

**BERNARDSVILLE BOROUGH
ORDINANCE #2023-1976**

**PROHIBITING DRIVE-THROUGHS IN THE DOWNTOWN ZONE DISTRICT
AND SUPPLEMENTING AND AMENDING ARTICLE 12
OF THE BOROUGH CODE ENTITLED "ZONING"**

WHEREAS, the Mayor and Council wish to prohibit drive-through facilities in all downtown zone districts

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that § LD-12-12 entitled "Downtown District" in the Borough Land Development Regulations is hereby supplemented and amended as follows:

Section 1. § LD-12-12.6 entitled, "Permitted Uses in the Downtown District and All Subdistricts" is amended by deleting paragraph "n" as follows:

§ LD-12-12.6 Permitted Uses in the Downtown District and All Subdistricts.

Unless specifically prohibited within a subdistrict or elsewhere in this section, the following uses are permitted in the Downtown District:

~~n. Drive through facilities shall be allowed for pharmacies only.~~

Section 2. § LD-12-12.10 entitled, "Specifically Prohibited Uses" is supplemented and amended by adding a new paragraph "t" which reads as follows:

§ LD-12-12.10 Prohibited Uses.

In addition to the uses prohibited in § 12-23.16, any use not specifically enumerated as expressly permitted herein is hereby prohibited including the following specific uses in all subdistricts unless otherwise indicated:

t. Drive-through facilities.

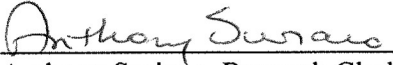
Section 3. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

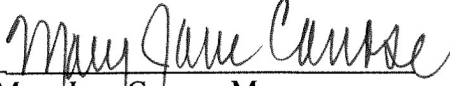
Section 4. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 5. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:


Anthony Suriano, Borough Clerk

By: 
Mary Jane Canose, Mayor

1st Reading and Introduction: August 14, 2023
1st Publication: August 17, 2023
Referral to Planning Board: August 15, 2023
Notice to County Planning Board Prior to Adoption: August 15, 2023
Notice to Clerks of Adjoining Municipalities (if required): August 15, 2023
Notice to Affected Property Owners (if required): n/a
2nd Reading and Adoption: September 11, 2023
2nd Publication: September 14, 2023
Filing with County Planning Board: Sept 14, 2023