

ORDINANCE #2706-23-0417

AMENDING CHAPTER 102 SECTION 4 DEFINITIONS & SECTION 74 REMOVING THE REQUIREMENT FOR MINOR SITE PLANS FOR SIDEWALK CAFÉ'S THAT ARE SEASONAL IN NATURE AND ESTABLISHING THE REGULATIONS FOR SEASONAL SIDEWALK CAFÉ'S IN CHAPTER 150 ARTICLE III

WHEREAS, the Borough of Somerville encourages seasonal sidewalk café's that are regulated and temporary in nature; and

WHEREAS, the Downtown Somerville Alliance and the Borough of Somerville have reviewed the process and found that the process is lengthy, time consuming and cumbersome; and

WHEREAS, the following changes shall be made to the Borough Code to improve the process:

§ 102-4 Definitions and Word Usage.

For the purpose of this chapter the following words and phrases shall have the meanings described below, unless the context, other provisions of this chapter, the application of law, or plain sense indicate otherwise. In addition, the present tense shall include the future tense; the singular number or word shall include the plural, and the plural, the singular; the word "shall" indicates a mandatory requirement, and the term "may" indicates a permissive action; and the word "used" includes the words "arranged, designed or intended to be used." In applying the New Jersey Residential Site Improvement Standards, the terms used herein shall have the meaning attributed to them in said standards, in case of conflict.

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Seasonal Sidewalk café's are defined as café's in which the furniture may be removed off the sidewalk daily if required. It shall also be defined as a sidewalk café that is completely removed at the end of a season and shall not remain after the season is officially complete.

§ 102-74 Minor Site Plans.

In addition to the requirements indicated in § **102-69**, the following information shall be submitted for all minor site plans; provided, however, that minor site plans which are submitted to only the Site Plan Waiver Committee or Architectural Review Board shall only be required to submit the information required for conceptual plans in § **102-70A** through **E**, along with the following information. Minor Site Plans shall not be required for seasonal sidewalk café's.

- A. Location of proposed parking, loading, access and circulation improvements, signs, exterior lighting and landscaping. Existing improvements shall be shown to the extent that such improvements affect or are affected by the proposed development and/or are necessary to determine compliance with this chapter.
- B. If interior renovations or alterations are proposed, floor plans for existing and proposed buildings, showing the use and layout of internal space, at a scale of not exceeding eight (8) feet per inch. Horizontal dimensions of all exterior walls and other exterior vertical building

surfaces shall be included. **[Amended 06-16-03 by Ord. 2143]**

- C. If alterations to the existing building facade are proposed, facade elevations showing the extent and nature of the construction. The vertical dimension of the building height shall be included. **[Amended 06-16-03 by Ord. 2143]**
- D. If revisions to existing topography are proposed, or if the building entrance or finished floor elevation is proposed to be revised, existing and proposed contours and/or spot elevations portraying the change.
- E. If the application involves a sidewalk cafe, see the following additional information: this does not apply to seasonal sidewalk café's, Seasonal sidewalk café's regulations can be found in Chapter 150, Article III.
 - (1) A statement that if alcohol is to be served it will be served only with food service on the outdoor portion of the premises. (This provision to apply only to those restaurants with valid liquor licenses). **[Amended 6-7-04 by Ord. No. 2164]**
 - (2) The proposed hours of operation.
 - (3) The maximum anticipated seating capacity, including the number and location of tables, walls, planters or barricades.
 - (4) Proof of liability insurance for the sidewalk cafe portion, which names the Borough of Somerville as an additional insured.
 - (5) The location of any utility shut-offs, vents or sidewalk vault covers, bus stops, litter containers, fire hydrants, public telephones, street furniture, or elevators located in the vicinity of the proposed cafe.
 - (6) Detailed design drawings or photographs of the proposed railing or landscaped border which will be used to separate the cafe from the sidewalk area. Colors of material shall be noted in detail.
- F. If any septic systems or subsurface stormwater storage systems are proposed, the results of percolation tests shall be submitted with the application, along with test hole locations and soil log information. **[Added 12-17-01 by Ord. 2118]**

CHAPTER 150 STREETS and SIDEWALKS

ARTICLE III **SEASONAL SIDEWALK CAFÉ**

§ 150-23 Seasonal Sidewalk Cafe. General provisions

- A. Definition: Seasonal Sidewalk café's are defined as café's in which the furniture may be

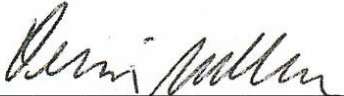
removed off the sidewalk daily if required. It shall also be defined as a sidewalk café that is completely removed at the end of a season and shall not remain after the season is officially complete.

- B. The Borough shall have a fee established.
- C. No entity, private individual, limited liability company, corporation or other entity shall create a seasonal sidewalk café without an approval from the Architectural Review Board.
- D. The Architectural Review Board shall review the application annually to ensure that it best serves the interest of the merchants, residents and visitors of Somerville Borough

§ 150-24 Fee Schedule:

- A. The application shall be submitted with complete paperwork as defined on the application and payment of the fee as follows:
 - a. \$30 annual renewal fee
 - b. \$60 for food café (non-alcohol)
 - c. \$100 for sidewalk café for licensed alcohol (applicant is required to obtain ABC approval)
- B. The Borough of Somerville shall inspect the seasonal sidewalk café periodically. Failure to comply with approval may be subject to a notice of violation, removal of equipment, furniture or revocation or suspension of permit. In addition, penalties provided in this chapter of this article may include a fine for each violation of \$100 but not more than five hundred dollars (\$500) for each violation, which may be imposed by Borough ordinance and laws of the State of New Jersey.

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Dennis Sullivan, Mayor



Kevin Sluka, Clerk/Administrator