

ORDINANCE 2019-07

AN ORDINANCE OF THE TOWN OF HACKETTSTOWN, COUNTY OF WARREN AND STATE OF NEW JERSEY, AMENDING THE LAND DEVELOPMENT ORDINANCE OF THE TOWN OF HACKETTSTOWN TO IMPLEMENT RECOMMENDATIONS OF THE 2018 HACKETTSTOWN MASTER PLAN REEXAMINATION REPORT

WHEREAS, the Town of Hackettstown Land Use Board adopted the 2018 Hackettstown Master Plan Reexamination Report on November 27, 2018; and

WHEREAS, the 2018 Hackettstown Master Plan Reexamination Report recommended that the Mayor and Council consider amending the zoning ordinance to permit outdoor dining on the public sidewalk along Main Street in the TCC District; and

WHEREAS, the 2018 Hackettstown Master Plan Reexamination Report also recommended that the Mayor and Council consider preparing amending the signage standards for the TCC District, and

WHEREAS, the 2018 Hackettstown Master Plan Reexamination Report recommended that the Mayor and Council consider amending the list of principal permitted uses in the CC District to permit banquet facilities as a principal permitted use; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Hackettstown as follows:

SECTION 1. Section 500 (General Provisions and Design Standards) of the Land Development Ordinance of the Town of Hackettstown is hereby amended to add Section 527 as follows:

527 Outdoor Dining on Public Sidewalks along Main Street

- A. Approved retail food service establishments with business frontage along Main Street in the TCC Zone District shall be permitted to utilize a portion of the public sidewalk for outdoor dining. Applicants may apply for a Temporary Zoning Permit for outdoor dining with approval by the Zoning Officer and Town Engineer in accordance with the following requirements:
 - 1. All applications for outdoor dining shall include an Outdoor Dining Plan containing the following information:
 - a. Name and address of the applicant.
 - b. Name and address of the owner of the primary building (if other than the applicant).
 - c. Name and address of the person who prepared the Outdoor Dining Plan.
 - d. Identification of the primary building and all immediately adjacent properties, including names and address of the adjacent property owners.

- e. The Outdoor Dining Plan shall be drawn to scale but shall not require professional seals, The scaled drawing of the proposed design and location of the outdoor dining shall include setbacks, all temporary structures, equipment and apparatus to be used in connection with its operation, including tables, chairs, planters, awnings, lighting and electrical outlets (if any), provisions for the storage and security of such structures, equipment and apparatus, and the location of any fire hydrant, plug or standpipe, utility pole, parking meter, or other permanent fixture between the primary building and the curb, including a clear indication of the presence of the required pedestrian passageway.
 - f. A statement of the seating capacity of the proposed outdoor dining area and of the existing retail food establishment actually operated by the applicant within the primary building.
- 2. Temporary Zoning Permits for outdoor dining may be issued for a period of up to one year beginning April 15th. Applicants shall reapply on an annual basis.
 - 3. The fee for such Temporary Zoning permits shall be \$50 plus \$10 for each seat.
 - 4. Outdoor dining areas shall be delineated by physical barriers, such as removable fencing, hedges, planters, or removable columns. Barriers shall not exceed a height of 36 inches. Barriers and outdoor furniture, including tables, chairs, umbrellas, etc., shall be free of advertising signage and shall be readily removable.
 - 5. Outdoor dining areas shall not encroach into the minimum four (4) foot wide ADA compliant sidewalk area. Details of the ADA compliant sidewalk area to be kept clear may be obtained from the Town Engineer.
 - 6. Table service provided by the retail food establishment shall be provided to seated patrons only. Table service is not required and retail food establishments that do not provide table service may operate outdoor dining in which patrons carry their food from inside the premises to tables located in the outdoor dining area.
 - 7. The outdoor dining area shall be kept clean and free of litter at all times. Trash and recycling receptacles shall be provided as required.
 - 8. No food may be prepared within the outdoor dining area or outside of the primary building without first obtaining approval from the Fire Official.
 - 9. Alcoholic beverages may be permitted within the outdoor dining area in accordance with the same rules and regulations that apply to indoor dining within the retail food establishment.