

ORDINANCE AMENDING CHAPTER 181, DEVELOPMENT REVIEW ORDINANCE AND
ZONING MAP OF THE TOWNSHIP OF HAZLET
PURSUANT TO RECOMMENDATIONS CONTAINED IN
A PERIODIC MASTER PLAN REEXAMINATION REPORT
ADOPTED BY THE LAND USE BOARD ON JULY 20, 2017

WHEREAS, the Township of Hazlet Land Use Board adopted a periodic Master Plan Reexamination Report on July 20, 2017; and

WHEREAS, the Township Committee of the Township of Hazlet has the authority under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., to amend Chapter 181, Development Review Ordinance to implement recommendations contained in the periodic Master Plan Reexamination Report;

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Hazlet that Chapter 181, Development Review Ordinance is hereby amended as set forth below, with additions being underlined and deletions being crossed-out:

181-201 SPECIFIC WORDS AND PHRASES

Automobile dealership - A facility that displays and/or sells new and/or used motor vehicles of any type. These facilities may include but are not limited to the sale of cars, trucks, motorcycles, boats, and RVs.

Automobile fueling station - Any building, land area, or other premises, or portion thereof, used for the retail sale and direct delivery to motor vehicles of fuel and lubricating oil.

Convenience retail - A building, land area, or other premises, or a portion thereof, used for the retail sale of food and other convinces goods and merchandise where such establishment is also associated with the retail sale and direct delivery to motor vehicles of fuel and lubricating oil.

Drive up kiosk - A window or kiosk from which customer services are provided for persons remaining in their vehicle, ~~s, as used in this chapter a "fast food restaurant" shall not be included.~~ (Ordinance No. 1421-07 adopted 10/16/07).

Fast food restaurant - ~~A commercial establishment where food and drink prepared for immediate consumption is purchased at a counter or from a drive thru window and either eaten on the premises, in the purchaser's automobile or off the premises. Those restaurants where food is consumed only at tables on the premises and served either cafeteria style or by waiters and waitresses shall not be deemed "fast food restaurants".~~ (Ordinance No. 1421-07 adopted 10/16/07)

Hotel — A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment and recreational facilities, and so constructed that access and egress from rooms to the outside passes a control desk. shall mean a facility offering transient lodging accommodations to the general public, including additional services such as restaurants, meeting rooms and recreational facilities.

Medical use — An establishment where patients seek medical care for injury, illness, or general well-being. Such establishments may include but are not limited to long-term care facilities, hospitals, emergency medical facilities, out-patient treatment centers, surgery centers, and urgent care facilities.

Mobile Food Vending Unit - shall mean any motorized or non-motorized vehicles, trailer, kiosk, pushcart, stand, display, or other device designed to be portable and not permanently attached to the ground from which only food and non-alcoholic beverages are vended, sold, served, displayed, otherwise offered for sale, or given away at a temporary location.

Motel — An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building. shall mean the same as Hotel.

Restaurant — Any establishment, however designated, at which food is sold for consumption on the premises, normally to patrons seated within an enclosed building. Uses with outdoor seating shall also be considered restaurants. However, a snack bar at a public or community playground, playfield, park, school or swimming pool operated solely by the agency or group operating the recreation facilities and for the convenience of patrons of the facility shall not be deemed to be a restaurant. (Ordinance No. 1421-07 adopted 10/16/07; Ord. No. 1571-2015) shall mean a commercial establishment where food and drink are prepared, served and consumed. As used in this chapter a "Restaurant" shall not include a Restaurant, Fast Food as defined herein.

Restaurant, Drive-In — An establishment where the patrons may purchase food, soft drinks, ice cream and similar confections for takeout or consumption on the premises but outside the confines of the principal building or in automobiles parked upon the premises and where additional seats or other accommodations are provided for on-site consumption. For the purpose of this definition Drive-In Restaurant shall mean the same as Fast Food Restaurant. (Ord. No. 1571-2015) shall mean the same as Restaurant, Fast Food.

Restaurant, Fast Food - Any restaurant with a drive thru window. (Ord. No. 1571-2015) shall mean a commercial establishment where food and drink prepared for immediate consumption is purchased at a counter and either eaten on the premises, in the purchaser's automobile or off the premises and may or may not have a drive-up window. Restaurants where food is consumed only at tables in the premises and served either cafeteria style or by waiter or waitresses shall not be deemed Restaurant, Fast Food.

