

Jersey City Outdoor Dining Program Guide

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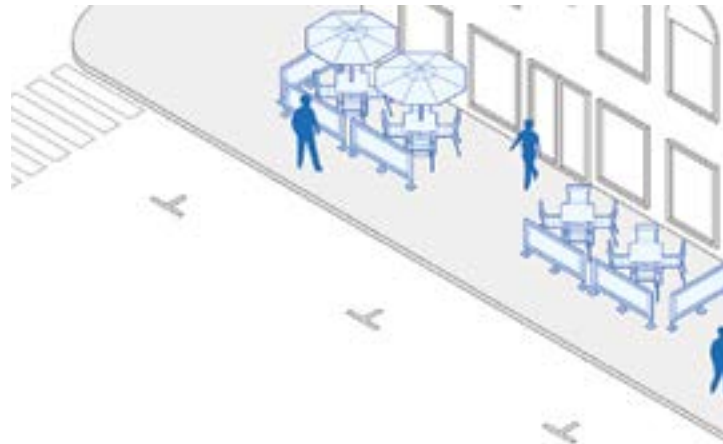


WHAT IS OUTDOOR DINING?

Outdoor dining areas are spaces within the public right-of-way that are designated for the private commercial use of food service establishments.

TYPES OF OUTDOOR DINING AREAS

The City of Jersey City allows four different types of outdoor dining areas. Each type has specific design parameters to ensure public safety.



Sidewalk Cafe (temporary)

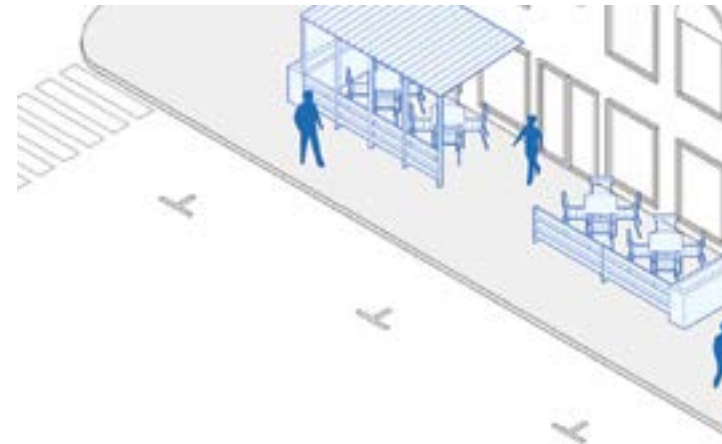
Location: Sidewalk

Permanence: Removed daily

Application Process Complexity: ●

Cost: \$

Temporary sidewalk cafes are located on the public sidewalk while keeping a clear path for pedestrians. These dining areas are composed of easily movable materials such as bistro tables and chairs and umbrellas. Cafe seating must be disassembled at the end of each day and stored away during non-business hours.



Sidewalk Cafe (semi-permanent)

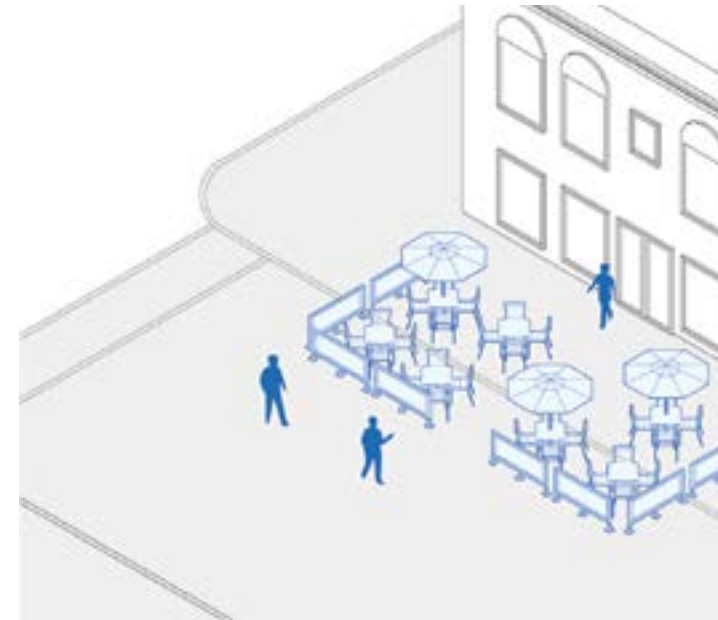
Location: Sidewalk

Permanence: Semi-permanent

Application Process Complexity: ●●

Cost: \$\$

Semi-permanent sidewalk cafes are located on the public sidewalk while keeping a clear path for pedestrians. These dining areas include more permanent elements such as railings, planters or roof enclosures.



