

ORDINANCE 2020:1491

ORDINANCE OF THE BOROUGH OF HADDON HEIGHTS, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING INTERIM ZONING, PURSUANT TO N.J.S.A. 40:55D-90(b), TO ALLOW FOR ISSUANCE OF ZONING PERMITS, EFFECTIVE FOR A TIME PERIOD OF 120 DAYS, TO PERMIT TEMPORARY OUTDOOR RESTAURANT SEATING AND RETAIL OUTDOOR DISPLAY SALES AREAS AT EXISTING LAWFUL BUSINESSES, SUBJECT TO BULK ZONING AND CONSTRUCTION CODE REQUIREMENTS AND OTHER OUTSIDE AGENCY APPROVALS

WHEREAS, the Mayor and Borough Council of the Borough of Haddon Heights is authorized to adopt interim zoning, pursuant to N.J.S.A. 40:55D-90, when matters of an imminent public health and safety issue are implicated as confirmed by a qualified health professional; and

WHEREAS, Mayor and Borough Council seeks to establish a balance between the competing and conflicting public interests in promoting the reestablishment of public commerce in Haddon Heights, while maintaining safe social distancing to minimize the threat and spread of the Coronavirus pandemic; and

WHEREAS, Mayor and Borough Council has determined that interim zoning to permit temporary outdoor restaurant seating and outdoor retail sales displays will promote these compelling public interest goals in a complementary fashion, provided that the implementation of same will occur on a temporary basis, and does not contravene any other public health and safety concerns as set forth in the Borough bulk zoning requirements, Construction Code requirements and requirements of any other outside County or State agencies or Executive Orders of the Governor; and

WHEREAS, Mayor and Borough Council desires to implement such measure as expeditiously as possible to minimize red tape and bureaucratic delay, but subject to a lawful process that will protect the interests of the residents of the Borough of Haddon Heights and its taxpayers; and

WHEREAS, a public health and safety emergency from the Coronavirus pandemic has been deemed to exist authorizing the adoption of interim zoning ordinance, because it will further promote social distancing.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Haddon Heights, County of Camden, State of New Jersey, as follows:

SECTION 1: Interim zoning is hereby adopted for a period of 120 days from the June 15, 2020, the effective date of Executive Order 150 permitting outdoor dining and non-essential retail operation.

SECTION 2: Upon submission of a written application and plot plan detailing the proposed temporary use activities described in Section 1 above including, at minimum, a detailing of the location to be utilized, the number of tables and seating capacity of the outdoor dining space or outdoor retail sales locations which complies with all existing health guidelines and regulations, and establishes that the plan comports with public safety and is equitable among establishments who may be seeking the same, the Zoning Officer of the Borough of Haddon Heights is authorized to issue a temporary zoning permit, provided that such issuance is authorized by existing bulk zoning requirements, the Borough's Construction Code official's determination that it meets applicable Code requirements, and further that it complies with the legal requirements of any county or state agency with jurisdiction over the proposed use and retail sales activity and any Executive Order issued by the Governor. Since the proposed use is temporary in nature, no application for site plan approval shall be required.

SECTION 3: This ordinance shall be construed in a manner to fully comport with any future executive orders issued by the Governor.

SECTION 4: Any and all application or permit fees for any temporary use in this Ordinance are hereby waived to the extent permitted by law.

SECTION 5: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

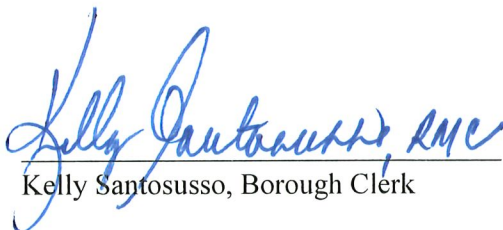
SECTION 6: The provisions of this Ordinance shall supersede the terms of any previous site plan approval, to the extent there is any conflict therewith.

SECTION 7: This Ordinance shall take effect as set forth above and upon final passage and publication in accordance with law.



Zachary Houck, Mayor

Introduced by the Mayor and Council of the Borough of Haddon Heights this 3rd day of June, 2020.



Kelly Santosusso, Borough Clerk

FINAL ADOPTION: JUNE 16, 2020