

ORDINANCE 2021-

*Borough of Metuchen
County of Middlesex
State of New Jersey*

AN ORDINANCE AMENDING SECTION 110-4 (DEFINITIONS) IN ARTICLE 1 (TITLE; PURPOSE; DEFINITIONS) IN PART I (GENERAL PROVISIONS) IN CHAPTER 110 (LAND DEVELOPMENT), AMENDING SECTION 110-48 (APPLICABILITY) IN ARTICLE 12 (MINOR SITE PLAN APPLICATIONS) IN PART II (APPLICATIONS FOR DEVELOPMENT) IN CHAPTER 110 (LAND DEVELOPMENT), AMENDING SECTION 110-51 (APPLICABILITY) IN ARTICLE 13 (MAJOR SITE PLAN APPLICATIONS) IN PART II (APPLICATIONS FOR DEVELOPMENT) IN CHAPTER 110 (LAND DEVELOPMENT) OF THE CODE OF THE BOROUGH OF METUCHEN TO REVISE REQUIREMENTS RELATING TO STRUCTURES USED FOR OUTDOOR DINING AREAS AND APPLICABILITY STANDARDS FOR MINOR AND MAJOR SITE PLAN APPLICATIONS.

BE IT ORDAINED by the Borough Council of the Borough of Metuchen as follows (additions are indicated by underlining; deletions are indicated by ~~strikethroughs~~):

SECTION 1. Section 110-4 (Definitions) in Article 1 (Title; Purpose; Definitions) in Part I (General Provisions) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

NONENCLOSED OUTDOOR DINING STRUCTURE

A structure, whether accessory or attached to a principal structure, on the same lot as a permitted eating and drinking establishment and devoted exclusively to providing shelter from the elements for patrons of the eating and drinking establishment for outdoor dining purposes only. No cooking, food preparation or storage shall be permitted within the structure. The structure primarily consists of a roof structure with support posts, with no more than 50% of the sides of the structure comprised of permanent wall construction and windows, exclusive of support posts. Screening materials made of fabric, canvas, plastic, etc. may be used on open sides ~~on a temporary basis~~ at any time from October 1 through March 31 and only during inclement weather from April 1 through September 30, and provided that such screens are retracted or raised when not in use.

SECTION 2. Section 110-48 (Applicability) in Article 12 (Minor Site Plan Applications) in Part II (Applications for Development) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-48 Applicability.

This article is applicable in appropriate cases where minor development is proposed that does not qualify for an exemption from site plan requirements in accordance with Article

2 of this chapter, as determined by the Zoning Officer. Applications for minor site plan approval shall be reviewed in accordance with § 110-217.~~JK~~. Approvals, if granted, shall be granted by resolution of the Planning Board ~~having jurisdiction, provided, however, that applications proposing an expansion of a nonconforming use or structure shall not qualify for minor site plan approval~~. Minor site plan approval shall be required for development involving any of the following:

- A. Substantial alterations to one or more of the building elevations.
- B. A change of use of a structure, building or land to a nursery school, day-care center, eating or drinking establishment with greater than 50 seats, and any light industrial use.
- C. A change of occupancy or use of a structure, building or land that requires more parking than was required for the previous use pursuant to § 110-154 of this chapter and which parking is not provided on the site. Uses shall be exempt from obtaining site plan approval if they obtain up to two parking spaces from a municipal or public parking operator, for residential or employee use only, in order to meet the parking requirement, provided that such uses are located within 1/4 of a mile of a municipal or public parking facility.
- ~~D.~~ The construction of a ground-floor addition to a principal structure, consisting of no greater than 2.5% of the lot area, not to exceed 500 square feet in floor area.
- ~~DE.~~ The construction of an upper-story addition to a principal structure, consisting of no greater than 2,500 square feet in floor area, provided that such addition is located entirely within the building footprint of the existing principal structure.
- ~~EF.~~ The construction of a nonenclosed outdoor dining structure consisting of greater than 500 square feet in area and no greater than 1,000 square feet in floor area.
- ~~FG.~~ The construction of an accessory structure, exclusive of A/C condenser units, generators and tanks, consisting of greater than 200 square feet in area and no greater than 500 square feet in floor area.
- ~~GH.~~ The use of land for a driveway or parking lot, involving the creation of greater than two parking spaces or 500 square feet in area and no greater than four parking spaces or 1,000 square feet in area.
- ~~HI.~~ Any application requiring an exception from any requirement of Part IV of this chapter.
- ~~IJ.~~ Minor amendments to an existing site plan or minor subdivision plat that do not result in a substantial alteration of any aspect of the existing approval.

SECTION 3. Section 110-51 (Applicability) in Article 13 (Major Site Plan Applications) in Part II (Applications for Development) in Chapter 110 (Land Development) of the Code of the Borough of Metuchen is hereby amended to read as follows:

§110-51 Applicability.

This article shall apply to all applications for development involving any of the following:

- A. The construction of a new principal structure.
- B. An addition to an existing principal structure, except an addition which meets the requirements of Article 12 of this chapter.
- C. The construction of an accessory structure, exclusive of A/C condenser units, generators and tanks, except an accessory structure which meets the requirements of Articles 2 and 12 of this chapter.
- D. The use of land for a driveway or parking lot, involving the creation of five or more parking spaces or 1,000 or more square feet in area.
- E. Any application requiring a variance pursuant to N.J.S.A. 40:55D-70(d).

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 6. This ordinance shall take effect upon final passage and publication in accordance with law and upon filing with the Middlesex County Planning Board.

Introduction: _____, 2021
 Date of Publication: _____, 2021

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
KANDEL					RUBIN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance introduced by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on _____, 2021.

 Deborah Zupan
 Acting Borough Clerk

Adopted: _____, 2021
 Date of Publication: _____, 2021

COUNCILMEMBER	YES	NO	NV	AB	COUNCILMEMBER	YES	NO	NV	AB
DELIA					KOSKOSKI				
HIRSCH					RASMUSSEN				
KANDEL					RUBIN				
MOTION					SECOND				
X – INDICATES VOTE					AB- ABSENT		NV- NOT VOTING		

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Borough Council of the Borough of Metuchen, Middlesex County, New Jersey at a regular meeting held on _____, 2021.

 Deborah Zupan
 Acting Borough Clerk

ATTEST:

BOROUGH OF METUCHEN

 Deborah Zupan
 Acting Borough Clerk

By: _____
 Jonathan M. Busch
 Mayor