Plaza Cafe

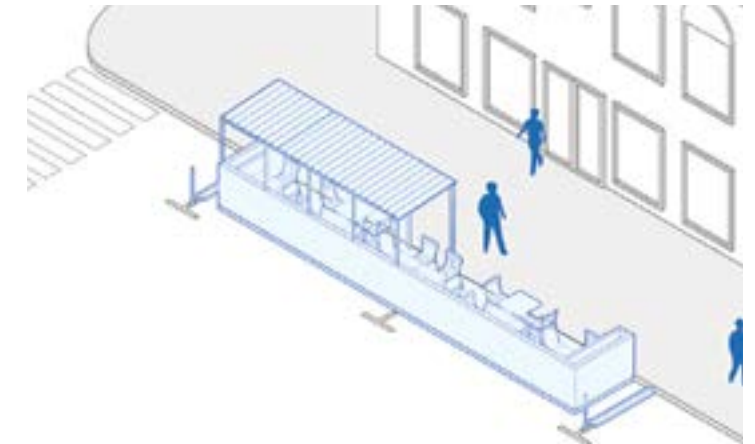
Location: Pedestrian plaza

Permanence: Removed daily

Application Process Complexity: ●●

Cost: \$

Plaza cafes are located on a fully pedestrian street, such as the Newark Avenue Plaza. These dining areas are located in the furniture zone as not to obstruct the pedestrian comfort zone or emergency vehicle access. Cafe seating and partitions must be disassembled at the end of each day and stored away during non-business hours.