Retail Sales Establishments — A commercial enterprise that provides goods, merchandise and/or services directly to the consumer, where such goods are available for immediate purchase and removed from the premises by purchaser. Typical uses include, but are not limited to, supermarket, grocery store, bakery, butcher, candy store, department store, appliance store and similar establishments. (Ord. No. 1571-2015)

Retail Service Establishments — Establishments providing services or entertainment, as opposed to products to the general public for personal or household uses, including eating and drinking places, hotels and motels, finance, real estate and insurance offices, personal, health, educational and social services, museums and galleries. (Ordinance No. 1421-07 adopted 10/16/07; Ord. No. 1571-2015)

181-301.01 Zoning Map Amendments

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C. The Development Review Ordinance, Hazlet Township, New Jersey be and hereby is amended to reflect a change in the zoning designation from R-100 residential zoning to Business Highway (BH) for the following properties:

C. 1. Block 63, Lots 3 and 4.

181-401 SCHEDULE A-USE REGULATIONS; PROHIBITED USES

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B. All uses not expressly permitted in this Ordinance are prohibited. Prohibited Uses to include ~~Fast Food Restaurant~~, Automobile Service Stations and Used Automobile Dealerships as defined herein. (Ordinance No. 1421-07 adopted 10/16/07; Ord. No. 1571-2015)

181-404.01 B-N (1) Business Neighborhood District

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B. Permitted Uses

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10. Business and Professional offices

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13. ~~Retail sSales and Personal sServices rendered~~

181-404.03 B-H Business Highway District

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B. Permitted Uses

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13. Restaurant, Fast-Food

14. Retail sales and services

- a. ~~Car wash~~
- b. ~~Laundromat~~
- e. ~~Nail Salon~~

- 15. Theater, motion-picture
- 16. Office Buildings
- 17. Self-storage facility
- 18. Medical uses
- 19. Assisted living facilities

C. Conditional Uses

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- 2. Automobile fueling stations

- a. In this zone, automobile service stations must include a convenience retail use component

181-404.09 CD Commercial District

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B. Permitted Uses

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- 4. Restaurant, Fast Food
- 5. Movie Theatre (Maximum gross floor area of the movie theatre is to be no greater than thirty percent (30%) of total gross floor area, as defined in Section 181-201 of the Development Review Ordinance, for the lot or lots that are being developed as part of an individual site plan application with a maximum seating capacity no greater than three thousand (3,000).
- 6. Automobile fueling station

181-710 Variance Term Limit

A. Expiration of Variances

Any variance granted by the Land Use Board pursuant to N.J.S.A. 40:55D-70.c. or d. shall expire within 12 months of the adoption of the resolution authorizing the variance, unless commencement of construction of each and every structure within such development has begun within the 12-month timeframe. The following exceptions may apply:

- 1. Any variance granted by the Land Use Board pursuant to N.J.S.A. 40:55D-70.c. or d. in conjunction with a site plan or subdivision approval shall be subject to the terms of Article 6 of the MLUL.
- 2. The 12-month time period may be extended by the Land Use Board for an additional six months upon showing of good cause.

B. Timing of Bifurcated Applications

Where an applicant has elected to bifurcate an application for a variance pursuant to N.J.S.A. 40:55D-70.d. and site plan or subdivision approval, the site plan or subdivision application shall be submitted within twelve months of variance approval or the variance approval shall be deemed expired.

BE IT FURTHER ORDAINED that this ordinance shall take effect after publication and passage according to law.

BE IT FURTHER ORDAINED that the Township Clerk shall: (1) give notice at least ten days prior to the hearing on the adoption of this ordinance by email, with confirmation of delivery, to the County Planning Board and to the clerks of all adjacent municipalities; (2) publish this ordinance by title and summary in an official newspaper of the municipality at least one week prior to the hearing on the adoption of this ordinance; and (3) refer this ordinance to the Hazlet Township Land Use Board. Upon adoption of this ordinance, after public hearing thereon, the Township Clerk shall publish notice of the passage thereof and file a copy with the County Planning Board pursuant to N.J.S.A. 40:55D-16.

CERTIFICATION

I, EVELYN A. GRANDI, Municipal Clerk of the Township of Hazlet, do hereby certify that the foregoing is a true copy of an ordinance duly published and adopted in accordance with law by the Township of Hazlet at its meeting held on the 6th day of November, 2017.

ATTEST: 
Evelyn A. Grandi
Municipal Clerk

**REPORT OF THE HAZLET LAND USE BOARD
UNDER N.J.S.A. 40:55D-26**

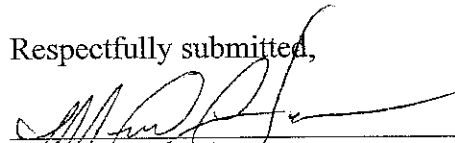
TO: Mayor Scott Aagre and Committee
Hazlet Township
1766 Union Avenue
Hazlet, New Jersey 07730

The Hazlet Township Land Use Board, having considered the ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 181 SECTIONS 401.B AND 201, OF THE DEVELOPMENT REVIEW and pursuant to Section 26 of the Municipal Land Use Law on February 15, 2018 finds the proposed Ordinance consistent with the Master Plan.

The Board also has the following additional comments:

1. None.

Respectfully submitted,



Michael Sachs, Board Chairman