

**RESOLUTION NO. 2020-160**

**A RESOLUTION ALLOWING TEMPORARY OUTDOOR SEATING FOR  
RESTAURANTS IN THE TOWNSHIP OF ROXBURY  
DURING THE COVID-19 STATE OF EMERGENCY AND CLOSURE OF RETAIL  
AND COMMERCIAL BUSINESSES IN NEW JERSEY**

**WHEREAS**, restaurants are an integral part of the local economies and social fabrics of municipalities; and

**WHEREAS**, policies regarding restaurants established by the State of New Jersey through law, regulation and executive order rightfully prioritize public health; and

**WHEREAS**, the proper adherence of measures to mitigate the spread of the Covid-19 virus has greatly affected the business model of restaurants; and

**WHEREAS**, the Township of Roxbury (hereinafter “Township”) wishes to help its local businesses through this difficult time; and

**WHEREAS**, many restaurants are owned and operated by local families that depend upon continued economic activity; and

**WHEREAS**, the Township has promoted the take-out and home delivery services of restaurants as residents have quarantined at home; and

**WHEREAS**, restaurant owners are seeking guidance as to how they may safely resume dine-in service upon an eventual broadening of business activity allowable under state authority; and

**WHEREAS**, The Township supports and follows the recommendations of health care professionals to continue proactive measures such as social distancing to curtail the spread of the Covid-19 virus; and

**WHEREAS**, the Township supports temporary, practical measures that enable restaurants to augment their dine-in capabilities to boost customer activity.

**NOW THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Roxbury, in the County of Morris and the State of New Jersey, as follows:

1. Outdoor seating will be temporarily permitted as an accessory use to a restaurant, fast-food restaurant and drive-in restaurant as those terms are defined in § 13-1.2 in the Township Zoning Ordinance. The temporary period shall be up to 120 days unless a longer or shorter time

is established by an Executive Order issued by the Governor or resolution by the Township Council.

2. Temporary outdoor restaurant seating will not require the filing of a Site Plan Application.

3. A Covid-19 Special Event Temporary Outdoor Restaurant Seating Application (hereinafter "Application") must be obtained prior to a restaurant establishing outdoor seating. A drawing of the proposed outdoor restaurant seating area must accompany the 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. All distance separations shall comply with all applicable Executive Orders issued by the Governor of the State of New Jersey, as well as any other requirements, conditions and/or limitations in any applicable Executive Orders. Where available, the sketch shall be superimposed upon an existing site plan drawing or survey.

4. The Township shall waive the filing fee and associated permit/review fees for a Covid-19 Special Event Temporary Outdoor Restaurant Seating Application seeking to create temporary outdoor restaurant seating.

5. The Township will expedite, to the greatest extent possible, the review of all applications seeking to create temporary outdoor restaurant seating.

6. No performance bond, maintenance bond or engineering inspection fees will be required in connection with an approved temporary outdoor restaurant seating plan.

7. The following standards are hereby created in connection with temporary outdoor restaurant seating:

a. The outdoor restaurant seating area may not exceed 1,200 square feet;

b. Outdoor restaurant seating areas may be located upon private sidewalks where adequate provision is made for pedestrians, on relatively level grass areas, and in parking lots where an adequate number of parking stalls remain in the opinion of the Township officials. Preference shall be given to creating outdoor restaurant seating on sidewalks and upon grass areas when available;

c. Where outdoor seating is proposed to be created in a parking lot, bollards or other protection structures shall be erected along the perimeters of the outdoor restaurant seating area to enhance public safety and direct motor vehicles. Said protective structures shall be reviewed and approved by the appropriate Township official as part of the Application;

- d. Temporary lighting will be required if the outdoor restaurant seating area is proposed to be utilized after dusk;
- e. Landscaping of the perimeter of or within the outdoor restaurant seating area will not be required but may be proposed by the applicant;
- f. A tent(s), awning(s) or umbrella(s) may be utilized within an outdoor restaurant seating area as approved by Township officials as part of the Application;
- g. Serving stations and a host podium may be located within an outdoor restaurant seating area provided plexiglass or other similar partition is used;
- h. No change in grading will be permitted to create an outdoor restaurant seating area;
- i. The proposed hours of operation of the outdoor restaurant seating area will be included and approved as part of the Application;
- j. No outdoor restaurant seating area may be located within an approved delivery area/loading zone;
- k. The proposed temporary outdoor restaurant seating area may not affect the effective functioning of a prior approved site plan;
- l. A Covid-19 Special Event Temporary Outdoor Restaurant Seating area must have previously secured site plan approval from the Township Zoning Board of Adjustment or Planning Board for the existing restaurant;
- m. The consumption of alcoholic beverages will continue to be regulated by the New Jersey Alcoholic Beverage Control Commission therefore all applicants are responsible for verifying that their liquor license permits the serving of alcohol outdoors;
- n. In multi-tenanted properties, an approved outdoor restaurant 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 an adequate number of parking stalls available in the discretion of the Township;
- o. An approved outdoor restaurant seating area must be discontinued or reduced in size if proper social distancing is not maintained or the restaurant establishment does not comply with applicable sanitary and cleaning standards, use of masks and partitions or other requirements as issued by the Governor as part of an Executive Order;
- p. All outdoor seating areas must be closed by 10 pm;

q. The Township 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 in Chapter 13 as well as the goals and objectives of the Township's Master Plan;

r. All businesses shall comply with all requirements established by any and all Executive Orders issued by the Governor as well as any other applicable State orders that specify social distancing requirements, cleaning standards, and other rules and regulations for temporary outdoor seating areas.

8. This Resolution shall take effect on June 15, 2020 in accordance with the Governor's Executive Order.

**ADOPTED:** June 9, 2020

Attest:

  
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Amy E. Rhead, RMC  
Township Clerk