

Seasonal Outdoor Seating

You need to know...

The Township of Livingston's Land Use Ordinance Section §170-92.1 states that the seasonal Outdoor Seating is for the consumption of food or beverages by patrons.



The Township of Livingston recognizes the importance of outdoor dining to the vitality and success of our commercial districts. The outdoor dining regulations are in place to promote the health, safety and welfare of our residents, businesses and visitors. Outdoor dining facilities are subject to the Township's Code and all applicable Building Code.

The Township finds that outdoor dining encourages a pedestrian oriented environment, helps to create a visually attractive atmosphere and streetscape, and promotes overall commerce.

How To Apply

You can obtain a seasonal Outdoor Seating Application form either in person when visiting the Planning Department, or by visiting our website at www.livingstonnj.org / **Planning Department / Planning & Zoning Applications**.

Complete the application form, and include the following items for submission:

- Copy of current original property survey showing where proposed Outdoor Seating will be located.
- Detailed/scaled drawing of the proposed Outdoor Seating area, including dimensions, total square feet and furniture locations.
- Description of proposed furnishings and equipment.
- Color photographs of the property and proposed Outdoor Seating area.
- Yearly/seasonal Fee as required by Ordinance of \$50.00 payable to the Township of Livingston.

Processing Your Application

- Once your application is received, if no additional information is required to review the application, the Planning Administrator will respond to you in writing within twenty (20) business days.
- If your application is approved, you may commence Outdoor Seating upon issuance or on March 1st of the given year.
- If your application is denied, a detailed explanation will be provided.
- If you need to make any alterations to the business or property, you will need to contact the Building Department at 973-535-7957 to request the appropriate applications for permits.

LIVINGSTON, NJ

Ordinance Summary

These guidelines provide standards for outdoor dining areas throughout the Township. Central to the process of allowing outdoor dining areas is the necessity of ensuring furniture and other items placed along the street positively contribute to the character of Livingston's commercial corridors. The guidelines apply to all outdoor dining facilities granted by Section §170-92.1C No. 1-15 of Livingston's Land Use Ordinance. Failure to comply with these requirements constitutes a violation of the Code.

Eligibility: The outdoor dining facility must be part of a lawfully operating restaurant use with a valid food vendor's license.

Sidewalk Clearance: A minimum of 5 foot wide continuous pedestrian access along the public sidewalk free from all obstruction and must not create any pedestrian hazard.

Parking: Outdoor dining facilities do not require additional parking unless a parking problem arises in conjunction with the outdoor seating.

Seating: Outdoor dining will not exceed 15% of the previously approved indoor seating capacity.

Placement: The outdoor seating area cannot obstruct any fire exit, fire escape, or other required ingress or egress.

Calendar Dates: A seasonal permit shall take effect upon issuance or on March 1 of the year for which issued, whichever shall be the later, and shall expire on October 30 of that year. All furnishings and obstructions must be removed from the public sidewalk or right-of-way from November 1 each year through and including February 28.

Furniture & Fixtures

- Sidewalk dining areas in the public right-of-way shall be an enhancement to the public realm.
- All furniture and fixtures shall be of high quality, durable and attractive.
- All furniture and fixtures shall be consistent in color, style and type.
- Barriers must be sturdy, decorative metal or wood.
- No plastic tables and chairs are permitted.
- No advertising on umbrellas, furniture or barriers including any logos, graphics, or names.

Additional Requirements

In addition to these general requirements which are applicable to all outdoor restaurant seating areas, there are some additional requirements for those which are to be located on public property, such as a sidewalk or right-of-way:

- The use of public sidewalks or right-of-way for outdoor restaurant seating is only permitted when incidental to the operation of a licensed restaurant on private contiguous property and only along the frontage of the restaurant.
- The operation of the outdoor restaurant seating area cannot interfere with the passage of pedestrian or vehicular traffic, or reduce the open portion of the public sidewalk to less than five (5) feet clear of all obstructions, measured from edge of the sidewalk closest to the curb (or lampposts or parking meters where such exist).
- The placement of furnishings for the outdoor seating area and its operation cannot obstruct access to public property such as crosswalks, curb cuts, or parking spaces, or obstruct necessary access to any fire hydrant, fire escape or fire door, or obstruct the clear view of any traffic signal regulatory sign or street sign.

Planning Department

357 South Livingston Avenue, Livingston, NJ 07039

973.535.7954

973.535.7989 Fax

This brochure is for informational purposes only and is not legally binding. Please review the current Land Use of the Township of Livingston for all current codes and ordinances.

Note: When you apply, personal information may be collected under the authority of the Open Public Records Act. This information will be used to process your application and your name and address may be included on reports that are available to the public. If you have any questions, please contact our office.



February 2012



OUTDOOR SEATING APPLICATION

APPLICANT

(Establishment Owner / Authorized Representative*)

*Application must be accompanied by letter from Establishment Owner authorizing the named representative.

NAME OF ESTABLISHMENT

ADDRESS

PHONE

FAX

MOBILE

BUILDING OWNER

<u>Tables</u>	<u>Size</u>
<u>Benches</u>	<u>Size</u>
<u>Fences</u>	<u>Size</u>
<u>Planters</u>	<u>Size</u>

<u>Chairs</u>	<u>Size</u>
<u>Umbrellas</u>	<u>Size</u>
<u>Barriers</u>	<u>Size</u>
<u>Other</u>	<u>Size</u>

Seating Capacity of Existing Establishment

Seating Capacity of Proposed Outdoor Seating

Retail Food Establishment License Number

Will beer/wine consumption be permitted at your Outdoor Seating? YES _____ NO _____

Outdoor Seating Plan Preparer (drawn to scale – need not be professional drawing):

NAME

PHONE

ADDRESS

Note: Outdoor Seating Plan must be accompanied by the written authorization and approval of the owner of the building, if other than the applicant.

Fee as required by Ordinance – \$50.00

Please make check payable to the Township of Livingston. All fees collected are non-refundable.

1. Submit color photograph of property and proposed Outdoor Seating area.
 2. Submit scaled drawing / rendering of the proposed Outdoor Seating area.
 3. Description of proposed furnishings and equipment.
 4. Submit ten (10) copies of application and all attachments to the Architectural Review Board (the “BID”)
- Note: If establishment was approved in the previous calendar year, item numbers 1-4 above may not be required for current year application approval. Please check with the Planning Department at 973-535-7954 to confirm.



OUTDOOR SEATING APPLICATION

I, _____ hereby certify that I have read and will comply with the regulations set forth in the code of the Land Use of the Township of Livingston section §170-92.1.

The undersigned further agrees to forever defend, indemnify and save harmless the Township of Livingston, their officers, agents and employees, from and against any and all claims, causes of action, injuries, losses, damages, expenses, fees and costs arising out of, or which may arise out of, the operation of such Outdoor Seating.

Owner/Representative Signature

Date

Sworn and subscribed to before me this ____ day of _____, 20__

Notary Public

FOR OFFICE USE ONLY

Reviewed / Recommendation to GRANT () DENY ()

BID Representative

Reviewed / Recommendation to GRANT () DENY ()

Construction / Zoning Official

Reviewed / Recommendation to GRANT () DENY ()

Health Official

Reviewed / Recommendation to GRANT () DENY ()

Planning Administrator