

ORDINANCE 20-2010

**ORDINANCE OF THE BOROUGH OF MADISON
AMENDING CHAPTER 195 OF THE BOROUGH CODE,
LAND DEVELOPMENT ORDINANCE, REGARDING
OUTDOOR DINING AT BUSINESS ESTABLISHMENTS**

WHEREAS, the Borough Planner has recommended amending Chapter 195 of the Borough Code, the Madison Land Development Ordinance, in regard to outdoor dining at business establishments; and

WHEREAS, the Borough Council has considered the proposed amendment to the Madison Land Development Ordinance and wishes to amend the Code as recommended.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Borough of Madison, in the County of Morris and State of New Jersey that Chapter 195 of the Borough Code entitled “Madison Land Development Ordinance” shall be amended as follows:

SECTION 1: Section 195-32.4, entitled CBD-1, CBD-2 Central Business District Zones Regulations shall have the following added to it:

D. Conditional Uses:

. . . .

(4) Outdoor Dining.

SECTION 2: Section 195-32.5, entitled CC Community Commercial Zone Regulations shall have the following added to it:

D .Conditional Uses

. . .

(7) Outdoor Dining

SECTION 3: Section 195-33.B entitled “Outdoor Dining”, shall have the following added to it:

. . .

(11) Outdoor Dining:

(b) Outdoor dining refers only to the service of food and beverages, consistent with the definition of restaurant, but extended to include

privately owned outdoor property on which a restaurant operates as the principal permitted use; outdoor dining on any public sidewalk or right-of-way shall continue to be governed by Borough Ordinance Section 166-43 and associated permit requirements.

- (c) Outdoor dining does not include an outdoor bar or any other similar outdoor accessory use that serves only beverages, nor does it include any drive through or take out windows;
- (d) Public access shall be provided from within the principal restaurant use with a secondary means of emergency egress in accordance with applicable NJ building codes;
- (e) Outdoor dining areas shall be designed in accordance with barrier free requirements;
- (f) The calculation of off-street parking requirements shall include outdoor seating occupancy;
- (g) The approval of any application for outdoor dining shall not be construed as approval by the Borough Council for extension and/or renewal of any license under ABC jurisdiction; such extensions and/or renewals shall only be granted by the Borough Council.
- (h) All outdoor dining areas shall be clearly delineated by a solid decorative fence, wall or other structure at least than 4.5 feet in height but no more than six feet in height;
- (i) Hours of operation of outdoor dining areas shall not extend later than 10:00 pm;
- (j) All outdoor lighting for shall be downward facing and shall be turned off by 10:30pm;
- (k) No amplified music shall be permitted in outdoor dining areas.
- (l) No outdoor dining area that serves alcoholic beverages shall be located within 200 feet of a school or public park.
- (m) No outdoor dining area shall obstruct pedestrian access serving one or more stores or businesses in addition to the property on which outdoor dining is proposed.

SECTION 4: This Ordinance shall take effect as provided by law.

ADOPTED AND APPROVED

MARY-ANNA HOLDEN, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk