Introduced: May 4, 2022			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: June 1, 2022			 Kathleen Moschitta, Deputy Borough Clerk									