

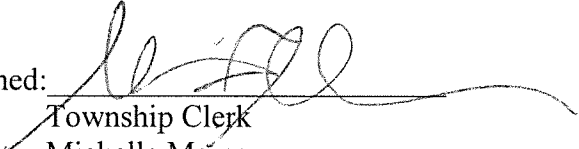
**Ord.#21-2017** An Ordinance of the Township of Mount Olive, County of Morris, State of new Jersey to Amend and Supplement Chapter 550, "Land Use" to Establish a Definition for Outdoor Dining in Article II, "Definitions", Section 550-5 and to Establish Outdoor Dining as an Accessory Use in Article VII "Zoning District Use and Bulk Regulations" and to Provide Standards for Same in New Section 550-78 "Outdoor Dining" in Article V "Design Guidelines and Technical Standards."

**CLERK:**

Delivered to Mayor:

Date: 10/18/2017

Time: 10:00 am

Signed: 

Township Clerk  
Michelle Masser

**MAYOR:**

Action by Mayor:

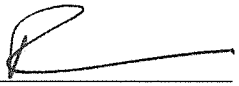
Approved: ✓

Date: 10/19/17

Vetoed:       

Date:                     

(Reasons for which Mayor has withheld approval of Ordinance, item or part Thereof.)

Signed: 

Mayor

**CLERK:**


Returned:

Date: 10/19/17

Time: 3:57 PM

Not returned with in (10) days

Date:                     

Signed: 

Township Clerk

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO AMEND AND SUPPLEMENT CHAPTER 550, "LAND USE" TO ESTABLISH A DEFINITION FOR OUTDOOR DINING IN ARTICLE II, "DEFINITIONS", SECTION 550-5 AND TO ESTABLISH OUTDOOR DINING AS AN ACCESSORY USE IN ARTICLE VII "ZONING DISTRICT USE AND BULK REGULATIONS" AND TO PROVIDE STANDARDS FOR SAME IN NEW SECTION 550-78 "OUTDOOR DINING" IN ARTICLE V "DESIGN GUIDELINES AND TECHNICAL STANDARDS"**

**WHEREAS**, the Mount Olive Township Planning Board finds that outdoor dining should be permitted within Township as an accessory use to permitted eating establishments in accordance with standards to ensure safe, clean and aesthetically pleasing facilities; and

**WHEREAS**, the Township Council of the Township of Mount Olive has determined upon a favorable recommendation from the Township Planning Board to permit outdoor dining as an accessory use in the C-1 and C-2 Commercial zone districts, the C-LI Commercial-Light Industrial zone district and the FTZ-1, 2, 3 and 4 districts with appropriate standards regulating same.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Mount Olive that Chapter 550 entitled "Land Use", of the Township Code shall be revised and amended to permit outdoor dining as an accessory use within the C-1 and C-2 Commercial zone districts, the C-LI Commercial-Light Industrial zone district and the FTZ-1, 2, 3 and 4 districts subject to the standards and requirements set forth herein.

**Section 1.**

Article II, "Definitions", §550-5 shall be amended to include the following definition:

Outdoor Dining – A designated area on the premises of an eating establishment outside the principal building where patrons may sit at tables while consuming food and beverages prepared and served by the eating establishment in accordance with the design and performance standards set forth in § 550-78 of this Chapter.

**Section 2.**

Article VII, "Zoning District Use and Bulk Regulations", §550-103 "Nonresidential districts" shall be amended to include outdoor dining as a permitted accessory use in Subsection A(2) for the C-1 and C-2 Commercial districts, in Subsection C(2) for the C-LI Commercial/Light Industrial district and in Subsection G(2) for the FTZ-1, 2, 3 and 4 districts subject to the design and performance standards set forth in § 550-78.

**Section 3.**

Article IV "Design Guidelines and Technical Standards" shall be amended to provide a new section to read as follows:

§ 550-78 Outdoor dining

A. Outdoor dining as an accessory use in the C-1, C-2, C-LI, and the FTZ-1, 2, 3, and 4 districts shall conform to the following standards

1. Outdoor dining shall be operated and maintained by the same person or entity that operates and maintains the eating establishment.
2. The number and placement of tables and chairs as well as any other equipment and/or fixtures shall be arranged to ensure public health and safety including compliance with ADA standards, avoidance of congestion, and maintenance of appearance.
3. The grounds where outdoor dining is conducted shall be clean and free of litter and shall be washed on a regular basis.
4. Outdoor lighting shall be in accordance with the requirements of §550-53 of this Chapter.
5. No outdoor dining is permitted within a public right-of-way.
6. Outdoor dining situate on a sidewalk adjacent to the eating establishment which is not within a public right-of-way may be permitted provided that a minimum clear space pathway of at least four (4) feet is maintained on the sidewalk for pedestrian flow.
7. Only tables, chairs, and umbrellas, and other temporary furnishings or equipment used in conjunction with the operation of an outdoor dining area may remain in the outdoor dining area after hours of operation as established herein and shall be properly secured in place or stored within the eating establishment.
8. Non-permanent decorative fencing and planters may be used to demarcate the limits of the outdoor dining area.
9. Compliance with all State and local requirements for sale and consumption of alcoholic beverages within the outdoor dining areas, where applicable.
10. Outdoor food preparation and/or cooking shall be permitted subject to review and approval by the Mount Olive Health Department and/or the Mount Olive Board of Health.
11. Any outdoor sound systems shall operate in compliance with Chapter 266 of the Township Code.
12. Outdoor tables and seating shall not require additional parking beyond that required of the eating establishment based upon interior tables and seating.

13. Review and approval with Township Health Department and/or Mount Olive Board of Health requirements as a prerequisite for issuance of Zoning Permit.
14. A one-time Zoning Permit shall be required for outdoor dining. The Zoning Officer and Health Officer shall review said permit on an annual basis to verify compliance with the standards set forth herein and in accordance with the provision of the Zoning Permit. No additional fee will be required for said annual review; however failure to comply with the provisions of this section and with those of the Zoning Permit may result in termination of original permit.
15. An eating establishment located within a shopping plaza or a shopping center as those terms are defined in §550-5 of this Chapter shall require authorization of the owner(s) of said plaza or center in addition to the owner(s) of the eating establishment for issuance of Zoning Permit.


**Section 4.**

If any section or subsection of this ordinance shall be found or declared to be invalid, illegal or unconstitutional, that shall not affect the remainder thereof, which shall remain in full force and effect.

**Section 5.**

This ordinance shall take effect upon final adoption, publication, and publication of a notice for final adoption and the filing of same with the Morris County Planning Board.


ATTEST: 10/17/2017

  
Michelle Masser, Township Clerk

  
Joe Nicastro, Council President

**CERTIFICATION**

I, Michelle Masser, Township Clerk, Township of Mount Olive, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title, and passed on first reading at a regular meeting of the Mount Olive Township Council held on 10/3/2017 and adopted by the Township Council at a regular meeting of the Township held on 10/17/2017.

  
Michelle Masser, Township Clerk