

TOWNSHIP OF WALL

ORDINANCE NO. 13 -2017

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 140-146 GASOLINE SERVICE STATIONS (NAICS 4471) AND CHAPTER 140-165 FAST FOOD CONVENIENCE STORES AND RESTAURANTS (NAICS 44512) OF THE WALL TOWNSHIP MUNICIPAL CODE REGARDING GASOLINE SERVICE STATIONS THAT ARE OPERATED AS A DUAL USE WITH A FAST-FOOD CONVENIENCE STORE

WHEREAS, the Township Committee, through Chapter 140-146, of the Municipal Code regulates that gasoline service stations may be permitted in specified zones; and,

WHEREAS, the Township Committee, through Chapter 140-146 C., of the Municipal Code subjects gasoline service stations that operate as a dual use with fast-food convenience stores to additional supplemental conditions; and,

WHEREAS, the Township Committee, through Chapter 140-65, of the Municipal Code regulates fast food convenience stores and restaurants; and,

WHEREAS, the Township Committee wishes to amend these code sections to permit up to 2 fast food convenience stores or fast food carry out restaurants to be located within 1500 feet of any other such establishment and permit that gasoline service centers with sites consisting of 80,000 square feet in area and with access to two streets be permitted to increase to 6,000 square feet the area utilized for a fast food convenience store and permit up to 16 fueling points; and,

NOW, BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:

**Section 1.** Chapter 140-146 Gasoline Service Stations (NAICS 4471).

C. Gasoline service stations located in the HB-80 or HB-120 Zones which are operated as a dual use with a fast food convenience store shall be subject to the following supplemental conditions which must be satisfied in order for a conditional use permit to be issued:

(NEW SUB-SECTION)

(6) The convenience store area may be increased to not more than 6,000 square fee and the number of fueling points increased to not more than 16 provided that the site is at least 80,000 square feet in area, with access to at least 2 streets, one of which is a State Highway. In no event shall any premises used for Gasoline service stations operated as a dual use with a fast food convenience store use be located within 3,000 feet, measured

by driving distance on public roads between nearest property lines, of any other such convenience store or fast food /carry out restaurant use.

**Section 2.** Chapter 140-165 Fast-food convenience stores and restaurants.

Fast food convenience stores (NAICS 44512) and fast food/carry out restaurants (NAICS 7222), where permitted in specified zones, shall be subject to the following supplemental regulations:

H. In no event shall ~~any more than two~~ (2) premises used for fast food convenience store or fast food/carry out restaurant use be located within 1,500 feet, measured by driving distance on public roads between nearest property lines, of any other such convenience store or fast food /carry out restaurant use.

(Deleted language is stricken through. New language is underlined)

**Section 3.** All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

**Section 4.** This Ordinance may be renumbered for codification purposes.

**Section 5.** In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

**Section 6.** This Ordinance shall take effect upon final passage and publication as provided by law.

Introduced: **September 27, 2017**

Adopted:

Attest: \_\_\_\_\_  
Roberta M. Lang  
Municipal Clerk

Attest: \_\_\_\_\_  
Dominick DiRocco,  
Wall Township Mayor