

ORD. #10-2009

AN ORDINANCE TO AMEND CHAPTER 400 ENTITLED "LAND USE" TO MODIFY §400-101 ENTITLED "NONRESIDENTIAL DISTRICTS" TO PERMIT RESTAURANTS, BARS AND NIGHTCLUBS AS PERMITTED PRINCIPAL USES IN THE C-1 COMMERCIAL ZONE DISTRICT AND TO REVISE THE SCHEDULE OF LIMITATIONS FOR NONRESIDENTIAL DISTRICTS TO IMPLEMENT A MINIMUM LOT FRONTAGE REQUIREMENT

WHEREAS, the Township of Mount Olive has established residential and nonresidential zone districts and a comprehensive set of land use regulations as set forth in Chapter 400, entitled "Land Use" in the Township Code; and

WHEREAS, Chapter 400 provides for both residential zone districts in §400-100 and nonresidential zone districts in §400-101 wherein certain land uses are permitted as conditional uses in accordance with N.J.S. 40:55D-67; and

WHEREAS, within the C-1 Commercial Zone District, restaurants, bars and nightclubs are classified as Conditional Uses subject to only two specific standards: minimum lot area of one acre and minimum lot frontage of 200 feet; and

WHEREAS, the Planning Board has determined that it is not necessary to continue to assign Conditional Use status to restaurants, bars and nightclubs inasmuch as the one acre lot standard applies to all principal permitted uses in the C-1 Commercial Zone District and the minimum lot frontage of 200 feet will be, upon adoption of the present Ordinance, applicable to all principal permitted uses in the aforementioned zone district; and

WHEREAS, the Planning Board is of the opinion that it is more appropriate to include restaurants, bars and nightclubs as a principal permitted use in the C-1 Commercial Zone District; and

WHEREAS, the Planning Board does further recommend a modification to the lot dimensional requirements for all land use categories in the Township's nonresidential zone districts whereby there would be a minimum lot frontage requirement, as is defined in §400-6 and where said minimum lot frontage would be the same linear dimension as that required for lot width, also defined in §400-6 for each nonresidential zone district; and

WHEREAS, the Township Council of the Township of Mount Olive concurs with the recommendations put forward by the Planning Board and does find that the proposed changes are appropriate and will serve the public health, safety, morals, and general welfare of the community.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mount Olive, County of Morris and State of New Jersey that the Township's Land Use Ordinance be amended to revise the categories of "restaurants, bars, and nightclubs" from Conditional Use to Permitted Principal Use in the C-1 Commercial Zone District and to incorporate minimum lot frontage standards in the nonresidential zone districts in accordance with the recommendation of the Planning Board.

Section 1. Article VII, entitled “Zoning District Use and Bulk Regulations”, §400-101, entitled “Nonresidential districts” is hereby amended as follows:

A. C-1 and C-2 Commercial Districts. The purpose of these districts is to recognize areas of existing retail development and to provide opportunities for new areas near existing and proposed population centers for the location of commercial services, limited entertainment facilities and employment opportunities.

(1) Permitted principal uses shall be as follows:

(a) through (c): No change.

(d) Restaurants, bars and nightclubs ~~in the C-2 District only.~~

(e) through (m): No change.

(2) Permitted accessory uses shall be as follows:

(a) No change.

(3) Conditional uses shall be as follows:

(a) C-1 District.

[1] through [5]: No change.

~~[6] Restaurants, bars, and nightclubs, provided that the minimum lot area is one acre and the minimum lot frontage is 200 feet.~~

[67] Banks and similar financial institutions provided that the minimum lot area is one acre and the minimum lot frontage is 200 feet.

[78] Fast-food restaurants in accordance with § 400-101A(3)(b)[2].

(3) (b) C-2 District: [1] through [3]: No change.

(4): No change.

(5) Bulk regulations shall be as follows:

(a) and (b): No change.

(c) See attached Schedule of Limitations.

The Schedule of Limitations, Nonresidential Districts (400 Attachment 4) shall be modified to include a footnote to the column entitled “Lot Width” to read as follows:

“The minimum lot frontage shall be the same as the lot width except that on curved alignments with an outside radius of less than five hundred (500) feet, the lot frontage shall not be less than seventy-five percent (75%) of the required lot width.”

Section 2.

If any section or subsection of this ordinance shall be found or declared to be invalid, illegal or unconstitutional, that shall not affect the remainder thereof, which shall remain in full force and effect.

Section 3.

This ordinance shall take effect upon final adoption, publication, and publication of a notice for final adoption and the filing of same with the Morris County Planning Board.

ATTEST

Lisa Lashway, Township Clerk

Russell Tepper, Council President

CERTIFICATION

I, Lisa Lashway, Township Clerk, Township of Mount Olive, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title, and passed on first reading at a regular meeting of the Mount Olive Township Council held on _____, 2009 and adopted by the Township Council at a regular meeting of the Township held on _____, 2009.

Lisa Lashway, Township Clerk