

Ordinance #2017-1183

AN ORDINANCE AMENDING SECTION 606 OF THE ZONING ORDINANCE OF THE BOROUGH OF MANVILLE, COUNTY OF SOMERSET, STATE OF NEW JERSEY TO PERMIT THEATERS AND MOVIE THEATERS PURSUANT TO SECTION 606.1(J) TO SERVE ALCOHOLIC BEVERAGES ON PREMISES WITHOUT CONDITIONAL USE APPROVAL PURSUANT TO SECTION 7 OF THE ZONING ORDINANCE AND IN COMPLIANCE WITH ALL OTHER APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS

WHEREAS, the Borough Council of the Borough of Manville, County of Somerset, State of New Jersey (“Council”), adopted Ordinance No. 643 (“The Zoning Ordinance of the Borough of Manville,” hereinafter the “zoning ordinance”) in 1987; and

WHEREAS, the Council amended the zoning ordinance by Ordinance 95-820 to, inter alia, created a new section of the prior ordinance entitled “Economic Development District,” said district being designated Section 608.1 et seq of the zoning ordinance; and

WHEREAS, Ordinance 95-820 designates the permitted uses of the Economic Development District to be commercial uses as set forth in Section 606.1 of the zoning ordinance, in addition to Automobile Auction Markets and Medical Facilities, Medical Clinics and Day Care Facilities; and

WHEREAS, Ordinance 95-820 designates the permitted uses of the Economic Development District to be, inter alia, commercial uses as set forth in Section 606.1-1 of the zoning ordinance; and

WHEREAS, Section 606.1 of the zoning ordinance states that, pursuant to Subsection (j) thereof, theaters and motion picture theaters are permitted uses inside the Commercial District, and hence permitted uses in the Economic Development District pursuant to Section 608.1-1; and

WHEREAS, Ordinance 95-820 designates the conditional uses of the Economic Development District to the conditional uses as set forth in Section 606.3 of the zoning ordinance, the conditional uses applicable to the Commercial District; and

WHEREAS, pursuant to Section 606.3-7 it is a conditional use to operate a bar, tavern or other establishment for consumption of alcoholic beverages on the premises with the Commercial Zone, and hence the Economic Development District pursuant to Section 608.2; and

WHEREAS, it is the desire of the Borough Council to amend the zoning ordinance to amend Section 606.3 of the zoning ordinance to exclude Section 606.1(j) from the requirements of Section 7 of the aforementioned zoning ordinance (Conditional Use); and

WHEREAS, the Borough Council recognizes that this amendment is restricted to conditional uses approvals of the aforementioned uses pursuant to Section 7 of the zoning ordinance, and further recognizes that said uses would be subject to all other local, state and federal regulations concerning, but not limited to, the consumption, sale and provision of alcoholic beverages; and

BE IT ORDAINED, by the Borough Council of the Borough of Manville in the County of Somerset and State of New Jersey that Section 606 of the Zoning Ordinance of the Borough of Manville, County of Somerset, State of New Jersey, entitled “C-Commercial District,” Section 606.1 entitled “Permitted Uses” and Section 606.3 entitled “Conditional Uses” be and is hereby amended as follows:

Section I

Section 606.1(j) (“Permitted Uses”) shall be amended as follows:

Theater or motion picture theater, including such theaters and motion picture theaters that serve

alcoholic beverages on premises, subject to all applicable local, state and federal regulations including but not limited to those regulations concerning the consumption, sale and provision of alcoholic beverages.

Section II

Section 606.3.7 shall be amended as follows:

Bar, tavern or other establishment for consumption of alcoholic beverages on the premises, except uses pursuant to Section 606.1(j) shall be considered permitted uses pursuant to that subsection.

Section III

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

Section IV

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

Section V

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Borough Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

Borough of Manville,



Richard M. Onderko, Mayor

ATTEST:



Patricia A. Zamorski, Borough Clerk

ORDINANCE #2017 -1183

FIRST READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		SZABO	√			
		CAMACHO	√			
		MAGNANI	√			
	√	PETROCK	√			

		PETRONE	√			
		SKIRKANISH	√			
		MAYOR ONDERKO				

PASSED this 13th day of **March**, 2017.

Patricia A. Zamorski

Attest:

Patricia A. Zamorski, Borough Clerk

SECOND READING:

ROLL CALL

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		SZABO	√			
		CAMACHO	√			
		MAGNANI	√			
	√	PETROCK	√			
		PETRONE	√			
		SKIRKANISH	√			
		MAYOR ONDERKO				

ADOPTED this 27th day of **March**, 2017.

Patricia A. Zamorski

Attest:

Patricia A. Zamorski, Borough Clerk