

**TOWNSHIP OF CLARK**  
**Resolution 20-74**  
**June 1, 2020**

**State of Emergency Temporary Use Permit**

**Whereas**, COVID-19 is responsible for the 2019 novel coronavirus outbreak, which was first identified in Wuhan, the People's Republic of China in December 2019 and quickly spread to the United States and multiple other countries and;

**Whereas**, beginning with Executive Order No. 103, the State of New Jersey has been operating under both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard created by COVID-19 and;

**Whereas**, during this crisis local businesses are suffering economic damages and are unlikely to be able to comply with the various orders to effect reopening under existing zoning ordinances and;

**Whereas**, it is recognized that local businesses may be desirous of temporarily altering their operations to provide outdoor opportunities for its customers in accordance with Executive Orders and guidance from the Governor of New Jersey.

**Now, Therefore Be It Resolved** that the Mayor and Council want to help sustain our local businesses during this crisis by allowing for a temporary use permit to allow temporary activities for a limited period of time, which uses may be otherwise prohibited by the provisions of current Zoning regulations; to allow businesses to utilize sidewalks, parking and lawn areas for the duration of said emergency as needed to safely operate subject to review, comments and ultimate approval by the Business Administrator subject to all regulations for the issuance of a State of Emergency Temporary Use Permits elsewhere specified herein, issue a permit for a period not to exceed six months from the termination of the Governor's Declaration of Emergency.

A permit application will be available online and in the Building Department. Permits with conditions, if any, will be issued by the Office of the Business Administrator. Denial of a permit will be reviewed by the Township Council as will appeals of conditional approvals, if necessary.

**PURPOSE.**

The purpose of the Temporary Uses identified herein is to regulate limited duration uses not otherwise allowed in the applicable Zoning districts.

The Township's Business Administrator, after receiving recommendations from Police, Fire, Building Official, Zoning Officer, Township Engineer and Health Officer may issue a State of Emergency Temporary Use Permit upon written request and submission of an application. Any approval is contingent upon complying with the requirements contained herein, Township policies and any written stipulations contained on the permit.

The State of Emergency Temporary Use Permit allows for a temporary use that does not meet the requirements of the Township's Zoning Ordinances but will allow local businesses to continue to operate in some form to satisfy the requirements of the Governor's various Executive Orders.

## **GENERAL REGULATIONS**

These provisions apply to the State of Emergency Temporary Use Permits. Temporary uses shall mean either a land use or a structure on the parcel.

Temporary uses or structures shall be accessory to the primary use on the lot and may be either indoors or outdoors. The Zoning Officer may adjust this requirement based upon the following criteria:

1. There exists a substantial need to be more considerate toward neighboring properties.
2. The activity shall not create an adverse impact on other properties, other businesses or the public.
3. The Zoning Officer may revoke a State of Emergency Temporary Use Permit if any conditions or stipulations of the permit are not met.

## **ADMINISTRATIVE TEMPORARY USE PERMIT.**

A State of Emergency Temporary Use Permit shall be subject to the following:

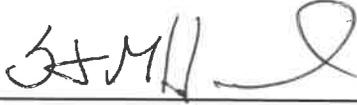
1. A State of Emergency Temporary Use Permit is required for the following uses and analogous uses:
  - a. Outdoor community or special events on commercial properties.
  - b. Interim surface parking or temporary event parking.
  - c. Promotional events for commercial retail or service businesses.
  - d. Temporary professional services such as real estate, insurance, employment, legal, architectural, engineering, etc.
  - e. Temporary Generators
  - f. Outdoor retail display/sales area.
  - g. Outdoor seating for take-out dining only dining.
  - h. Outdoor dining associated with an existing restaurant, diner or coffee shop on-site.
  - i. No smoking inside or outside at all time
2. Applicant shall submit the following:
  - a. Application Form with the required attachments
  - b. Fee (Waived).
3. The application form shall be submitted to the Zoning Officer who will process the application. The application will be reviewed by the Zoning Officer, Building Official, Township Engineer, Health Department, Fire Department and Police Department who shall each issue a recommendation to the Township Business Administrator. All successful applications will receive a permit from the Township Business Administrator detailing the conditions of the approval, if any.

The application form provides the standards that must be followed including the application requirements and the length of the permit.

ATTEST:

  
 EDITH L. MERKEL, RMC  
 Township Clerk

APPROVED:

  
 STEVEN M. HUND  
 Council Vice President

Res20/6-1 StateofEmergencyTempUsePermit

	Motion	Second	Aye	Nay	Abstain	Absent
Albanese			✓			
Barr		✓	✓			
Hund			✓			
Mazzarella	✓		✓			
Smith			✓			
Toal			✓			
O'Connor						✓
Entire Council						
TOTAL			6			1

