

NOTICE OF INTRODUCTION AND FIRST READING

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE NO. 874-2024

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF THE BOROUGH OF AVALON (SUBDIVISION AND SITE PLAN REVIEW) TO ALLOW OUTDOOR DINING FOR FOOD SERVICE ESTABLISHMENTS WITHIN THE BOROUGH SUBJECT TO OBTAINING AN OUTDOOR DINING PERMIT

Section 1 This ordinance would:

- Authorize outdoor dining in all zoning districts and without the necessity of site plan review and approval;
- Require applicants to obtain an Outdoor Dining Permit which would be valid for 5 years from date of issuance. A new application would be required if the property is sold or transferred or if there is any change in the outside dining area.
- Require that outdoor dining be confined to the deeded property with no use of the sidewalk or ROW provided, however, that special circumstances will authorize dining on the boardwalk at the fishing pier for reasons stated. See § 26-7.15-6.
- Establish the procedure for obtaining such an Outdoor Dining Permit as well as the requirements for issuance of the Outdoor Dining Permit.
- Establish regulations for the erection of temporary structures (e.g. tents) for outdoor dining.
- Specifies that the Borough reserves the right to amend or rescind the outdoor dining ordinance when and if determined necessary to do so and that no person acquires any property or vested right in the outdoor dining privilege but that same remains subject to the Borough's exercise of its police power.

Section 2: Provides that the Ordinance must be referred to the Avalon Planning & Zoning Board in accordance with the New Jersey Municipal Land Use Law.

Sections 3 & 4: Provides that all inconsistent ordinances are repealed and that the provisions of this Ordinance are severable.

Section 5: Provides that this Ordinance shall take effect December 1, 2024.

This Ordinance was introduced and passed on first reading on February 28, 2024 and will be further considered for second reading, public hearing and final adoption on March 27, 2024 at the Municipal Building, 3100 Dune Drive, Avalon, NJ 08202 at 4:00 p.m.

A copy of the Ordinance is available at no charge from the Borough Clerk's Office, Borough of Avalon, 3100 Dune Drive, Avalon, NJ 08202 between the hours of 8:15 a.m. and 4:15 p.m., Monday through Friday, excluding holidays.

C. DANIELLE NOLLETT
Borough Clerk

Publication date: March 6, 2024