Commercial Parklet

Location: Parking lane or pedestrian lane

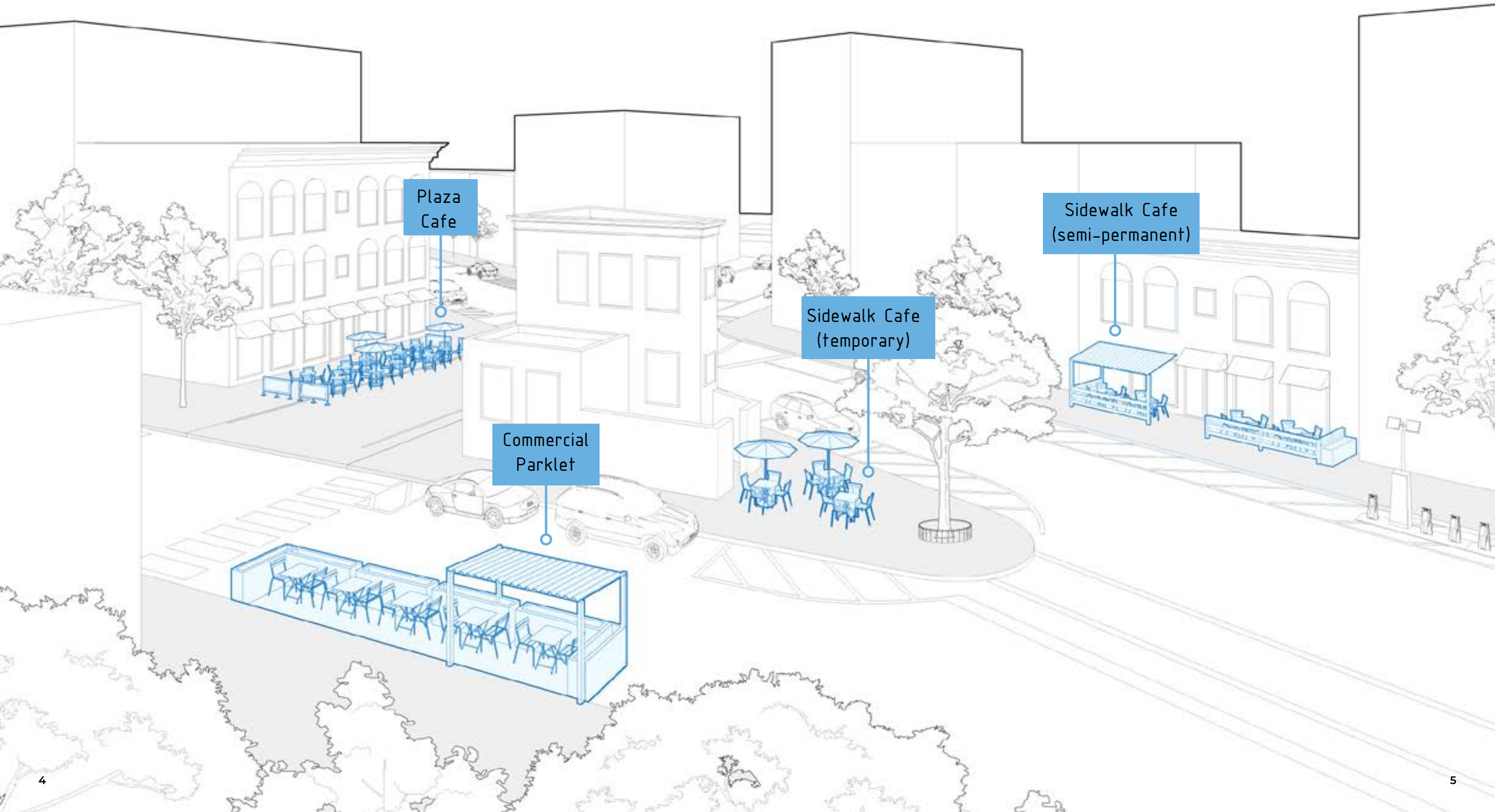
Permanence: Semi-permanent

Application Process Complexity: ●●●

Cost: \$\$

Commercial parklets are located on a curbside lane and convert space previously used for vehicles such as on Grove Street. These dining areas include more permanent elements such as a platform or deck, railings, planters or roof enclosures. Unlike public parklets which are public spaces, commercial parklets are for the private use of food service establishments.

OUTDOOR DINING TYPES IN CONTEXT



Plaza
Cafe

Commercial
Parklet

Sidewalk Cafe
(temporary)

Sidewalk Cafe
(semi-permanent)

PROGRAM GUIDELINES

The Jersey City Outdoor Dining Program allows businesses to activate public spaces and enhance the pedestrian realm. During the COVID-19 pandemic, Jersey City expanded the program to assist businesses in mitigating some of the negative impacts of the pandemic while providing the public with additional outdoor spaces to gather safely. However, it is essential that outdoor dining be done in accordance with City and State Law. Additionally, it is important that businesses utilizing outdoor dining keep up to date with potential changes to regulations, which are subject to change based upon the COVID-19 pandemic or other public health events. Accordingly, this document should be viewed as a guide to the various outdoor dining regulations, but should not be relied upon exclusively.

GENERAL

- Outdoor dining shall only be permitted in front of a food service establishment that is permitted and conforming under the City's zoning ordinances and possesses a valid 'Class A' Jersey City Health Food Establishment license. Food service establishments seeking to expand a prior nonconforming use shall be required to obtain the appropriate variance from the Jersey City Zoning Board of Adjustment.
- In addition to the general outdoor dining guidelines, plaza cafes also need to comply with the rules for the pedestrian plaza codified in the City Code and in the pedestrian plaza's operating plan.
- No advertising signs, banners, or menus shall be placed (on), draped, or attached to semi-permanent structure built as part of an outdoor dining area adjacent to the Food Service Establishment.
- Per New Jersey State Health Law, dogs are not permitted in outdoor dining structures.
- The City of Jersey City reserves the right to suspend permits in the interest of public safety if the installed outdoor dining structure creates an unsafe condition. The City of Jersey City also reserves the right to remove outdoor dining materials if such materials are a threat to public safety by causing an unsafe condition.
- Outdoor dining rules within Jersey City are contained in [Chapter 296](#) of the Jersey City Municipal Code. [Chapter 296](#) was most recently amended at the March 23, 2022 Council meeting and can be found on [this website](#). This memo and relevant information are available digitally at cnj.org/outdoordining.
- These guidelines pertain only to outdoor dining in the public-right-of-way. Tents, backyard spaces, patios, roof decks, and other outdoor areas that are not within the public right-of-way are allowed and not regulated by these guidelines.

