

# **BOROUGH OF LEONIA**

## **ORDINANCE NO. 2020-07**

### **AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 236 “SITE PLAN REVIEW” ARTICLE II “ADMINISTRATION AND MANAGEMENT” SECTION 15 “CHANGE OF USE” OF THE CODE OF THE BOROUGH OF LEONIA**

**WHEREAS**, the Mayor and Council of the Borough of Leonia have determined that the provisions of the size limitations for a change of use are unworkable; and

**WHEREAS**, the Mayor and Council have determined that the Zoning Officer shall be given discretion to waive the requirements for a change of use review for properties consisting of less than 2,500 square feet in a building that has several occupants.

**BE IT ORDAINED** by the Mayor and Council of the Borough of Leonia, County of Bergen, State of New Jersey, as follows:

#### **Section 1.**

Chapter 236 “Site Plan Review” Article II “Administration and Management” Section 236-15 “Change of Use” Subsection E of the Code of the Borough of Leonia is amended and supplemented in its entirety, as follows:

§236-15        Change of Use.

- E.        Upon the request of an applicant, the Zoning Officer may waive the requirements of this section for premises consisting of less than 2,500 square feet (not including basement storage), provided that the Zoning Officer is satisfied that the change of occupancy does not materially affect the present use or intensity of activity on the premises. Factors to be considered by the Zoning Officer for granting a waiver are compatibility of uses, number of employees, parking required, and any alteration or modification to the premises.

#### **Section 2.**

The Borough Clerk is hereby directed to give notice at least ten 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 a 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 3.**

Should any section, part or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

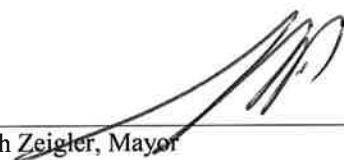
**Section 4.**

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.


**Section 5.**

This ordinance shall take effect immediately upon publication and final passage according to law.


	Motion	Second	Yes	No	Abstain	Absent
<b>Fusco</b>	✓		✓			
<b>Davis</b>		✓	✓			
<b>Flaim</b>			✓			
<b>Grandelis</b>			✓			
<b>Terrell</b>			✓			
<b>Ziegler</b>			✓			
<b>Mayor Zeigler</b>	---	---				

  
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Judah Zeigler, Mayor

ATTEST:

  
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Anne Dodd, RMC  
Borough Clerk

I hereby certify the foregoing to be a true copy of an Ordinance No. 2020-08 adopted by the Governing Body of the Borough of Leonia on April 6, 2020.

  
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Anne Dodd, RMC  
Borough Clerk