

ORDINANCE NO. 2024-06 (1257)

**AN ORDINANCE OF THE BOROUGH OF LAVALLETTE SETTING FORTH
REQUIREMENTS FOR OUTDOOR COOKING FACILITIES AND AMENDING
VARIOUS SECTIONS OF THE BOROUGH CODE**

WHEREAS it has come to the attention of the Mayor and Borough Council of the Borough of Lavallette that several properties have extensive outdoor cooking facilities; and

WHEREAS outdoor cooking facilities are sometimes referred to as outdoor kitchens; and

WHEREAS there appear to be contradictory requirements regarding outdoor cooking facilities and/or outdoor kitchens; and

WHEREAS the Mayor and Borough Council of the Borough of Lavallette find it necessary to clarify all codes and regulations related to outdoor cooking facilities.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

1. All references to outdoor kitchens found in the Borough Code of the Borough of Lavallette are hereby supplanted by the term outdoor cooking facilities.
 - a. The following sentence is deleted from Chapters 90-22, 90-35, 90-42 and 90-49, Articles V, VI, VII, and VIII ~~Structures to provide outdoor cooking facilities containing a grill, sink and/or refrigerator are permitted but must abide by all applicable dwelling setback and bulk requirements. Said outdoor cooking structure shall not be enclosed on any more than two (half) of its sides, and may include a roof or other overhead enclosure.~~
 - b. Outdoor Cooking Facility is added as a Permitted Accessory uses and buildings in Chapters 90-23, 90-36, & 90-43.

- c. Outdoor Cooking Facility is added as a Permitted Accessory use and building in Chapter 90-49(B) [a new section].
2. Outdoor Cooking facility defined.
- a. Outdoor Cooking facility is any structure that includes an outdoor cooking apparatus, including but not limited to grill, smoker, pizza oven, and/or rotisserie and up to one each of one or more of the following: sink, appliance including, but not limited to, refrigerator, wine refrigerator, kegerator, and/or icemaker. Outdoor Cooking facility is also defined as a structure that includes two (2) outdoor cooking apparatuses. Outdoor cooking facilities may or may not include countertops and/or storage space. Outdoor cooking facilities may not include permanent seating.
 - i. All of the above enumerated outdoor cooking facility equipment must be FEMA compliant.
 - ii. All outdoor cooking facilities may have a maximum of two (2) outdoor cooking apparatus.
 - b. A single outdoor cooking apparatus whether natural gas, wood, propane, or charcoal powered shall not be considered an Outdoor Cooking Facility.
 - i. All single outdoor cooking apparatuses shall be at least eight (8) feet from all structures and shall have a minimum of an eight (8) feet setback from all property lines.
 - c. Outdoor cooking facilities must abide by all applicable dwelling setbacks, lot coverage, and bulk requirements.

- d. All structures, including outdoor cooking facilities, detached garages and shed shall conform with all federal, state, county, and local statutes, regulations, and ordinances including but not limited to FEMA regulations, CAFRA regulations and the Uniform Construction Code.
- e. General Requirements for Outdoor Cooking Facilities.
 - i. All outdoor cooking facilities shall have a maximum height of forty-two inches (42”).
 - ii. All outdoor cooking facilities are subject to all construction permitting and inspection requirements including but not limited to building, plumbing, and electrical.
 - iii. Each major phase of the construction must be inspected by the Building Department to make certain the work conforms to code, permit and approved plans.
 - iv. All outdoor cooking facilities shall have the same minimum side yard setback requirements as the dwelling. The outdoor cooking facility side yard setbacks shall mirror the side yard setback of the dwelling.
 - v. All outdoor cooking facilities shall have a minimum of an eight (8) feet rear yard setback, unless otherwise prohibited by another section of the Code of the Borough of Lavallette.
 - vi. All outdoor cooking facilities shall be at least eight (8) feet from any other building on the lot.
 - vii. Outdoor cooking facilities shall not have a roof.

- viii. The top of the outdoor cooking facility, whether continuous or not, shall be constructed with up to one angle. The outdoor cooking facility may be constructed in a straight line, an L shape, or have a single diagonal corner.
 - ix. Outdoor cooking facilities are subject to all lot coverage requirements.
 - x. Outdoor cooking facilities are subject to all other bulk requirements.
3. All applicable sections of the Code of the Borough of Lavallette including but not limited to Chapter 90 Article V, VI, VII, and VIII, shall be updated in accordance with sections 1 and 2 above.

BE IT FURTHER ORDAINED this Ordinance shall become effective April 15, 2024.

BE IT FURTHER ORDINATED if any section or part of this ordinance shall be declared to be unconstitutional, invalid or inoperative in whole or in part, by a court of competent jurisdiction, such section or part shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining sections or parts of this ordinances.

NOTICE

ORDINANCE NO. 2024-06 (1257)

**AN ORDINANCE OF THE BOROUGH OF LAVALLETTE SETTING FORTH
REQUIREMENTS FOR OUTDOOR COOKING FACILITIES AND AMENDING
VARIOUS SECTIONS OF THE BOROUGH CODE**

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting held on the 18th day of March 2024. It was further considered for second reading and final passage at a meeting of the Borough Council held on the 1st day of April 2024 at 7:00 pm at the Council Chambers in the Municipal Building Complex located at 1306 Grand Central Avenue, Lavallette, New Jersey at which time and place persons desiring to be heard upon the same were given the opportunity to be heard.

Said Ordinance was duly adopted on the 1st day of April 2024 and shall take effect upon publication as required by law.

Donnelly Amico
Municipal Clerk

APPROVED:

Walter G. LaCicero, Mayor