OPERATION

The following are maximum hours of operation for all outdoor dining areas:

Sunday – Wednesday 8:00 a.m. – 10:00 p.m.

Thursday 8:00 a.m. – 11:00 p.m.

Friday – Saturday 8:00 a.m. – midnight

The number of patrons served in the outdoor dining area shall be limited to the maximum number indicated on the Sidewalk Café License. No persons other than those being served, and restaurant personnel shall be within the dining area except for those persons passing through to enter or exit the restaurant proper.

SET UP & MAINTENANCE

- Any chairs, tables, etc., must be stored and secured whenever the outdoor dining area is not in use.
- All areas comprising the outdoor dining space, including any structures, tables and chairs, shall remain clean and orderly at all times.
- Sidewalk Cafe License holders are responsible for snow and ice removal as well as the cleanliness of the entire sidewalk area. This applies to all outdoor dining area types.
- No planters, flower boxes, menu stands and/or other decorative items are allowed to protrude outside the envelope of the outdoor dining area in order to keep clear the sidewalk clear for pedestrian traffic.
- No audio speakers may be placed outside of the Food Service Establishment or any semi-permanent structure built as part of an outdoor dining area adjacent to the Food Service Establishment.

UTILITY ACCESS

Applicants with underground conduits beneath their outdoor dining area must grant temporary access to any City staff or other public utility company when necessary. Applicants understand and agree that necessary road/resurfacing work done by either the City or a utility company may require temporary removal of all or a portion of the constructed outdoor dining area to provide access. The applicant further understands the removal and replacement of the outdoor dining area, as well as associated costs, will be the responsibility of the applicant.

ENTERTAINMENT

Unless otherwise regulated by a Pedestrian Mall operating plan, entertainment is permitted within the boundaries of outdoor dining spaces. No more than two events per week are allowed and shall be limited to four performers. All entertainment is required to conclude by 8:00 p.m.

ALCOHOLIC BEVERAGES

- Alcoholic beverages may only be served in accordance with [Alcohol Beverage Control rules and regulations](#), and additional permits are required to serve alcoholic beverages on outdoor dining areas. Alcoholic beverages, when permitted under this article, shall not be served or consumed on any sidewalk or any other public area which is outside the partitioned area of the outdoor dining.
- No alcoholic beverages, wherever permitted, shall be served in an outdoor dining area before noon on any day.

LICENSES & PERMITS

The following licenses and permits are required for businesses seeking to implement outdoor dining:

REQUIRED FOR ALL OUTDOOR DINING AREAS

All outdoor dining areas are required to obtain a **Sidewalk Cafe License**.

There are two types of licenses:

Seasonal License: Allows dining area to operate from March 15 - November 30 of the same year.

Annual License: Allows dining area to operate year-round from March 15 - March 14 of the following year.

All outdoor dining areas are required to obtain a **Zoning Designation Letter**.

ADDITIONAL PERMITS & REVIEWS

Use the checklist below to determine additional requirements.

If the answer to any of the questions below is “yes”, place a check mark in the corresponding box:

	Parklet Permit	Zoning Review	Construction Permit	Fire Code Permit	Historic Preserv. Approval
Will the dining area be located on a curbside lane (<i>parking or pedestrianized lane</i>)?	<input type="checkbox"/>				
Will there be any tent, tensioned membrane or fabric canopy structures of any size? <i>Not including movable umbrellas.</i>		<input type="checkbox"/>	<input type="checkbox"/>		
Does the dining area include a rigid, semi-permanent roof structure greater than 120 square feet?		<input type="checkbox"/>	<input type="checkbox"/>		
Will the space incorporate heating or electrical elements?		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Will the dining area be in a historic district?					<input type="checkbox"/>

FEE SCHEDULE & APPLICATIONS

The following fees* apply both to new licenses and license renewal requests unless stated as a “one-time fee”:

