

ORDINANCE 2019-06

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF SURF CITY, COUNTY OF OCEAN, STATE OF NEW JERSEY, 2000" AS THE SAME IN CHAPTER 30 PERTAINS TO "ZONING"

The Mayor and Borough Council of the Borough of Surf City do ordain:

SECTION I

Section 30-5 entitled *Business Zone - Uses and Regulations*, be and is hereby amended as follows:

In subsection 30-5.2 entitled Principal Uses and Buildings Permitted, paragraph (f) be and is hereby amended, as follows:

1. All approved restaurants and food service establishments shall be entitled to the following, subject to the enumerated restrictions:
  - a. two (2) tables or a counter with no more than eight (8) seats or stools located on the inside or the outside of the business.
  - b. outdoor tables and chairs which shall not exceed fifteen (15%) percent of the previously approved indoor seating with a maximum of six (6) tables with twenty-four (24) seats and a minimum of two (2) tables with no more than eight (8) chairs.
    1. The following conditions shall apply to the permitted outdoor seating:
      - a. all use of outdoor seating shall cease by 10:00 p.m. unless otherwise fixed by resolution.
      - b. outdoor seating shall only be permitted in the Business Zone.
      - c. outdoor seating shall be located entirely within the property boundary lines and shall not impede ingress, egress or parking. Tables and chairs shall be secured while the business is closed or during times of inclement weather.
2. Any business establishment wishing to utilize the provisions of this section shall be required to apply for an annual license on an application provided by the Municipal Zoning Official subject to the following conditions:
  - a. Said application shall be submitted no later than April 30<sup>th</sup> of each year and shall include a \$50.00 fee, a survey and photograph showing the proposed location of the seating. The survey shall not be more than two years old or more than two years old but less than five years old unless accompanied by a Survey Affidavit of No Change.
  - b. Upon review as to compliance with the terms of this section, a license will be issued for a period of one year.
  - c. An application hereunder shall be denied if the business has been found to be in violation of any provisions herein during the previous year.

Under no circumstances shall any seats in combination with tables, which may currently be in place, be considered to be grand fathered unless same have been given appropriate Land Use Board approval prior the introduction of this ordinance.

Outside seating utilized for customer waiting only may be permitted provided said seats are not used in conjunction with any type of table and are located entirely within the property lines and do not impede ingress, egress or parking.

Free standing umbrellas may be utilized with permitted outside tables provided the umbrellas are freestanding, securely anchored and are no larger in diameter then the table to which the umbrella is utilized. No umbrella shall encroach in any walkways or create a safety hazard. All umbrellas shall be closed and secured while the business is closed or during times of inclement weather.

## SECTION II

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

## SECTION III

If any word, phrase, clause, section or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

## SECTION IV

This ordinance shall take effect immediately upon adoption of the ordinance.

## NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Surf City, County of Ocean, State of New Jersey, on Wednesday, February 13, 2019.

Further notice is given that said Ordinance will be considered for final passage and adoption, after public hearing, to be held at a regular meeting of the Mayor and Council on Wednesday, March 13, 2019 at 7:30 P.M. in the Municipal Building, 813 Long Beach Blvd., Surf City, New Jersey, at which time and place, any person desiring to be heard upon the same will be given the opportunity to be so heard.

MARY P. MADONNA, RMC/MMC/QPA/CPM  
Municipal Clerk/Administrator