

**BOROUGH OF WEST CAPE MAY  
CAPE MAY COUNTY**

**ORDINANCE 504-15**

**AN ORDINANCE AMENDING SECTION 27-27.15  
OF THE WEST CAPE MAY BOROUGH CODE  
GOVERNING OUTDOOR DINING STANDARDS**

**WHEREAS**, the Section 27-27.15 of the West Cape May Zoning Ordinance provides standards for outdoor dining establishments in the Borough of West Cape May; and

**WHEREAS**, those standards currently provide that outdoor dining is permitted only between April 1 and November 30 of each year; and

**WHEREAS**, the West Cape May Borough Commission, having considered the matter, believes it to be in the Borough's best interest to amend those standards to permit outdoor dining year-round, at the discretion of the owners of outdoor dining establishments,

**NOW, THEREFORE**, be it **ORDAINED** by the Borough Commission of the Borough of West Cape May as follows:

**Section One.** Section 27-27.15(d) of the West Cape May Borough Code is amended as follows:

- d. Outdoor Dining Design Standards.
1. Outdoor dining shall be permitted only in conjunction with, and adjacent to, an established restaurant. Outdoor dining shall be permitted year-round, subject to the conditions below.
  2. No furniture, apparatus, decoration or appurtenance used in connection with the operation of the sidewalk café shall be located in such a way that less than five feet (5') of paved sidewalk remains for the exclusive use of pedestrians, nor shall any such object protrude into, on or above the required five-foot (5') wide pedestrian passageway.
  3. Should any outdoor dining facility close for a period of two weeks or more, all furniture or other equipment located on any portion of the public paved sidewalk shall be removed from the sidewalk until the facility reopens.
  4. No signs are permitted on the sidewalk except that the name and type of establishment may appear on umbrellas or the valance of an awning.

5. Adequate lighting shall be provided to promote safe passage of pedestrians and for patrons.
6. Awnings and/or umbrellas may be used in conjunction with outdoor dining. Awnings shall be adequately secured and retractable. Supporting structure must be attached to the building and may not be set on the ground. The bottom of the awning shall be seven (7') feet from the ground. No screening or weather protection panels will be permitted. No heating or cooling equipment will be permitted.
7. Any outdoor dining area that is next to a residential use or residential district must be a minimum of five (5') feet from the shared property line.

**Section Two. Severability.** Should any section, part or provision of this Ordinance be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance as whole or in part, other than the part held unconstitutional or invalid.

**Section Three. Repealer.** All ordinances or parts thereof inconsistent with the provisions of this Ordinance are repealed to the extent of their inconsistencies.

**Section Four. Effective Date.** This Ordinance shall take effect 20 days after final passage and publication, according to law.

#### **NOTICE OF PENDING ORDINANCE**

The foregoing Ordinance was introduced at a Regular Meeting of the Board of Commissioners of the Borough of West Cape May held on October 14, 2015 when it was read for the first time and then ordered to be published according to law. This Ordinance will be further considered for final passage by the Board of Commissioners of the Borough of West Cape May at a meeting to be held at Borough Hall, 732 Broadway, West Cape May, New Jersey on November 25, 2015 at 7:00 p.m. or as soon thereafter as possible, at which time and place, all persons interested will be given an opportunity to be heard concerning such ordinance.

Elaine L. Wallace, RMC  
Municipal Clerk