	Seasonal License Fee	Annual License Fee	Contact & Application
REQUIRED FOR ALL			
Sidewalk Cafe License	Size: \$225 for 1-16 patrons OR \$275 for 16+ patrons Inspection Fee: \$100 min.** for new licenses OR \$200 min.** for renewals	\$300 for 1-16 patrons OR \$350 for 16+ patrons <i>Same as Seasonal License Fee</i>	Division of Commerce Maynard Woodson, Director Sidewalk Cafe License Application ; 201.547.5139
Zoning Letter	Zoning Designation Letter: \$100 <i>one-time fee</i> ***	<i>Same as Seasonal License Fee</i>	Division of Zoning Nick Taylor, Director and Zoning Officer Zoning Determination Letter Application zoning@jcnj.org ; 201.547.4832
ADDITIONAL PERMITS & REVIEWS			
Parklet Permit	Administrative Fee: \$383 Roadway Usage Fee: \$1,917 Engineering & Traffic Review: \$100 Inspection Fee: \$100 min.** for new licenses OR \$200 min.** for renewals	\$536 \$2,682 <i>Same as Seasonal License Fee</i> <i>Same as Seasonal License Fee</i>	Division of Transportation Planning Michael Manzella, Director parklets@jcnj.org ; 201.547.4411 See Sidewalk Cafe License Application above; no separate application needed.
Zoning Review	Zoning Review: \$100 <i>one-time fee</i> ***	<i>Same as Seasonal License Fee</i>	Division of Zoning Nick Taylor, Director and Zoning Officer Zoning Review Application zoning@jcnj.org ; 201.547.4832
Construction Permit	Construction Code Review: \$15 per \$1,000 of construction cost <i>one-time fee</i> *** Inspection Fee: \$100 min.** for new licenses OR \$200 min.** for renewals	 <i>Same as Seasonal License Fee</i> <i>Same as Seasonal License Fee</i>	Division of Construction Code Ray Meyer, Construction Code Official Construction Permit Application ; 201.547.5055 Uniform Construction Code
Historic Preservation	HPC Approval: \$100 <i>one-time fee</i> *** Signage Review: \$40 seasonal AND unlit sign OR \$100 all other sign types <i>one-time fee</i> ***	 <i>Same as Seasonal License Fee</i> <i>Same as Seasonal License Fee</i>	Historic Preservation Commission HPC Application ; jchpc@jcnj.org
Fire Code Permit	Inspection Fee: \$100 min.** for new licenses OR \$200 min.** for renewals	<i>Same as Seasonal License Fee</i>	Fire Prevention Bureau Fire Code Permit Application ; 201.547.4255

*Please note that as of March 2023, fees will no longer be offered at the discounted COVID-19 rate.

**Two (2) inspections are required for all renewal applications, one at the time of the application submission, and one within six (6) months of issuance of permit. One (1) inspection is required annually for new applications, within six (6) months of issuance of permit. If applicant fails an inspection or further improvements are made after approved inspection, additional inspections will be required along with additional \$100 per inspection.

***Any proposed changes not included in or not compliant with original license approval will be subject to additional review and applicable fees.

COMMERCIAL PARKLET

Commercial parklets must follow the location and design guidelines below:

