

ORDINANCE NO. 2024-17

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, OCEAN COUNTY,
NEW JERSEY AMENDING CHAPTER 13 ENTITLED “ZONING”
AS IT PERTAINS TO PROHIBITED USES AND OFF-STREET PARKING
REQUIREMENTS IN THE GENERAL BUSINESS DISTRICT**

**THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY
CEDARS DOES ORDAIN AS FOLLOWS:**

Section 1. Section 13-11.4 entitled “Prohibited Uses and Buildings”, paragraph b. is hereby amended to read as follows (underscores represent additions; ~~strikethroughs~~ represent deletions):

- b. Any type of business using jukeboxes, record players with external speakers, live music, or other noise making devices designed to attract attention to the business being conducted within the premises. Indoor or outdoor music with outdoor speakers, loudspeakers, music amplification or reproduction equipment after the hours of 7:30pm, Sunday through Thursday, and after the hours of 8:00pm on Fridays and Saturdays. Excessive amplification, drum use, or any performance including more than three (3) persons is strictly prohibited.

Section 2. Section 13-11.5 entitled “Off Street Parking Requirements”, section 3 “Retail Food/ Limited Service” is hereby amended and supplemented to read as follows (underscores represent additions; ~~strikethroughs~~ represent deletions):

- (a) One (1) off-street parking space for each 200 square feet of retail store area.
- (b) One (1) off-street parking space for each ~~three~~ four (4) seats ~~of limited service area.~~
- (c) Bicycle spots shall count as one (1) parking spot for each four (4) bicycle slots; two (2) parking spaces maximum.
- (d) Courtesy benches permitted.

Section 3. Section 13-11.5 entitled “Off Street Parking Requirements”, section 4 “Restaurants, Limited Service” is hereby amended to read as follows (underscores represent additions; ~~strikethroughs~~ represent deletions):

- (a) One (1) off-street parking space for each ~~three~~ four (4) seats.
- (b) Bicycle spots shall count as one (1) parking spot for each four (4) bicycle slots; two (2) parking spaces maximum.
- (c) Courtesy benches permitted.

Section 4. Section 13-11.5 entitled “Off Street Parking Requirements”, section 5 “Restaurants, Full Service” is hereby amended to read as follows (underscores represent additions; ~~strikethroughs~~ represent deletions):

- (a) One (1) off-street parking space for each ~~three~~ four (4) seats.
- (b) Bicycle spots shall count as one (1) parking spot for each four (4) bicycle slots; two (2) parking spaces maximum.
- (c) Bench restaurant seats shall be counted as one (1) seat for each 30 inches of length.
- (d) Waiting benches permitted.

Section 5. This Ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

Section 6. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Borough Mayor and Commissioners hereby declare that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 7. This Ordinance shall take effect upon final adoption after publication in accordance with law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was duly introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Borough of Harvey Cedars held on **April 15, 2024**. Further notice is given that said Ordinance shall be considered for final passage and adoption at a regular meeting of said Board of Commissioners to be held on **May 20, 2024** at 4:30pm at the Borough Hall, 7606 Long Beach Blvd., Harvey Cedars, NJ, at which time and place any person desiring to be heard will be given an opportunity to be so heard.

William Montag IV, Deputy Municipal Clerk