ORDINANCE NO. 24-2012

AN ORDINANCE OF THE TOWNSHIP OF HARRISON, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY AMENDING CHAPTER 225 ENTITLED "ZONING" OF THE CODE OF THE TOWNSHIP OF HARRISON

WHEREAS, the Mayor and Committee, Township of Harrison, have determined that certain amendments to Chapter 225 entitled "Zoning" are necessary; and

WHEREAS, in all other respects Chapter 225 entitled "Zoning" shall remain in full force and effect;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

§225-3. entitled "Definitions and Word Usage" shall be amended to read as follows:

RESTAURANT, DRIVE-THRU OR DRIVE-IN – A restaurant, refreshment stand, snack bar, dairy bar, hamburger stand or hot dog stand where food is served primarily for consumption at counters, stools or bars outside or inside the building for consumption in automobiles parked, or waiting in line on the premises, or purchased while in an automobile, and/or while being served at an exterior window, commonly referred to as a "drive-thru," whether brought or delivered to said automobiles by the customer or by employees of the restaurant, regardless of whether or not additional seats or other accommodations are provided for customers inside the building.

Section 2.

§225-16.B.(1) ("C-1 Village Center District") entitled "Uses by right" shall be amended to read as follows:

(h) Book store, ~~stationary~~ stationery store.

(r) Restaurant, provided that no restaurant or similar use shall be conducted as a drive-in or drive-thru service establishment. ~~or refreshment stand (sometimes called snack bar, dairy bar, hamburger stand or hot dog stand), where customers and patrons are served food and/or drinks for immediate consumption outside the building in which the business is conducted~~

Section 3.

§225-16.1.C. ("VB Village Business District") entitled "Use Regulations" shall be amended to read as follows:

(5) Restaurant, ~~other than drive-through, to~~ which may include a sidewalk café, or outdoor seating. Drive-thru and drive-in restaurants are prohibited.

(6) Coffee shop or tea room, ~~other than drive-through, to~~ which may include outside service. Drive-thru and drive-in restaurants are prohibited.

Section 4.

§225-17.B. ("C-2 General Commercial District") entitled "Uses By Right" shall be amended to read as follows:

(5) Eating establishments, including restaurants, lunch counters, delicatessens, tearooms, cafes, taverns, confectionery or similar establishments serving food or beverages which are consumed inside the establishment. Drive-thru and drive-in restaurants are prohibited.

Section 5.

§225-18.1.D. ("C-55 Flexible Planned Industrial-Commercial District") entitled "Permitted Conditional Uses" shall be amended whereby subparagraph (1) entitled "Drive-through restaurant" shall be deleted in its entirety, and the remaining subparagraphs shall be re-numbered accordingly.

Section 6.

§225-18.3.C. ("C-6 Flexible Planned Commercial District") entitled "Permitted Uses" shall be amended to read as follows:

(13) Eating establishments, including restaurants, lunch counters, delicatessens, tearooms, cafes, confectionery or similar establishments serving food or beverages which are consumed inside the establishment. Further provided that no restaurant or similar use shall be conducted as a drive-in or drive-thru service establishment. ~~or refreshment stand (sometimes called snack bar, dairy bar, hamburger stand or hot dog stand), where customers and patrons are served food and/or drinks for immediate consumption outside the building in which the business is conducted.~~

Section 7.

§225-18.4.D.("C-56 Flexible Planned Industrial-Commercial District) entitled "Permitted Conditional Uses" shall be amended whereby subparagraph (1) entitled "Drive-through restaurant" shall be deleted in its entirety, and the remaining subparagraphs shall be re-numbered accordingly.

Section 8.

§225-22.A. ("Main Street District") entitled "Permitted Uses" shall be amended to read as follows:

(6) Eating and drinking establishments, provided that:

(a) No business shall be conducted as a drive-in or drive-thru establishment. ~~or refreshment stand where customers and patrons are served food and/or drinks for immediate consumption outside the building in which the business is conducted unless it compiles~~ complies ~~with conditional use – outdoor restaurant.~~

(b) No business shall be permitted a ~~drive-through~~ drive-thru lane or windows for the sale of food or drink to be taken off site by customers.

Section 9.

§225-170. ("PVC Planned Village Center") entitled "Prohibited Uses" shall be amended to read as follows:

The following uses are specifically not permitted:

A. Deep discount department stores: a single store which exceeds 100,000 square feet in area which is characterized as offering the majority of its merchandise for sale at less-than-usual retail prices on a regular basis.

B. Tattoo or piercing parlors.

C. Establishments dedicated to adult entertainment use such as bookstores, theaters or shops having as a substantial or significant portion of their stock-in-trade books, publications, tapes, films or other items which are distinguished or characterized by the emphasis on matter depicting or relating to sexual activities and anatomical genital areas.

D. Drive-in <u>or drive-thru</u> restaurant.

Section 10.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 11.

Severability.

Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 12.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

TOWNSHIP OF HARRISON

BY:_____
LOUIS F. MANZO, MAYOR

ATTEST:

_____
DIANE L. MALLOY, Municipal Clerk

NOTICE

The Ordinance published herein was introduced and passed upon first reading at a meeting of the Mayor and Committee of the Township of Harrison, in the County of Gloucester and State of New Jersey, held on April 2, 2012. It will be further considered for final passage, after public hearing hereon, at a meeting of said Mayor and Committee to be held in the Township's Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062, in the Township, on April 16, 2012 at 7:30 P.M. During the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office at the Municipal Building, 114 Bridgeton Pike, in the Township, to the members of the general public who shall request the same.

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DIANE L. MALLOY
Municipal Clerk