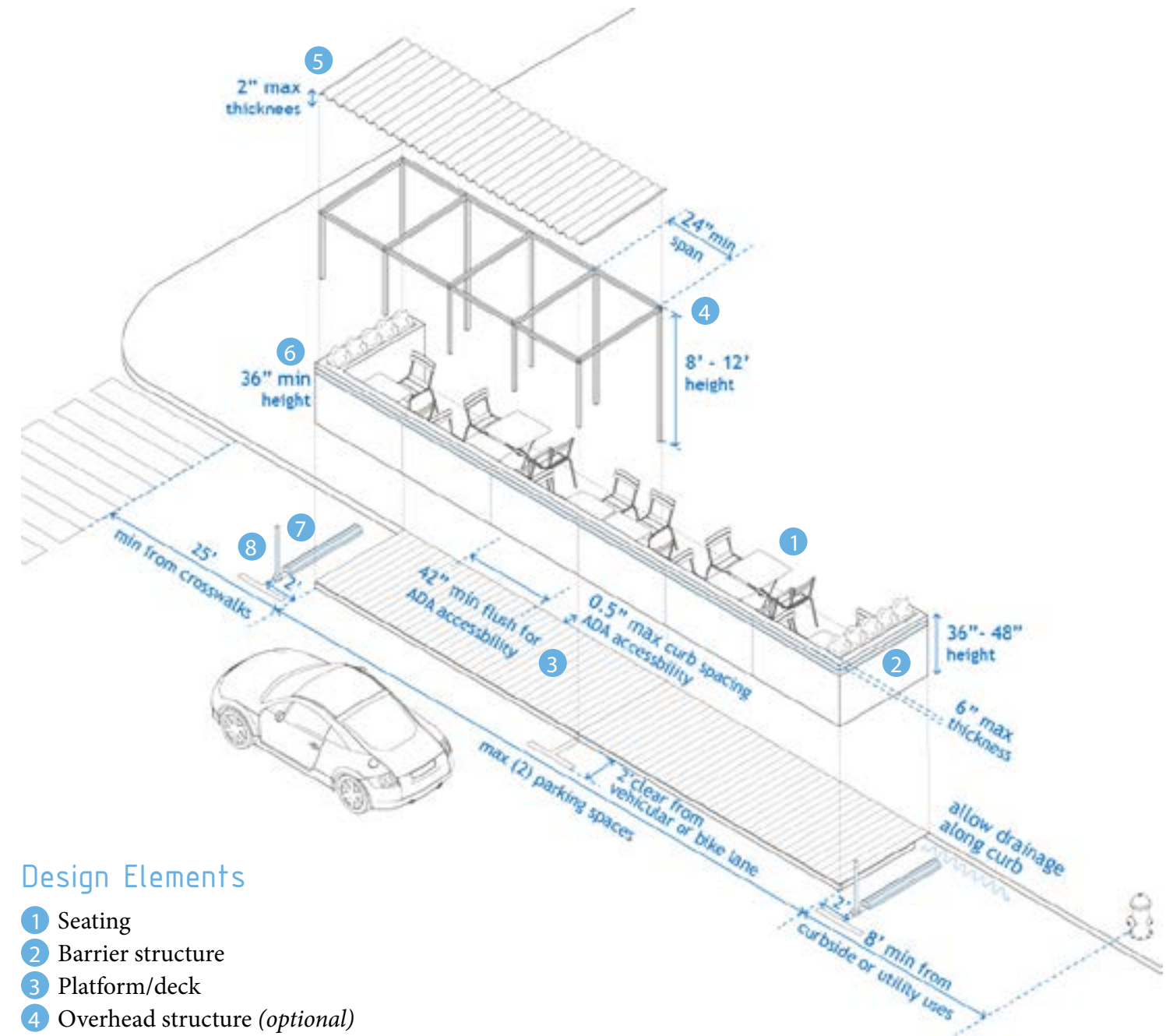
LOCATION CRITERIA

- Must be in existing parallel parking lane or pedestrianized lane (*partial pedestrian mall*)
- Any parking spaces that extend beyond the property lines for the business shall require approval in writing from adjacent property owners & businesses
- Must not obstruct any curbside or utility uses, such as bus stops, reserved parking spaces, loading zones, fire hydrants or driveways



Commercial parklet at The Boil

DESIGN PARAMETERS



Design Elements

- 1 Seating
- 2 Barrier structure
- 3 Platform/deck
- 4 Overhead structure (*optional*)
- 5 Roof membrane (*optional*)
- 6 Reflective tape (*pedestrianized lane only*)
- 7 Vertical reflective marker (*parking lane only*)
- 8 Parking block/wheel stop (*parking lane only*)

ADDITIONAL DESIGN CONSIDERATIONS

CONSTRUCTION CODE

Snow Plan

When a variation is granted, a snow plan must be filed with construction official that would take effect in the event of a forecasted weather event that would exceed the certified conditions of the variation. The snow plans could include, but are not limited to, heating the tent to prevent the accumulation of snow, having the tent taken down in its entirety during periods of inclement weather, removing the top of the tent to prevent snow accumulation, or for smaller tents, utilizing maintenance personnel to remove accumulation.

FIRE CODE

Outdoor heating devices and electrical wiring must be in conformity with the [New Jersey Uniform Fire Code](#).

Electrical Elements

Extension Cords shall be used only with portable appliances. Per [N.J.A.C. 5:70-3, 605.5](#): Extension cords and flexible cords shall not be a substitute for permanent wiring. Extensions cords and flexible cords shall not be affixed to structures, extended through walls, ceiling or floors or under doors or floor coverings, nor shall such cords be subject to environmental damage or physical impact.

