

ORDINANCE NO. 21-CODE-852
BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND,
LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING" TO ALLOW FOR LIMITED BREWERIES

BE IT ORDAINED by the Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough Oakland, Chapter 59 entitled "Land Use and Zoning".

Section 1 Article VII, §59-44 is hereby amended to add the following term in proper alphabetic order:

LIMITED BREWERY- A commercial establishment operating with and in accordance with a limited brewery license as defined and regulated by N.J.S.A.33:1-10. Limited breweries are not restaurants.

Section 2 Article VII Zoning is hereby amended in the following particulars only

- A. §59-53 Business zones are hereby amended in the following particulars only:
- B. Conditional Use. The use as identified hereinbelow is permitted as a conditional use in the B-2 zone, but only if compliance with each of the following conditions is fully achieved:
 - 1. Limited brewery complying with the following conditions:
 - i. Each and every operator of a limited brewery shall at all times be in possession of a valid license issued by the New Jersey Alcoholic Beverage Commission.
 - ii. No food, other than incidental snacks, shall be sold or provided free of charge within the premises of a limited brewery. Patrons may, however, bring food into or order food to be delivered to the limited brewery.
 - iii. A limited brewery shall brew no more than 300,000 barrels of malt beverages a year within the limited brewery.
 - iv. Limited brewery patrons must complete a facility tour prior to being eligible to purchase or sample malt beverages produced on site.
 - v. Limited breweries can host special events, private parties and social affairs

consistent with and in accordance with the restrictions contained within N.J.S.A.33:1-10.

- vi. Notwithstanding the fact that a limited brewery is not a restaurant, most limited breweries have chairs, tables and benches similar to some restaurants. Due to this commonality, on-site parking requirements shall be the same as established for restaurants in the B-2 zone while being a condition attached to the conditional use.
- C. Conditional Use. The use as identified hereinbelow is permitted as a conditional use in the B-3 zone, but only if compliance with each of the following conditions is fully achieved:
- 1. Limited brewery complying with the following conditions:
 - i. Each and every operator of a limited brewery shall at all times be in possession of a valid license issued by the New Jersey Alcoholic Beverage Commission.
 - ii. No food, other than incidental snacks, shall be sold or provided free of charge within the premises of a limited brewery. Patrons may, however, bring food into or order food to be delivered to the limited brewery.
 - iii. A limited brewery shall brew no more than 300,000 barrels of malt beverages a year within the limited brewery.
 - iv. Limited brewery patrons must complete a facility tour prior to being eligible to purchase or sample malt beverages produced on site.
 - v. Limited breweries can host special events, private parties and social affairs consistent with and in accordance with the restrictions contained within N.J.S.A.33:1-10.
 - vi. Notwithstanding the fact that a limited brewery is not a restaurant, most limited breweries have chairs, tables and benches similar to some restaurants. Due to this commonality, on-site parking requirements shall be the same as established for restaurants in the B-3 zone while being a condition attached to the conditional use.

Section 3. Article VII Zoning is hereby amended in the following particulars only:

- A. §59-53.1 is hereby amended in the following particulars only:

B. Conditional uses. The following conditional use is added to the CBD-I zone as an additional conditional use:

(4) Limited brewery complying with the following conditions:

- i. Each and every operator of a limited breweries shall at all times be in possession of a valid license issued by the New Jersey Alcoholic Beverage Commission.
- ii. No food, other than incidental snacks, shall be sold or provided free of charge within the premises of a limited brewery. Patrons may, however, bring food into or order food to be delivered to the limited brewery.
- iii. A limited brewery shall brew no more than 300,000 barrels of malt beverages a year within the limited brewery.
- iv. Limited brewery patrons must complete a facility tour prior to being eligible to purchase or sample malt beverages produced on site.
- v. Limited breweries can host special events, private parties and social affairs consistent with and in accordance with the restrictions contained within N.J.S.A.33:1-10.
- vi. Notwithstanding the fact that a limited brewery is not a restaurant, most limited breweries have chairs, tables and benches similar to some restaurants. Due to this commonality, on-site parking requirements shall be the same as established for restaurants in the CBD-I zone while being a condition attached to the conditional use.

Section 4. Article VII Zoning is hereby amended in the following particulars only:

A. §59-53.2 is hereby amended in the following particulars only:

B. Conditional uses. The following conditional use is added as an additional conditional use to the CBD-II zone:

(2) Limited brewery complying with the following conditions:

- i. Each and every operator of a limited brewery shall at all times be in possession of a valid license issued by the New Jersey Alcoholic Beverage Commission.
- ii. No food, other than incidental snacks, shall be sold or provided free of charge within the premises of a limited brewery. Patrons may, however, bring food into

or order food to be delivered to the limited brewery.

- iii. A limited brewery shall brew no more than 300,000 barrels of malt beverages a year within the limited brewery.
- iv. Limited brewery patrons must complete a facility tour prior to being eligible to purchase or sample malt beverages produced on site.
- v. Limited breweries can host special events, private parties and social affairs consistent with and in accordance with the restrictions contained within N.J.S.A.33:1-10.
- vi. Notwithstanding the fact that a limited brewery is not a restaurant, most limited breweries have chairs, tables and benches similar to some restaurants. Due to this commonality, on-site parking requirements shall be the same as established for restaurants in the CBD -II zone while being a condition attached to the conditional use.

vii.

