

**TOWNSHIP OF EAST HANOVER
ENGINEERING DEPARTMENT**

411 Ridgedale Avenue
East Hanover, NJ 07936
973-428-3020
Fax 973-428-3026

Application Number

APPLICATION FOR TEMPORARY OUTDOOR SEATING

1. Applicant's Name _____

Address _____

Phone _____ FAX _____

2. Address of property for which request is made

Block _____ Lot _____

3. Name of property owner _____

Address of property owner _____

4. Purpose of application _____

5. Proposed number of tables (must indicate size, material, umbrellas, # of seats) _____

6. Include detailed, scaled drawing of proposed seating area (include details of any proposed planters, fencing, gates, etc.)

7. Date _____

8. Applicant signature _____

9. Property owner signature _____

OFFICE USE ONLY

Zone _____

Other

Date Reviewed _____

Fee Paid \$ _____

Approved _____ Disapproved _____

Permit No. _____

Reviewed by _____

If Denied, Reason for Denial

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(c) Goods or merchandise within the B-2 Zone which are intended for outdoor storage of same, rather than outdoor display for purposes of sale or rental on a retail basis, as determined by the appropriate municipal board upon site plan review, shall be governed by the provisions of Subsection A(4) of this section as applicable to the B-2 Zone.

(6) At any existing nonresidential building in a B-1, B-2 or B-2B Zone, any duly licensed restaurant or other occupant of said building which is a purveyor on the premises of food or refreshments as permitted in the applicable zoning district, with the permission of the site owner, may apply to the administrative officer (Director of Land Use and Development) for a seasonal permit to provide temporary outdoor seating in the front or side yard of the premises as an integral part of that business, for consumption of food or refreshments by patrons. A permit shall be issued provided that the following requirements are met: [Added 6-13-2005 by Ord. No. 10-2005*1]

(a) The area for outdoor seating shall not impinge upon any public sidewalk or right-of way, nor with the approved internal circulation of the site, nor shall it occupy or render unusable any designated parking space.

(b) The seating in such an area shall be limited to 10% of the establishment's existing interior seating, or eight seats, whichever is greater. No food or refreshment preparation or storage shall be permitted within the outdoor seating area, and all persons shall be seated when consuming food or refreshments within the area.

(c) Permitted outdoor seating areas may be delineated on the sides and front, always without intrusion upon the areas as set forth in Subsection A(6)(a) above, by planters not more than 36 inches high, or a fence which is not taller than 60 inches at its highest point, is not less than 50% open, is not made of chain link or similar materials and does not have sharp spikes or points or jagged or sharpened surfaces or other components which may cause injury. Any gates shall not open so as to intrude upon any right-of-way, sidewalk, footpath, driveway or off-street parking area. The planters or fence shall define the seating area without creating a full barrier to viewing the area or the street and shall not bear any advertising or signage. Walls, partitions, trellises, roofs, canopies, arbors or any permanent structure, which cover, enclose or delineate the outdoor seating area are prohibited; provided, however, that where such are part of the existing building, they may be permitted.

(d) The outdoor seating area, including planters or fence, shall not physically displace or impinge upon required parking spaces or, unless otherwise permitted hereunder, public sidewalks or rights-of-way. The outdoor seating capacity shall not be included in the calculation of required off-street parking spaces for the appropriate zone.

(e) Pedestrian passage between the building and the public sidewalk or any driveway or off-street parking shall not be impeded or obstructed by any fence or planter, or by equipment or furnishings in the area for outdoor seating. Such clear passage shall have a width not less than the greater of three feet or

¹ Editor's Note: This ordinance also provided for the redesignation of former Subsections A(6) and (7) as Subsections A(7) and (8), respectively.

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the width of the building entrance, whichever is greater.

(f) Tables, chairs and other furniture must be strong, durable, waterproof, weather-resistant and of sufficient mass as to not be easily blown about. Dark and nonreflective colors are preferred. Umbrellas shall be designed with mechanisms to secure them against the effects of wind and shall not display any advertising. Amplified music and sound are prohibited.

(g) The outdoor seating area and its furnishings and equipment shall be kept clean and free of garbage or trash. No equipment, dumpster, structure or enclosure for the storage of garbage shall be placed in or adjacent to the outdoor seating area. Hours of operation of the outdoor seating area shall not be greater than the hours of operation of the restaurant or purveyor; provided, however, that if the outdoor seating area is within 200 feet of a residence district, the outdoor seating area shall not operate between the hours of 11:00 p.m. and 7:00 a.m.

(h) No alcoholic beverage, as defined by the applicable law, N.J.S. 33:1-1, as amended, is permitted in an outdoor seating area unless it is served under a license duly issued pursuant to said law or if the outdoor seating is provided exclusively by a restaurant which follows a "bring your own" policy within the restaurant.

(i) The administrative officer may, in his sole discretion, deny, suspend or revoke a seasonal permit if he finds that the location, volume of pedestrian traffic, violations of provisions of this subsection, or any other factor affecting public order, convenience or safety warrants such action.

(j) Every application for a seasonal permit for outdoor seating shall be accompanied by a filing fee of \$300. A seasonal permit shall be in effect as of March 1 in the year issued and shall expire on October 30 of that year. When reviewing any application for a seasonal permit, the administrative officer may deny the application upon finding that requirements of this subsection were not complied with by the applicant during the prior outdoor seating season.

(k) Seasonal permits are temporary authorizations which expire on a specified date. Even if renewed, or if none or more subsequent permit(s) be issued, they do not create any permanent rights or vested interests and shall not be deemed or construed as to grant any waiver or deviation in regard to the Land Use Ordinance or Zoning Regulations which survive such expiration.

(7) **Amended 8-27-1981 by Ord. No. 21-1981J**
Required landscaping and buffer areas. For the purposes of this article, landscape and buffer areas shall consist of lawn areas and massed evergreen and deciduous trees and shrubs planted in a manner that will provide a continuous visual screen throughout the entire year within a period of two growing seasons following the planting of the buffer. Buffer areas shall meet with the specifications set forth in § 95-37B(5) unless waived by the appropriate municipal board at the time of site plan application. The height of the shrubs planted in a buffer area shall be measured from the ground level around the base of the shrubs to the topmost part of the shrub, once the shrub has been properly planted in the ground.

(a) Where any nonresidential property abuts a residential zone, a ten-foot landscape buffer