



# Borough of Chatham

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## BOROUGH OF CHATHAM COUNTY OF MORRIS

### ORDINANCE #25-09

#### AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF CHATHAM IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 165, ENTITLED “LAND DEVELOPMENT REGULATIONS”, ARTICLE XVII CONDITIONAL USES

**WHEREAS**, Chapter 165 of the Code of the Borough of Chatham (“Borough Code”), entitled “Land Development Regulations,” contains provisions at Article XVII, “Conditional Uses,” relating to outdoor eating and drinking establishments at Section 165-145; and,

**WHEREAS**, there is an inconsistency in Section 165-145 with the health and safety provisions governing sidewalk dining contained within Chapter 221 of the Borough Code, more specifically, Section 221-9(A)(2); and,

**WHEREAS**, the Borough Administration recommends amending the Borough Code to correct this inconsistency and continue to ensure the safe operation of establishments that offer sidewalk dining.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of Chatham Borough, in the County of Morris, State of New Jersey, as follows:

#### **Section 1:**

Chapter 165-145 of the Code of the Borough of Chatham is hereby amended as follows [additions by underline, deletions by ~~strike through~~]:

#### **§165-145 Outdoor eating and drinking establishments.**

The following conditions shall apply to that portion of the customer service or dining area provided outdoors:

- A. The area used for outdoor dining shall be set back:
  - (1) At least ~~six~~ four feet from any street, driveway, vehicle accessway or parking area.
  - (2) At least 25 feet from any residential zone boundary or use.
- B. UNCHANGED.
- C. UNCHANGED.
- D. UNCHANGED.

#### **Section 2:**

All other provisions of Chapter 165 of the Borough Code not amended or replaced herein remain in full force and effect.

#### **Section 3:**

Pursuant to N.J.S.A. 40:55D-64, after introduction of this Ordinance, it shall be referred to the Chatham Borough Planning Board for the review required by the Municipal Land Use Law, N.J.S.A. 40A:55-1 et seq., prior to the hearing on adoption of this Ordinance.

#### **Section 4:**

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**Section 5:**

All Ordinances or parts of Ordinances of Chatham Borough inconsistent herewith are repealed to the extent of such inconsistency.

**Section 6:**

This law shall take effect immediately upon final passage, approval and publication as required by law.

| <b>Name</b>         | <b>Motion</b> | <b>Second</b> | <b>Yes</b> | <b>No</b> | <b>Abstain</b> | <b>Absent</b> |
|---------------------|---------------|---------------|------------|-----------|----------------|---------------|
| <b>Mathiasen</b>    |               |               |            |           |                |               |
| <b>Hargrove</b>     |               |               |            |           |                |               |
| <b>Hay</b>          |               |               |            |           |                |               |
| <b>Koronkiewicz</b> |               |               |            |           |                |               |
| <b>Strickland</b>   |               |               |            |           |                |               |
| <b>Treloar</b>      |               |               |            |           |                |               |

Introduced: May 27, 2025

Adopted: June 23, 2025

Attest:

BOROUGH OF CHATHAM

\_\_\_\_\_  
Vanessa L. Nienhouse, RMC, CMC  
Borough Clerk

\_\_\_\_\_  
Carolyn Dempsey  
Mayor

**CERTIFICATION**

I, Vanessa L. Nienhouse, Borough Clerk for the Borough of Chatham, County of Morris, State of New Jersey, do hereby certify this is a true and correct copy of an Ordinance that was read on second reading by the Borough Council at its Regular Meeting held on June 23, 2025.

\_\_\_\_\_  
Vanessa L. Nienhouse, Borough Clerk