

ORDINANCE No. 21-CODE-853  
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 BREW PUBS

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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:

BREW PUB- A commercial establishment operating with and in accordance with a Restricted Brewery License as defined and regulated by N.J.S.A.33:1-10.

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:
  2. Brewpub complying with the following conditions:
    - i. Each and every operator of a brewpub shall at all times be in possession of a valid Restricted Brewery License issued by the New Jersey Alcoholic Beverage Commission.
    - ii. Every brewpub must be adjoining a retail consumption licensed premises operating as a working, restaurant with both kitchen and dining facilities. Said retail consumption licensed premises must be licensed identically as the entity operating the brewpub under a Restricted Brewery License.
    - iii. A brewpub shall brew no more than 10,000 barrels of malt alcoholic beverages a year. The malt alcoholic beverage product produced shall be distributed to the restaurant required to be adjacent to the brewery. Holder of a Restricted Brewery License may also sell and distribute malt alcoholic product to licensed wholesalers. If the director of the Division of Alcoholic Beverage Control has issued a permit, the owner of the Restricted Brewery License may offer samples

for promotional purposes at charitable or civic events not held at the licensed restaurant premises.

- iv. On-site parking requirements applicable to brewpubs 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:

2. Brewpub complying with the following conditions:

- i. Each and every operator of a brewpub shall at all times be in possession of a valid Restricted Brewery License issued by the New Jersey Alcoholic Beverage Commission.
- ii. Every brewpub must be adjoining a retail consumption licensed premises operating as a working restaurant with both kitchen and dining facilities. Said retail consumption licensed premises must be licensed identically as the entity operating the brewpub under a Restricted Brewery License.
- iii. A brewpub shall brew no more than 10,000 barrels of malt beverages a year. The malt alcoholic beverage product produced shall be distributed to the restaurant required to be adjacent to the brewery. Holder of a Restricted Brewery License may also sell and distribute malt alcoholic product to licensed wholesalers. If the director of the Division of Alcoholic Beverage Control has issued a permit, the owner of the Restricted Brewery License may offer samples for promotional purposes at charitable or civic events not held at the licensed restaurant premises.
- iv. 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:

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

(5) Limited brewpub complying with the following conditions:

- i. Each and every operator of a brewpub shall at all times be in possession of a valid Restricted Brewery License issued by the New Jersey Alcoholic Beverage Commission.
- ii. Every brewpub must be adjoining a retail consumption licensed premises operation as a working restaurant with both kitchen and dining facilities. Said retail consumption licensed premises must be licensed identically as the entity operating the brewpub under a Restricted Brewery License.
- iii. A brewpub shall brew no more than 10,000 barrels of malt beverages a year. The malt alcoholic beverage product produced shall be distributed to the restaurant required to be adjacent to the brewery. Holder of a Restricted Brewery License may also sell and distribute malt alcoholic beverage product to licensed wholesalers. If the director of the Division of Alcoholic Beverage Control has issued a permit, the owner of the Restricted Brewery License may offer samples for promotional purposes at charitable or civic events not held at the licensed restaurant premises.
- iv. 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:

(3) Brewpub complying with the following conditions:

- i. Each and every operator of a brewpub shall at all times be in possession of a valid Restricted Brewery License issued by the New Jersey Alcoholic Beverage Commission.
- ii. Every brewpub must be adjoining a retail consumption licensed premises operating as a working restaurant with both kitchen and dining facilities. Said retail consumption licensed premises must be licensed identically as the entity operating the brewpub under a Restricted Brewery License.
- iii. A limited brewery shall brew no more than 10,000 barrels of malt alcoholic beverages a year. The malt alcoholic beverage product shall be distributed to the restaurant required to be adjacent to the brewery. Holder of a Restricted Brewery

License may also sell and distribute malt alcoholic product to licensed wholesalers. If the director of the Division of Alcoholic Beverage Control has issued a permit, the owner of the Restricted Brewery License may offer samples for promotional purposes at charitable or civic events not held at the licensed restaurant premises.

- iv. 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.

v.

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:

(2) Brewpub complying with the following conditions:

- i. Each and every operator of a brewpub shall at all times be in possession of a valid Restricted Brewery License issued by the New Jersey Alcoholic Beverage Commission.
- ii. A brewpub shall brew no more than 10,000 barrels of malt beverages a year. The malt alcoholic beverage product produced shall be restricted to the restaurant required to be adjacent to the brewery. Holder of a Restricted Brewery License may also sell and distribute malt alcoholic beverage product to licensed wholesalers. If the director of Division of Alcoholic Beverage Control has issued a permit, the owner of the Restricted Brewery License may offer samples for promotional purposes at charitable or civic events not held at the licensed restaurant.
- iii. 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. Brewpub complying with the following conditions:
  - i. Each and every operator of a brewpub shall be in possession of a valid Restricted Brewery license issued by the New Jersey Alcoholic Beverage Commission.
  - ii. A brewpub shall brew no more than 10,000 barrels of malt beverages a year. The malt alcoholic beverage product produced shall be distributed to the restaurant required to be adjacent to the brewery. Holder of a Restricted Brewery License may also sell and distribute malt alcoholic beverage product to licensed wholesalers. If the director of the Division of Alcoholic Beverage Control has issued a permit, the owner of the Restricted Brewery License may offer samples for promotional purposes at charitable or civic events not held at the licensed restaurant.
  - iii. 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 brewpub shall be in possession of a valid Restricted Brewery License issued by the New Jersey Alcoholic Beverage Commission.
  - ii. A brewpub shall brew no more than 10,000 barrels of malt beverages a year. The malt alcoholic beverage product produced shall be distributed to the restaurant required to be adjacent to the brewery. Holder of a Restricted Brewery License may also sell and distribute malt alcoholic beverage product to licensed wholesalers. If the director of the Division of Alcoholic Beverage Control has issued a permit, the owner of the Restricted Brewery License may offer samples for promotional purposes at charitable or civic events not held at the licensed restaurant premises.
  - iii. 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 brewpub shall be in possession of a valid Restricted Brewery License issued by the New Jersey Alcoholic Beverage Commission.
- iv. A brewpub shall brew no more than 10,000 barrels of malt beverages a year. The malt alcoholic beverage product produced shall be distributed to the restaurant required to be adjacent to the brewery. Holder of a Restricted Brewery License may also sell and distribute malt alcoholic beverage product to licensed wholesalers. If the director of the Division of Alcoholic Beverage Control has issued a permit, the owner of the Restricted Brewery License may offer samples for promotional purposes at charitable or civic events not held at the licensed restaurant premises.
- v. 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