Temporary wiring for electrical power and lighting installations is allowed for a period not to exceed 90 days. Temporary wiring methods shall meet the applicable provisions of the electrical subcode of the [Uniform Construction Code](#).

Heating Elements

Portable outdoor gas fired-heating appliances are prohibited inside tents, tensioned membrane structures, and canopies. They shall be located no less than 5 feet from buildings, combustible materials, and exits or exit discharges. They shall be installed and maintained according to the manufacture's instructions, and equipped with a tip-over switch and a guard against accidental contact.

Means of Egress

An exit shall not be used for any purpose that interferes with its function as a means of egress. Once a given level of exit protection is achieved, such level of protection shall not be reduced until arrival at the exit discharge. Exits shall be continuous from the point of entry into the exit to the exit discharge.

REFERENCE LINKS

[NJ Uniform Construction Code](#)

[NJ Uniform Fire Code](#)

[NJ DCA Guidelines](#)

[NJ DCA Guidelines Winter](#)

[JC Municipal Code](#)

[JC Ordinance 22-020](#)

APPENDIX 1: NEWARK PEDESTRIAN MALL GUIDELINES

GENERAL REQUIREMENTS

Sidewalk cafés located on the Newark Avenue Pedestrian Mall are subject to the regulations adopted in the Jersey City Municipal Code, Chapter 296 Article VII (Sidewalk Cafés) and Chapter 67 Article I (Pedestrian Malls). Establishments on the Pedestrian Mall are also subject to the additional design and operating requirements listed within this document. In cases where the municipal code and this document are in conflict, this document shall supercede. Any questions regarding compliance with the regulations can be directed to the Division of Commerce at 201-547-5139.

- a. Commercial use of public right-of-way shall be restricted to food and beverage sales within an outdoor cafe and produce stands.
- b. All sidewalk cafes must be clearly defined by partitions the perimeter of the licensed area.
- c. Partitions may be installed on no more than three sides of the Sidewalk Café area and shall be no less than 30 inches in height and no more than 36 inches in height. The partition shall provide one opening for entrance and exit which is no less than 42 inches in width.
- d. All partitions, menu stands, and/or other items that extend into the public right-of-way are to be removed off the plaza and stored inside after closing or when not in use.
- e. Planters and flower boxes may be kept outside overnight but must be placed close to the facade of the building and secured in place.
- f. All partitions, umbrellas, and other accessories must be secured and weighted down in a manner that prevents them from collapsing, tipping over, or moving out of place. **Drilling holes into the sidewalk to secure the partitions is not permitted.**
- g. Partitions shall be constructed of metal or wood (painted, stained, or treated to be weather resistant). Theater-style crowd control stanchions are not permitted (typically chrome or gold post with draped red velvet rope).
- h. The cafe area may only extend beyond the property boundaries of the business with approval from the adjacent property owner and business, and shall not extend more than 20 feet beyond the property line in either direction.
- i. The sidewalk cafe is confined to the following restriction:
 - 40 feet in width
 - A walkway of at least 5 feet must be maintained to comply with ADA access that shall be kept clear of all furniture and fixtures at all times.
 - 7.5 feet in depth from the trench grate to the center of the plaza.
 - Partition should not extend beyond the perimeter of the planters.

j. Sidewalk cafes located in the pedestrian mall are limited to umbrellas to provide shade. Tents, canopies, and retractable awnings are not permitted. No part of the umbrella shall project over the railing into the public sidewalk area, and must be of sufficient height to allow free passage under them.

k. No advertising signs, banners, or menus shall be placed on, draped, or attached to the fence partition. A-frame and flag style signage is not permitted.

l. Open flames, light emitting devices, heavy machinery or other gas-powered devices, and food preparation or food storage devices (including but not limited to refrigerators, freezers, stoves, microwaves, portable burners, and/or hot plates) will not be allowed within 50 feet of any Pedestrian Mall boundary or within the Pedestrian Mall during sanctioned events or any other time.

m. Floor coverings of any type are not permitted (carpeting, artificial turf, or similar products).



City of Jersey City
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Jersey City, NJ 07302