Section 5. Article VII Zoning is hereby amended in the following particulars only:

- A. §59-54 I-1 and I-2 Industrial Zones is hereby amended in the following particulars only:
- B. Conditional Uses. Subject to the conditions contained herein, only the following use shall be permitted as a conditional use on any lot of required size within the I-1 and I-2 Industrial Zones:

(1) Limited Brewery complying with the following conditions:

- i. Each and every operator of a limited brewery shall at all times be in possession of a valid license issued by the New Jersey Alcoholic Beverage Commission.
- ii. No food, other than incidental snacks, shall be sold or provided free of charge within the premises of a limited brewery. Patrons may, however, bring food into or order food to be delivered to the limited brewery.
- iii. A limited brewery shall brew no more than 300,000 barrels of malt beverages a year within the limited brewery.
- iv. Limited brewery patrons must complete a facility tour prior to being eligible to purchase or sample malt beverages produced on site.

- v. Limited breweries can host special events, private parties and social affairs consistent with and in accordance with the restrictions contained within N.J.S.A.33:1-10.
- vi. Notwithstanding the fact that a limited brewery is not a restaurant, most limited breweries have chairs, tables and benches similar to some restaurants. Due to this commonality, on-site parking requirements shall be the same as established for restaurants while being a condition attached to the conditional use.

Section 6. Article VII Zoning is hereby amended in the following particulars only:

- A. §59-55. I-P Industrial Park Zone is hereby amended in the following particulars only:
- B. Conditional Uses. Subject to the following conditions, only the following use shall be permitted as a conditional use in the I-P Industrial Park Zone
 - 1. Limited Brewery complying with the following conditions:
 - i. Each and every operator of a limited brewery shall be in possession of a valid license issued by the New Jersey Alcoholic Beverage Commission.
 - ii. No food, other than incidental snacks, shall be sold or provided free of charge within the premises of a limited brewery. Patrons may, however, bring food into or order food to be delivered to the limited brewery.
 - iii. A limited brewery shall brew no more than 300,000 barrels of malt beverages a year within the limited brewery.
 - iv. Limited brewery patrons must complete a facility tour prior to being eligible to purchase or sample malt beverages produced on site.
 - v. Limited breweries can host special events, private parties and social affairs consistent with and in accordance with the restrictions contained within N.J.S.A.33:1-10.
 - vi. Notwithstanding the fact that a limited brewery is not a restaurant, most limited breweries have chairs, tables and benches similar to some restaurants. Due to this commonality, on-site parking requirements shall be the same as established for restaurants while being a condition attached to the conditional use.

Section 7. Article VII Zoning is hereby amended in the following particulars only:

A. §59-56. I-3 Industrial/Office Zone and CO Corporate Office Zone is hereby amended in the following particulars only:

B. Conditional Uses. Subject to the following conditions, only the following uses shall be permitted as a conditional use in the I-3 Industrial/Office Zone

- i. Each and every operator of a limited brewery shall be in possession of a valid license issued by the New Jersey Alcoholic Beverage Commission.
- ii. No food, other than incidental snacks, shall be sold or provided free of charge within the premises of a limited brewery. Patrons may, however, bring food into or order food to be delivered to the limited brewery.
- iii. A limited brewery shall brew no more than 300,000 barrels of malt beverages a year within the limited brewery.
- iv. Limited brewery patrons must complete a facility tour prior to being eligible to purchase or sample malt beverages produced on site.
- v. Limited breweries can host special events, private parties and social affairs consistent with and in accordance with the restrictions contained within N.J.S.A.33:1-10.
- vi. Notwithstanding the fact that a limited brewery is not a restaurant, most limited breweries have chairs, tables and benches similar to some restaurants. Due to this commonality, on-site parking requirements shall be the same as established for restaurants while being a condition attached to the conditional use.

C. Conditional Uses. Subject to the following conditions, only the following uses shall be permitted as a conditional use in the Corporate Office Zone

- j. Each and every operator of a limited brewery shall be in possession of a valid license issued by the New Jersey Alcoholic Beverage Commission.
- iii. No food, other than incidental snacks, shall be sold or provided free of charge within the premises of a limited brewery. Patrons may, however, bring food into or order food to be delivered to the limited brewery.
- vii. A limited brewery shall brew no more than 300,000 barrels of malt beverages a

year within the limited brewery.

- viii. Limited brewery patrons must complete a facility tour prior to being eligible to purchase or sample malt beverages produced on site.
- ix. Limited breweries can host special events, private parties and social affairs consistent with and in accordance with the restrictions contained within N.J.S.A.33:1-10.
- x. Notwithstanding the fact that a limited brewery is not a restaurant, most limited breweries have chairs, tables and benches similar to some restaurants. Due to this commonality, on-site parking requirements shall be the same as established for restaurants while being a condition attached to the conditional use.

Section 8.

All Ordinances of the Borough of Oakland which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 9

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 10

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

BOROUGH OF OAKLAND

Lisa M. Duncan, Borough Clerk

By: _____
Linda H. Schwager, Mayor