

**AN EMERGENCY MANAGEMENT ORDER AUTHORIZING AND  
ESTABLISHING RULES FOR A TEMPORARY USE PERMIT FOR OUTDOOR DINING IN  
THE TOWNSHIP OF MONROE**

1. Outdoor seating will be temporarily permitted as an accessory use to Retail Food Establishments<sup>1</sup> that have prior site-plan approval for indoor dining (hereafter referred to in this Order as "Restaurants"). The temporary period shall be until September 15, 2020 or until indoor dining is permitted by an Executive Order issued by the Governor of the State of New Jersey.
2. The Temporary Use Permit for Outdoor Dining will not require the filing of a formal Site Plan Application but will require the consent of the owner of the property to the application.
3. A Temporary Use Permit for Outdoor Dining Application must be submitted and approved prior to the creation of any outdoor seating. The area proposed for Temporary Use Permit for Outdoor Dining shall not exceed fifty per cent (50%) of the authorized maximum seating capacity for the Restaurant and shall not exceed one thousand square feet (1000 SF). A drawing of the proposed outdoor Restaurant seating area must accompany the Temporary Use Permit for Outdoor Dining Application. This drawing shall show the location and size of all proposed tables and chairs, and distances to other tables and chairs, and distances from any other structures such as a host podium and serving stations. The seating layout shall allow for appropriate social distancing of six (6) feet between seating and tables of no more than ten (10) individuals. All distance separations shall comply with all applicable Executive Orders issued by the Governor of the State of New Jersey, and all Executive Directives issued by the New Jersey Department of Health, especially Directive 20-014. Where available, the sketch shall be superimposed upon an existing site plan drawing or survey.
4. The Township will waive the filing fee for a Temporary Use Permit for Outdoor Dining Application to the Planning and Zoning Department.
5. The Township will expedite the review of all applications seeking a Temporary Use Permit for Outdoor Dining.
6. No performance bond, maintenance bond, or engineering inspection fees will be required in connection with an approved outdoor restaurant seating plan.
7. The following standards are hereby created in connection with Outdoor Dining:
  - a. The Temporary Use Permit for Outdoor Dining seating area may not exceed 1,000 square feet and shall not exceed fifty per cent (50%) of the authorized maximum seating capacity of the Restaurant;
  - b. The Temporary Use Permit for Outdoor Dining seating areas may be located upon public sidewalks where adequate provision is made for pedestrians, and in

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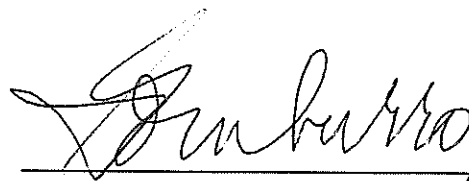
<sup>1</sup> Defined in Chapter 48-2 of the Township Code, but must have prior site-plan approval for indoor seating to apply for temporary outdoor seating.

parking lots where an adequate number of parking stalls remain in the sole and absolute discretion of the Township Zoning Officer;

- c. Where outdoor seating is proposed to be created in a parking lot, Jersey barricades, bollards, or other concrete protection structures shall be erected along the perimeters of the Outdoor Dining area to enhance public safety;
- d. No music shall be permitted in the area covered by the Outdoor Dining Temporary Use permit;
- e. No smoking or vaping shall be permitted in the area covered by the outdoor dining temporary use permit;
- f. Temporary, low-illumination lighting (not sodium halide or high output lighting) will be required if the Outdoor Dining seating area is proposed to be utilized after dusk;
- g. Awnings or umbrellas may be utilized within an Outdoor Dining area. Awnings and umbrellas must be safely secured, and must be inspected by the Township Construction Department. If winds exceed 20 mph, all awnings and umbrellas must be closed or retracted. Tents shall not be permitted;
- h. Serving stations and a host podium may be located within an Outdoor Dining seating area, provided that a plexiglass or similar partition is used;
- i. No change in grading will be permitted in order to create an Outdoor Dining seating area, and no temporary flooring or mats may be utilized;
- j. The proposed hours of operation of the Outdoor Dining seating area shall be included in the Temporary Use Permit for Outdoor Dining Application;
- k. All Outdoor Dining seating areas must adhere to all Township noise ordinances as to avoid disturbing neighboring residents and businesses and to preserve the quality of life of the residents of the Township of Monroe;
- l. No Outdoor Dining seating area may be located within an approved delivery area/loading zone;
- m. Restaurants with existing outdoor seating areas may seek to expand the existing area, to no more than 1,000 square feet of total outdoor seating space;
- n. An applicant for a proposed Outdoor Dining area must have previously secured site plan approval, that includes approval for indoor seating, from the Township Zoning Board of Adjustment or Planning Board and must be in compliance with its existing site plan approval;
- o. The consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcoholic Beverage Control Commission ("NJ ABC"). Therefore, all applicants are responsible for: verifying that their liquor license permits the serving of alcohol outdoors, compliance with all Special Rulings from the NJ ABC, particularly SR 2020-10, and compliance with all Township resolutions

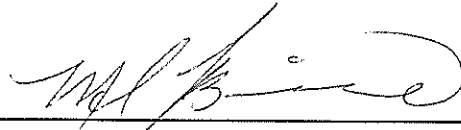
regarding the issuance of permits for expanded sale and consumption of alcoholic beverages in Outdoor Dining seating areas;

- p. In multi-tenanted properties, an approved Outdoor Dining seating area must be discontinued or reduced in size if other retail, personal service, and/or commercial establishments are permitted to reopen and there is not then an adequate number of parking stalls available in the sole and absolute discretion of the Township Zoning Officer;
- q. An approved Outdoor Dining seating area must be discontinued or reduced in size if, in the sole and absolute discretion of the Township Zoning Officer, proper social distancing is not maintained or the restaurant does not comply with applicable sanitary and cleaning standards, use of masks and partitions, or other requirements issued by the Governor, the Department of Health, and/or the NJ ABC;
- r. On Sunday through Thursday all Outdoor Dining seating areas must be closed by 9:00pm. On Fridays and Saturdays, all Outdoor Dining seating areas must be closed by 10:00pm;
- s. Customers in the Outdoor Dining seating area may be permitted to use the Restaurant's indoor restrooms, but must wear a mask or face covering. Restaurants shall limit the number of customers who are permitted indoors at any given time consistent with Executive Orders issued by the Governor and Executive Directives issued by the Department of Health;
- t. The Township Zoning Officer shall have the discretion to create additional standards for a particular property and to fashion such conditions as may be necessary to further the purposes of the Township Zoning Ordinance, the Township Master Plan, Executive Orders issued by the Governor, and Executive Directives issued by the Department of Health; and
- u. The Township Zoning Officer shall have the absolute discretion and authority to: approve or deny any and all applications for Temporary Use for Outdoor Dining seating areas based on the information provided in the application, the impact of the Temporary Use Permit on the quality of life of the surrounding neighborhood and the potential impact on the life, health and safety of the residents of the Township of Monroe, and to enforce any and all conditions of an approved Temporary Use Permit for Outdoor Dining, including but not limited to the authority to discontinue outdoor dining for violations of this Order or the Township Zoning Ordinance.



Gerald W. Tamburro, Mayor

6/11/2020



Michael J. Biennas, Chief of Police and  
Office of Emergency Management

6/11/2020