

**BOROUGH OF ORADELL
ORDINANCE # 23- 5**

**AN ORDINANCE AMENDING CHAPTER 240
OF THE CODE OF THE BOROUGH OF ORADELL
TITLED "LAND DEVELOPMENT"
TO ALLOW RESTAURANTS OF A CERTAIN SIZE AND UNDER CERTAIN
CONDITIONS AS A PERMITTED USE
IN THE B-1 and B-3 BUSINESS ZONES**

WHEREAS, the Borough of Oradell currently permits restaurants as a conditional use in the B-1 and B-3 Business Zones; and

WHEREAS, the Borough of Oradell wishes to allow restaurants of a certain size and under certain conditions as a permitted use in the B-1 and B-3 Business Zone; and

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Oradell as follows:

I. Chapter 240-6.5, "Use and Bulk Regulations" is hereby amended as follows:

Subsection (G)(1)(f) shall be added as follows:

Restaurants requiring a Minor Application, as defined in this section, are a permitted use. Anyone seeking to establish a restaurant under a Minor Application must comply with the following. All review and permitting shall be done by the Construction Official or his/her designee.

(1) A Minor Application for a restaurant may be filed when the proposed restaurant is an existing establishment with a seating area of 500 sq. ft. or less and 30 seats or less.

(2) A restaurant permitted under this subsection, as well as permitted by the Outdoor Dining Ordinance is defined as a commercial establishment in which food and beverages are prepared and sold.

(3) A restaurant establishment must provide an area for refuse storage. Such refuse storage area shall be located in the rear of the building, shall be screened on four sides, and shall be at least five feet from the property line of an adjacent commercial use property and at least ten feet from the property line of an adjacent residential use property.

(4) The restaurant shall provide adequate access facilities for pedestrian traffic from public sidewalks, so as to assure safety and to avoid congestion on public sidewalks. If the restaurant provides parking for patrons, this provision shall apply to vehicular access as well as pedestrian access.

(5) All entrances and exits shall be clearly visible from the street and sidewalk.

(6) An adequate loading and servicing area shall be provided and shall not interfere with traffic circulation.

(7) The restaurant establishment shall comply with all applicable building and fire codes.

(8) Signs shall comply with Article XI, Signs and Awnings, of this chapter.

(9) The Minor Application for a restaurant shall include the following:

A site plan / floor plan with a professional type drawing that does not need to be certified by a licensed professional engineer or architect. The site plan / floor plan must be to scale, detailing the dimensions and location of all tables, seats, isles, means of egress, cooking, sanitary and ADA compliant facilities and all requirements of this chapter. When adequate on-site space is available for the exclusive use of an applicant, the applicant shall provide one off-street parking space for every 2 1/2 seats. No interior seating may be installed prior to final approval from the Construction Official or his/her designee.

(10) The above shall not prohibit a restaurant from permitting customers to supply their own wine or beer in an indoor restaurant subject to ABC regulations.

II. Subsection (G)(2) shall be amended as follows:

Restaurants requiring a Major Application, as defined in this section, are a conditional use. A Major Application must be filed when the proposed restaurant is a new structure, a consolidation of tenant spaces or a floor plan with a seating area of greater than 500 square feet.

(1) A Major Application for a restaurant shall be accompanied by a site plan / floor plan drawn to scale and certified by a licensed professional engineer or architect, detailing the dimensions and location of all tables, seats, isles, means of egress, cooking, sanitary and ADA compliant facilities and all requirements of this chapter.

When adequate on-site space is available for the exclusive use of an applicant, the applicant shall provide one off-street parking space for every 2 1/2 seats.

(2) A restaurant permitted under this subsection, as well as permitted by the Outdoor Dining Ordinance is defined as a commercial establishment in which food and beverages are prepared and sold.

(3) A restaurant establishment must provide an area for refuse storage. Such refuse storage area shall be located in the rear of the building, shall be screened on four sides, and shall be at least five feet from the property line of an adjacent commercial use property and at least ten feet from the property line of an adjacent residential use property.

(4) The restaurant shall provide adequate access facilities for pedestrian traffic from public sidewalks, so as to assure safety and to avoid congestion on public sidewalks. If the restaurant provides parking for patrons, this provision shall apply to vehicular access as well as pedestrian access.

(5) All entrances and exits shall be clearly visible from the street and sidewalk.

(6) An adequate loading and servicing area shall be provided and shall not interfere with traffic circulation.

(7) The restaurant establishment shall comply with all applicable building and fire codes.

(8) Signs shall comply with Article XI, Signs and Awnings, of this chapter.

(9) The above shall not prohibit a restaurant from permitting customers to supply their own wine or beer in an indoor restaurant subject to ABC regulations.

III. Subsection (I) shall be amended to include a new paragraph (4) as follows:

(4) Restaurants requiring a Major Application shall be a conditional use in the B3 Zone as set forth in Chapter 240-6.5(G)(2).

IV. Subsection 240-8.4 (E) entitled "Restaurants" shall be deleted and intentionally left blank.

V. Severance.

In the event that any portion of this chapter, including the amendments above, or the application of this chapter to any specific situation, shall be declared invalid, such declaration shall not, in any manner, prejudice the enforcement of the remaining provisions, or the enforcement of this chapter in other situations.

VI. Effective

This Ordinance shall become effective immediately upon passage and publication as provided by law.