

**ORDINANCE 2025.009**

**ORDINANCE OF THE TOWNSHIP OF LIBERTY, COUNTY OF WARREN, AND STATE OF NEW JERSEY REVISING TO CHAPTER 105, ZONING, ARTICLE XIV, B-1 COMMERCIAL ZONE, SECTION 69, PERMITTED USES, SUBSECTION (A)(5), IN ORDER TO CLARIFY PERMITTED USES REGARDING RESTAURANTS**

**WHEREAS**, Chapter 105, *Zoning*, Article XIV, *B-1 Commercial Zone*, Section 69, *Permitted Uses*, Subsection A(5) currently reads as follows:

In the B-1 Commercial Zone, only the following uses are permitted \* \* \* Restaurants, but not including drive-in restaurants or refreshment stands where food is served outside the premises or where patrons are served food or drink at counters, stools or bars outside the confines of a building; and

**WHEREAS**, it is the opinion of the Township professionals that said language is ambiguous, confusing, and open to varying interpretations regarding the permitted uses of restaurants in the B1 Commercial Zone; and

**WHEREAS**, such ambiguous language is disfavored as it does not clearly reflect the intention of the Township as it relates to the permitted uses of restaurants in the B1 Commercial Zone and results in confusion and uncertainty for the owners and operators of restaurants situated in the B1 Commercial Zone; and

**WHEREAS**, the Township Committee desires to amend Chapter 105-69 of the Township Code to clarify the permitted uses of restaurants in the B1 Commercial Zone; and

**WHEREAS**, the Township Committee believes that “eat-in” restaurants situated in the B1 Commercial Zone should be permitted to serve food or drink outside the building as a logical extension of the indoor dining component; and

**WHEREAS**, in order to clarify that outdoor food and drink service is permitted for “eat-in” permitted restaurants in the B1 Commercial Zone, the Township Committee desires to amend Chapter 105-69(A)(5) to reflect the same.

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Liberty, County of Warren and State of New Jersey that:

**Section 1.**

Chapter 105, *Zoning*, Article XIV, *B-1 Commercial Zone*, Section 69, *Permitted Uses*, Subsection A(5) of the Township Code is hereby amended to read as follows:

(5) Traditional “eat-in” restaurants, including restaurants with outdoor dining service as an extension of indoor dining service. Permitted restaurants shall not include drive-in only restaurants or refreshment stands where food is served only outside the premises or restaurants where patrons are exclusively served food or drink outside the confines of a building.

**Section 2:**

**Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**Section 3:**

**Repealer.** Any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

**Section 4:**

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

Introduction: November 6, 2025

Adoption: December 5, 2025