

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 225, "LAND DEVELOPMENT", OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF SPRING
LAKE, NEW JERSEY

WHEREAS, Chapter 225, Land Development, of the Borough Code governs zoning and land use issues in the Borough of Spring Lake; and

WHEREAS, the following sections of Chapter 225 are amended and supplemented with deletions reflected in ~~strike through~~ and additions reflected in **bold underline**;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Spring Lake in the County of Monmouth and State of New Jersey as follows:

Section 1.

1. Article V, General Development Regulations, § 225-31.1, "Outdoor cafes", is hereby amended to provide as follows:

§ 225-31.1. Outdoor cafes.

A. The purpose of this section is to establish performance standards for outdoor cafes as a conditional restaurant accessory use in the RC Retail Commercial Zone of the Borough of Spring Lake. It shall be unlawful for any person, firm, partnership, corporation, association or organization of any kind (hereinafter collectively referred to as "person") to create, establish, operate, maintain or otherwise be engaged in the business of conducting an outdoor cafe upon the sidewalks of the Borough of Spring Lake, or on private property, unless such person shall comply with the specifications and requirements set forth herein.

B. Definitions. For the purpose of this section, the following words shall have the meaning respectively ascribed in this subsection:

BUSINESS OPERATOR — Any person, firm, partnership, corporation, association or organization of any kind who establishes, operates, maintains or is otherwise engaged in the business of conducting an outdoor cafe upon the sidewalks of the Borough of Spring Lake or on private property.

OUTDOOR CAFE — Any eating establishment where food and other refreshments are served upon the public right-of-way, namely the sidewalks immediately in front or on the side of any restaurant, cafe, cafeteria or place of business where food and/or other refreshments are served.

SIDEWALK — That area of the public right-of-way reserved for pedestrian traffic from the curb to the front line of the building housing an eating establishment.

C. There shall be a minimum of seven feet from the curb edge (light poles, trees and other objects shall be included in the measurement) directly in front of the outdoor cafe free and clear and available for pedestrian traffic. The outdoor cafe may be either directly in front or on the side of an eating establishment as hereinafter defined. The term "directly in front or on the side of" shall confine the cafe to the area represented by an extension of each side of the store occupied by the eating establishment projected directly to the curbline immediately in front thereof.

D. All tables and chairs must be constructed of material of sufficient weight or otherwise fastened or secured so as to not be affected by high winds. The perimeter of the outdoor cafe may be defined and set off by a portable-type enclosure that may include live potted plantings. The enclosure shall define the perimeter of the area to be used as an outdoor cafe and shall separate it from the pedestrians traversing the sidewalk. The enclosure shall not contain doors or windows nor air-conditioning or heating equipment and shall be open at all times to the air, and the enclosure shall not have a height of more than three feet. Awnings or outdoor umbrellas extending over the enclosure are permitted, provided that the lowest portion of the awning or umbrella is not less than seven feet above the adjacent sidewalk and does not extend more than one foot beyond the enclosure.

E. No food or drinks served at an outdoor cafe shall be prepared or stored other than in the interior of the eating establishment. Each business operator is responsible for keeping the area of the outdoor cafe and the adjacent walks and streets free and clear of any debris or litter occasioned by the **cafe**. Areas shall be cleaned as needed.

F. No vending machines of any kind are permitted on the exterior of any building operating an outdoor cafe.

G. No signs shall be permitted in the area of the outdoor cafe, except as set forth in § 225-25 of this chapter. There shall be no logos or advertising upon any umbrellas without prior zoning approval.

~~H. Outdoor cafes shall be permitted to operate from March 15 to December 31 in any calendar year.~~

~~I. H~~ No tables, chairs or other equipment used in the outdoor cafe shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk, or property of the Borough of Spring Lake within or near the licensed area. No equipment, umbrellas or any other material of any kind other than tables and chairs shall be permitted to remain outdoors during hours in which the business is not open to the public and operating. All chairs remaining outdoors during hours in which the business is not open to the public and operating shall be stacked and stored as close to the structure as practicable.

~~J. I.~~ The business operator shall not direct or permit to be directed to or from the area occupied by the outdoor cafe any bell, chime, siren, whistle, loudspeaker, public address system, radio, sound amplifier or similar device.

~~K. J.~~ No outdoor cafe shall open for business prior to 7:00 a.m. nor remain open for business after 10:00 p.m. All persons occupying the outdoor cafe shall vacate the same no later than 10:30 p.m.

~~L. K.~~ (Reserved)

Editor's Note: Former Subsection L, regarding establishments that front on Third Avenue, was repealed 11-25-2008 by Ord. No. 2008-010.

~~M. L.~~ Design standards:

(1) The chairs and tables shall be either black, forest green or hunter green in color and shall be constructed of the materials as established by resolution.

(2) At all times there shall remain a minimum of three feet of clearance for pedestrian traffic on the sidewalk.

(3) There shall be no electric fixtures other than those installed on the exterior wall of the building. Any exterior lighting shall be controlled by timers and shall not illuminate any area beyond the area directly in front of the structure utilized for the cafe.

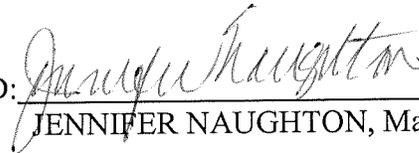
(4) The business operator shall keep trash cans inside the business establishment at all times.

(5) All paper products and condiments shall remain inside the business establishment.

INTRODUCED: MARCH 26, 2013

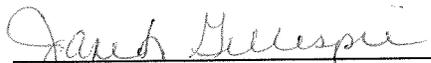
ADOPTED: APRIL 23, 2013

APPROVED:



JENNIFER NAUGHTON, Mayor

Attest:



JANE L. GILLESPIE, Borough Clerk