

ORDINANCE NO. 23-40-OA³

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER XXXV, ENTITLED 'LAND DEVELOPMENT' SO AS TO AMEND §35-3, ENTITLED "DEFINITIONS" (Low-Speed Vehicle)

October 16, 2023

WHEREAS, the Township of Berkeley is seeking to amend the definitions section of the Land Development Ordinance to appropriately define a low-speed vehicle, and

WHEREAS, the Township of Berkeley is seeking to amend the permitted uses of the Highway Business Zoning District to permit the sales of low-speed vehicles, and

BE IT ORDAINED by the Mayor and Township Council of the Township of Berkeley, County of Ocean, and State of New Jersey, as follows:

SECTION 1. Chapter 35 of the Township Code of the Township of Berkeley, entitled, "Zoning District Regulations", is hereby amended so as to amend §35-3, entitled "Definitions", to add the following:

Low-Speed Vehicle

Shall mean a vehicle as defined in 49 CFR 571.3(b) that is four wheeled and whose attainable speed is more than 20 miles per hour and no more than 25 miles per hour on a paved level surface and whose GVWR is less than 3,000 pounds. It cannot be powered by gas or diesel fuel and must comply with federal safety standards as noted in 49 CFR 571.500.

SECTION 2. Chapter 35 of the Township Code of the Township of Berkeley, entitled, "Zoning District Regulations", is hereby amended so as to amend §35-106.2, entitled "Highway Business Zone", to add the following underlined text:

a. Permitted Uses.

25. Retail sales of motor vehicles defined as low-speed vehicles, provided that merchandise may not be stored within any required off-street parking spaces.

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 All ordinances or parts of ordinances inconsistent herewith are hereby repealed.


SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be 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 hereof.

SECTION 5. After introduction of this ordinance, the Township Clerk shall send a copy of this ordinance to the Township Planning Board for its review and comment. The Township Clerk shall also send a copy of the ordinance to the Ocean County Planning Board pursuant to N.J.S.A. 40:55D-16.


CARMEN F. AMATO, JR., Mayor
John Bacchione, Council President
Keith Buscio, Council Vice President

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held October 16, 2023, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **20th** day of **November 2023** at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.


Karen Stallings, Township Clerk
Berkeley Township

Karen Stallings
Township Clerk
627 Pinewald/Keswick Road
P.O. Box B
Bayville, NJ 08721



Phone: 732-244-7400 ext. 208
Fax: 732-505-0145
Email: registrar@berkeleystownship.org

October 17, 2023

Ocean County Planning Board
PO Box 2191
129 Hooper Avenue
Toms River, NJ 08754

Dear Sir or Madam:

On October 16, 2023, the Township of Berkeley **Introduced** the following "Land Use" Ordinances:

Ord #23-39-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 37-1 TOWN CENTER REDEVELOPMENT PLAN AND AMENDING THE CHAPTER 35-105 TOWN CENTER REDEVELOPMENT PLAN

Ord #23-40-OA re: AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER XXXV, ENTITLED 'LAND DEVELOPMENT' SO AS TO AMEND §35-3, ENTITLED "DEFINITIONS" (Low-Speed Vehicle)

Karen Stallings, RMC
Township Clerk
Berkeley Township

C: Berkeley Township Planning Board
Lacey Township
Manchester Township
Beachwood Borough
Pine Beach Borough
South Toms River Borough
Ocean Gate Borough
Toms River Township
Seaside Heights
Seaside Park

AFFIDAVIT OF PUBLICATION

State of Florida, County of Orange, ss:

Bailee Liston, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Press of Atlantic City, a newspaper printed and published in the City of Linwood, distributed in the following counties: Atlantic, Camden, Cape May, Cumberland, Gloucester, and Ocean and mailed to various parts of the State of New Jersey, the United States, and foreign countries, does hereby certify that the Notice was published in The Press of Atlantic City on:

PUBLICATION DATES:

Oct. 24, 2023

NOTICE ID: 6zkeEN5CY9MRBy9WVnvi

PUBLISHER ID: COL1376

NOTICE NAME: 10-16-23 - 33 & 34 OAB 35-31OA

Publication Fee: 94.00

All interested parties may rely upon the representations contained herein limited solely to the authenticity of the Notice accompanying this Certification to be an accurate reproduction of the same and the date upon which it was published.

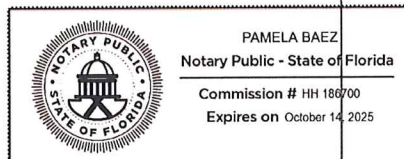
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Bailee Liston

(Signed) _____

VERIFICATION

State of Florida
County of Orange



Subscribed in my presence and sworn to before me on this:
10/24/2023

Pamela Baez

Notary Public
Notarized online using audio-video communication

23-33-OAB

ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 1433, LOTS 16 & 17 ON THE MUNICIPAL TAX MAP TO BROOKSIDE POINT, LLC IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (b) AND N.J.S.A. 40A:12-13.2 (ROGERS STREET; \$10,800.00)

23-34-OAB

ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 791, LOTS 30, 32, 34, 36, & 41 ON THE MUNICIPAL TAX MAP TO JEFFREY R. JERMAN IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (b) AND N.J.S.A. 40A:12-13.2 (Egenoff Place \$24,400.00)

Foregoing Ordinances were duly passed after Public Hearing held October 16, 2023 at a regular meeting of the Township of Berkeley and approved by the Mayor on 10/17/23.

23-35-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO AMEND CHAPTER VII, ENTITLED "TRAFFIC" TO AMEND CHAPTER 7-19 "THROUGH STREETS" (Browning Avenue)

23-36-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 11, ENTITLED "BUILDING AND HOUSING" SO AS TO REPEAL SECTION 11-5.6, ENTITLED "PERMIT FEE"

23-37-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF AN EASEMENT ON A PORTION OF BLOCK 10.22, Lot 24, FROM LAURA CALIFRI, IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)

23-38-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 35, ENTITLED "LAND DEVELOPMENT" SO AS TO AMEND SECTION 35-29, ENTITLED "APPLICATION FOR ZONING PERMIT; WHEN REQUIRED" (Setbacks Temporary Handicapped Ramps)

23-39-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 37-1 TOWN CENTER REDEVELOPMENT PLAN AND AMENDING THE CHAPTER 35-105 TOWN CENTER REDEVELOPMENT PLAN

23-40-OA re:

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER XXXV, ENTITLED "LAND DEVELOPMENT" SO AS TO AMEND §35-3, ENTITLED "DEFINITIONS" (Low-Speed Vehicle)

23-41-OA

AMENDING AND SUPPLEMENTING CHAPTER II, ENTITLED "ADMINISTRATION" SO AS TO CREATE SECTION 2-56, ENTITLED "MAYOR'S ADVISORY COMMITTEE ON DEVELOPMENTAL DISABILITIES"

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on October 16, 2023, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 20 th day of November, 2023, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.

Karen Stallings, RMC

Township Clerk, Township of Berkeley

Printer Fee: \$94.00

Pub Date: October 24th, 2023

Order #: COL1376