

**TOWNSHIP OF MANSFIELD
COUNTY OF BURLINGTON**

ORDINANCE 2011-7

**AN ORDINANCE AMENDING PART OF ORDINANCE 1978-8, CHAPTER 65, WHICH
INCLUDES THE ACCESSORY USES IN THE TOWNSHIP OF MANSFIELD, AND
ESTABLISHING STANDARDS FOR “OUTDOOR CAFÉ” SEATING**

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Mansfield, County of Burlington and State of New Jersey as follows:

WHEREAS, The Township Committee of the Township of Mansfield enacted, in or about December 19, 1978, (Ordinance 1978-8) an Ordinance; and

WHEREAS, the Township Committee has determined that it is in the best interests of the Township, given the circumstances surrounding the ordinance, to amend part of Ordinance 1978-8, Chapter 65; and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Township Committee for the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

Article I: Amend part of Ordinance 1978-8. Ordinance 1978-8, establishing accessory uses in the commercial zones, is hereby amended as follows:

Section 1. Section 65-30, Accessory uses, shall be amended by adding a new Subsection B., to read as follows:

B. A restaurant, café, coffee shop or bakery shall be permitted to operate outdoor cafes in adjacent courtyards, plazas and on sidewalks as an accessory use, provided pedestrian circulation and access to store entrances shall not be impaired and the following standards and guidelines are met:

1. To allow for pedestrian circulation, a minimum of five feet of sidewalk along the curb and to the entrances of the establishment shall be free of tables and other encumbrances.

2. Outdoor cafes not occupying sidewalks shall be delineated by permanently placed planters, fencing and/or walls. Outdoor cafes occupying sidewalk areas shall be delineated by moveable enclosures.

3. Awnings, canopies or large umbrellas shall be permitted and located to provide shade. Colors shall complement building colors.

4. Outdoor cafes shall provide outdoor trash receptacles.

5. Tables, chairs, planters, trash receptacles and other elements of street furniture shall be compatible with the architectural character of the building where the establishment is located.

6. Outdoor entertainment is prohibited.

7. Outdoor cafes shall be located a minimum of 50 feet from all residential lot lines.

8. Operators or owners of establishments with outdoor cafes shall be responsible for trash pick-up and shall maintain a litter-free and well-kept appearance within and immediately adjacent to the outdoor café.

9. Outdoor cafes shall not be entitled to additional signage, beyond what is permitted for the main use.

Section 2. Section 65-35, Accessory Uses, shall be amended by adding a new subsection D., to read as follows:

D. Outdoor cafes, subject to the standards contained in Section 65-30.B.

Section 3. Section 65-39.B., Accessory Uses, shall be amended by adding a new subsection B.(2), to read as follows:

B(2) Outdoor cafes, subject to the standards contained in Section 65-30.B.

Section 4. Section 65-45.4, Accessory Uses, shall be amended by adding a new subsection F., to read as follows:

F. Outdoor cafes, subject to the standards contained in Section 65-30.B.

REPEALER, SEVERABILITY AND EFFECTIVE DATE.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Introduced: April 28, 2011

Adopted: May 25, 2011