

ORDINANCE 2012-16

AN ORDINANCE AMENDING TITLE 18 “ZONING” OF THE TOWNSHIP OF OCEAN TO DEFINE THE TYPE OF RESTAURANT USES PERMITTED AS AN ACCESSORY USE TO MARINAS IN THE WATERFRONT DEVELOPMENT (WD) ZONE DISTRICT

BE IT ORDAINED by the governing body of the Township of Ocean, County of Ocean, and State of New Jersey as follows:

SECTION 1: The Waterfront Development (WD) Zone District has been established to permit certain residential, marine commercial, institutional, and recreational uses in specified areas along the Township’s waterfront lands east of Route 9. Among the uses permitted in the accessory services for marina uses, such as restaurants, snack bars, and luncheonettes. The Township Committee has determined that it is necessary to clarify and further define the scope of such uses specifically as it relates to the sale of alcoholic beverages in these facilities. The Township Committee also wishes to update the General Intent of the WD District to remove the reference to townhouse development, which is no longer permitted in the district pursuant to prior ordinances amendments.

SECTION 2: Chapter 18.22, Waterfront Development District, in Title 18 “Zoning” of the Township of Ocean Code is hereby amended as follows (new language is shown as underlined and deletions shown as strikethroughs):

Chapter 18.22

WD WATERFRONT DEVELOPMENT DISTRICT

18.22.010 General Intent.

The district supersedes the former MC, marine commercial district designation, and expands the amount of waterfront land east of U.S. Route 9 in which certain residential, marine commercial, institutional, and recreational uses are allowed. ~~The WD district provides for the selective development of townhouse dwellings, as defined, on lagoons and bayfront lands, which may be attractive to retirees, seasonal residents and others interested in this form of multifamily housing.~~ (Prior code §19-6.5(a))

18.22.020 Permitted Uses.

The following uses shall be permitted in the WD district:

[Subsections A. through E. remain unchanged.]

F. Marinas, as defined, including the following accessory uses and structures, provided that the lot on which such customary accessory services for marina uses as would normally be provided:

1. Maintenance, repair, refinishing, rebuilding, construction, and alteration of boats including engine repair and rebuilding,
2. Boat sales and rentals,
3. Marine engine sales,
4. Restaurant, snack bar, or luncheonette, where such use shall not include the sale of alcoholic beverages authorized pursuant to a "Plenary Retail Consumption License" as set forth in N.J.S.A. 33:1-12 or as may be otherwise authorized under relevant state statutes and regulations governing the sale and distribution of alcohol. The dispensing of alcoholic beverages authorized pursuant to a duly issued "Club License" as set forth in N.J.S.A. 33:1-12 or as may be similarly permitted in accordance with relevant state statutes and regulations governing the sale and distribution of alcohol shall be permitted as part of the operations of a private beach club or marina.
5. Boat launching ramp,
6. Marine fuel sales,
7. Marine supplies and equipment sales,
8. Storage of boats. Parking areas may be used for storage of boats during the winter season. (Ord. 2003-48 § 2 (part), 2003; prior code § 19-6.5(b))

[Sections 18.22.030 and 18.22.040 remain unchanged.]

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4: If any sections, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 5: This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of the Township of Ocean on first reading at meeting held on the 12th day of July, 2012. The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the 9th day of August, 2012 at 6:30pm or as soon thereafter as the matter may be reached, at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

**DIANE B. AMBROSIO, RMC
TOWNSHIP CLERK**