

ORDINANCE #19-19

AMENDING CHAPTER XXV, LAND USE REGULATIONS, TO REFLECT REVISIONS TO THE GENERAL COMMERCIAL DISTRICT (GC) REGULATIONS

WHEREAS, the Borough of Keyport (the “**Borough**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Borough Code of General Ordinances (the “**Code**”) provides for the regulation of development within the Borough, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, the Mayor and Borough Council desire to amend Chapter 25, Article I of the Code, entitled “Zoning,” to reflect certain revisions to the General Commercial District (GC) Regulations, pursuant to N.J.S.A. 40:55D-1, et seq.; and

WHEREAS, prior to the Borough Council hearing on the adoption of this Ordinance it shall be referred to the Unified Planning Board as required by N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64 of the Municipal Land Use Law; and

WHEREAS, within thirty (30) days of the adoption of this Ordinance the Borough Clerk shall provide notice, pursuant to N.J.S.A. 40:55D-15 of the Municipal Land Use Law, by personal service or certified mail to the county planning board which notice shall state the effective date of this Ordinance and include a copy of this Ordinance; and

WHEREAS, the Mayor and Borough Council have determined to amend Subchapter 25:1-9.7 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

25:1-9.7 Other Required Conditions.

- a. All uses shall be conducted wholly within a completely enclosed building, except for outdoor dining, drinking and food preparation, service stations, banks, dry cleaners and florists, parking lots, off-street parking and loading facilities, provided such outdoor uses comply with all setback requirements for commercial buildings abutting properties located in a residential zoning district, as set forth in this Section.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Chapter XXV of the Borough Code shall be amended as set forth above.

Section 3. The Mayor and Borough Council hereby refers, and the Borough Clerk is hereby authorized to forward, this proposed Zoning Ordinance amendment, maintained on file with the Borough Clerk, to the Borough’s Unified Planning Board for review and recommendation in accordance with the requirements of N.J.S.A. 40:55D-64.

Section 4. The Borough’s Unified Planning Board is authorized and directed to prepare a report of its recommendations (the “**Unified Planning Board Report**”) to the proposed amendment to the Zoning Ordinance within thirty-five (35) days of the date hereof.

Section 5. If the Borough’s Unified Planning Board Report has not transmitted to the Mayor and Borough Council the Unified Planning Board Report within thirty-five (35) days of the date hereof, the Mayor and Borough Council shall be relieved of the requirement to obtain a planning board report in accordance with N.J.S.A. 40:55D-26.

Section 6. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed.

Section 7. Each section, subsection, sentence, clause and phrase of this ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this ordinance.

Section 8. The Borough Clerk is hereby directed, upon adoption of the ordinance after public hearing thereon, to publish notice of the passage thereof.

Section 9. This ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Introduced: October 1, 2019
Public Hearing: November 12, 2019
Adopted: November 12, 2019

Michele Clark, RMC
Deputy Borough Clerk
Borough of Keyport

Collette J. Kennedy, Mayor
Borough of Keyport