

**ORDINANCE 22-02C**

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 205 WHICH PERTAINS TO ZONING.**

**WHEREAS**, the periodic increase of allowable uses within non-residential zone districts is desirable to promote economic development and sustainability in the Township; and

**WHEREAS**, microbreweries and craft distilleries can have a symbiotic relationship with local restaurants through the serving of a locally brewed beer or spirit which could help local restaurants further distinguish themselves in the marketplace; and

**WHEREAS**, the establishment of microbreweries and craft distilleries in the Township will also likely increase the number of visitors to the Township throughout the calendar year through the offering of tours of the establishment along with the retail sales and samplings as permitted by State law; and

**WHEREAS**, microbreweries and craft distilleries have been approved by ordinance and by variance in various municipalities throughout the State and the evidence establishes that they have provided economic benefits to those municipalities; and

**WHEREAS**, allowing microbreweries and craft distilleries as a conditional use within the General Commercial, Special Commercial, and Marine Zoning Districts would enable the Land Use Board to review the development proposal prior to establishment; and

**WHEREAS**, the Board of Commissioners does hereby further find that the public interest of the Township will be served by amending the Township Code in the manner set forth herein; and

**WHEREAS**, this ordinance shall further amend and clarify the regulations relating to conditional use permits.

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Board of Commissioners of Township of Long Beach, Ocean County, State of New Jersey, in accordance with the aforesaid Recitals, which are incorporated herein by reference, as follows:

**STATEMENT OF PURPOSE**

The purpose of the Ordinance is to authorize microbreweries and craft distilleries in the General Commercial Zone as a conditional permitted use and amend and clarify the regulations relating to conditional use permits.

**SECTION I**

§205-2 is revised to add the following definitions in alphabetical order to the existing definitions set forth therein.

**CRAFT DISTILLERY**

A distillery operating with a craft distillery license as defined and regulated within N.J.S.A. 33:1-10.

**MICROBREWERY**

A brewery operating with a limited brewery license as defined and regulated within N.J.S.A. 33:1-10.

**SECTION II**

§205-59A(6) is hereby repealed and replaced with the following.

(6) Microbreweries and craft distilleries, provided the following standards and conditions are complied with and a conditional use permit shall be obtained from the Land Use Board.

- (a) Strict compliance with N.J.S.A. 33:1-10 and shall provide a sampling room and retail sales area where product shall be sold to consumers and where samples shall be offered.
- (b) Shall not sell food or operate a restaurant on the licensed premises, including in any outdoor facility. However, pretzels, potato chips, nuts, or similar prepared snack foods are not prohibited from being provided without charge.
- (c) Plans shall be submitted that include a scale diagram of the entire interior of the premises and depicting the location of all receiving, storage, brewing or distilling area, servicing, seating, waiting areas, waste removal and garbage storage areas, and the intended location of tables, counters, bars, and respective seats or chairs.
- (d) Shall be permitted as a principal use only and shall not be permitted as an accessory use.

### **SECTION III**

§205-61A(7) is hereby added as follows.

(7) Microbreweries and craft distilleries, provided the following standards and conditions are complied with and a conditional use permit shall be obtained from the Land Use Board.

- (a) Strict compliance with N.J.S.A. 33:1-10 and shall provide a sampling room and retail sales area where product shall be sold to consumers and where samples shall be offered.
- (b) Shall not sell food or operate a restaurant on the licensed premises, including in any outdoor facility. However, pretzels, potato chips, nuts, or similar prepared snack foods are not prohibited from being provided without charge.
- (c) Plans shall be submitted that include a scale diagram of the entire interior of the premises and depicting the location of all receiving, storage, brewing or distilling area, servicing, seating, waiting areas, waste removal and garbage storage areas, and the intended location of tables, counters, bars, and respective seats or chairs.
- (d) Shall be permitted as a principal use only and shall not be permitted as an accessory use.

### **SECTION IV**

§205-59B(14) and §205-60B(14) are amended to delete the word "taprooms."

### **SECTION V**

§205-73A(1) and (2) are hereby repealed and replaced with the following.

- (1) Applications for any conditional use permit shall be made to the Land Use Board. The Board shall review the application for the conditional use permit pursuant to the requirements of N.J.S.A. 40:55D-67 and shall issue

a permit in the event the applicant complies with the required conditions.

- (2) Pursuant to N.J.S.A. 40:55D-67, the applicant shall file its site plan application with its application for a conditional use permit, if required, and the Board shall review and decide the site plan application and application for the conditional use at the same time.

#### **SECTION VI**

All Ordinances or parts of Ordinance inconsistent herewith are repealed to the extent of such inconsistency.

#### **SECTION VII**

If any word, phrase, clause, section or provision of this Ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional such word, phrase, clause, section or provision shall be severable from the balance of the Ordinance and the remainder of the Ordinance shall remain in full force and effect.

#### **SECTION VIII**

This Ordinance shall take effect upon publication thereof after final passage according to law.

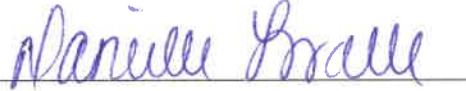
#### **Effective date.**

This ordinance shall take effect after final adoption and publication as required by law.

**NOTICE**

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey, held on Wednesday, January 5, 2022, at 11:00 a.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Board of Commissioners to be held on Monday, February 7, 2022, at 4:00 p.m. at the Public Safety Building, 6805 Long Beach Blvd., Brant Beach, NJ 08008.



**Danielle La Valle, RMC**  
Municipal Clerk

First Reading: January 5, 2022  
Publication: January 13, 2022  
Second Reading: February 7, 2022  
Final Publication: February 10, 2022  
Effective: February 10, 2022

**CERTIFICATION**

**I, DANIELLE LA VALLE, RMC**, Municipal Clerk for the Township of Long Beach do hereby certify that the foregoing Ordinance 22-02C was duly adopted by the Board of Commissioners at their meeting held on Monday, February 7, 2022, at 4:00 p.m.

---

Danielle La Valle, RMC  
Municipal Clerk

First Reading: January 5, 2022  
Publication: January 13, 2022  
Second Reading: February 7, 2022  
Final Publication: February 10, 2022  
Effective: February 10, 2022