

ORDINANCE #22-02

ORDINANCE AMENDING TOWN OF CLINTON CODE SECTION 88-53 TO PERMIT WINERY, BREWERY, AND DISTILLERY USES IN THE C-1 DOWNTOWN COMMERCIAL DISTRICT AND DELETING REFERENCES TO AFFORDABLE HOUSING

WHEREAS, amendments to N.J.S.A. 33:1-10.1 created the “limited brewery license,” which authorizes licensees to sell malt alcoholic beverages at retail to consumers on the licensed premises, but only in connection with a tour of the brewery; and

WHEREAS, the Town believes that the location of craft brewery and distillery and winery salerooms in the C-1 Downtown Commercial District would attract other retail outlets, increase pedestrian traffic, and serve as an economic engine to Clinton’s downtown; and

WHEREAS, Chapter 88, Article X, entitled “Affordable Housing Requirements” was amended on March 11, 2020 by Ordinance 2020-02 in compliance with the Town’s Housing Element and Fair Share Plan dated November 21, 2019 and adopted on December 3, 2019; and

WHEREAS, affordable housing requirements within the C-1 District are governed by the updated Chapter 88, Article X, therefore, subsection (E) of Section 88-53 regarding affordable housing can be deleted in its entirety; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Clinton, the County of Hunterdon as follows:

SECTION 1. Section 88-4 of the Code of the Town of Clinton, entitled “Definitions and Word Usage” shall be amended to add the following definitions:

BREW PUB

An establishment licensed as a restricted brewery by the State of New Jersey under N.J.S.A. 33:1-10, where malt alcoholic beverages are brewed and manufactured, served and consumed on the premises, and which is operated in conjunction with a restaurant use that possesses a plenary retail consumption license. Such uses shall be used principally for the purpose of providing meals to its customers with adequate kitchen and dining room facilities immediately adjoining licensed brewery facilities

CIDER AND MEADERY

An establishment licensed by the State of New Jersey as a cider and meadery under N.J.S.A. 33:1-10, producing hard cider and/or mead, including the sale and distribution

of the product to licensed wholesalers and retailers, and including the retail sale of the product at retail to consumers on the licensed premises for consumption on or off the premises, and the offering of samples for consumption on the premises.

CRAFT BREWERY

An establishment licensed by the State as a limited brewery under N.J.S.A 33:1-10, to manufacture malt alcoholic beverages to sell and distribute the products to licensed wholesalers and retailers. The craft brewery may sell and serve the product at retail to consumers on the licensed premises for consumption on the premises but only in connection with tours of the brewery, or for consumption off premises, and to offer samples for sampling purposes only pursuant to an annual permit issued by the State. A craft brewery shall not sell food or operate a restaurant on the licensed premises

CRAFT DISTILLERY

An establishment licensed by the State of New Jersey as a craft distillery under N.J.S.A 33:1-10, to manufacture distilled alcoholic beverages to rectify, blend, treat and mix distilled alcoholic beverages, and to sell and distribute the products to licensed wholesalers and retailers. The distillery may sell the product at retail to consumers on the licensed premises for consumption off the premises or, in connection with a tour of the distillery, the retail sale or offering of samples for consumption on the premises

WINERY SALESROOM

An establishment licensed by the State as a winery sales room under N.J.S.A 33:1-15, that is owned and operated by the holder of a plenary winery license or out of state winery license issued by the State under N.J.S.A. 33:1-10, where wine produced by the licensee is sold at retail in original packages for consumption on or off the premises, and for the offering of samples.

SECTION 2. Section 88-53(B) of the Code of the Town of Clinton ("Code") regarding permitted uses in the "Downtown Commercial District" is amended as follows (Additions noted in bold italics ***thus*** and deletions noted with a strikethrough ~~thus~~):

B. Permitted principal uses. The following uses, conducted within the confines of a building, are permitted:

(1) Stores and shops for retail business, provided that any process of manufacture, assembly, treatment or conversion involves a product or service intended to be sold or provided to the ultimate consumer and further provided that not more than five employees are involved in any such process. The foregoing shall not be deemed to include laundries, ~~or dry-cleaning establishments~~ ***and winery, brewery and distillery uses.***

(2) Offices for business, executive, professional and administrative purposes.

(3) Restaurants, cafes and taverns in which patrons are seated at tables or counters and are served food and drink by waiters or waitresses for consumption on the premises.

(4) Studios for art, dancing, music, language, photography, and similar activities.

(5) Museums.

(6) Municipal buildings and municipal uses, but not including municipal garages and storage and maintenance yards.

(7) Apartments, provided that no such apartment shall be located on the first floor.

(8) Beauty salon, barbershop, day spa.

(9) Federal reserve banks, commercial banks, savings institutions, credit unions, lending and financing offices, securities brokerage services, portfolio management companies, insurance carrying companies, insurance advisory companies, insurance fund managers, estate management services and similar activities, except drive-up windows for vehicles are not permitted in any such uses.

(10) Nonprofit clubs, lodges and fraternal, civic and charitable organizations.

(11) Brewpubs, winery sales rooms, and other winery, craft brewery, cider and meadery, and craft distillery uses conducted under license from the New Jersey Division of Alcoholic Beverage Control and including such facilities for wine, spirit or beer making, tasting rooms and retail sales. To the extent allowed under licensing by the New Jersey Division of Alcoholic Beverage Control, preparation and service of food to patrons seated at tables or counters by waiters or waitresses for consumption on the premises shall be permitted.

SECTION 2. Section 88-53(E) of the Code of the Town of Clinton regarding affordable housing in the C-1 Downtown Commercial District is deleted in its entirety.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. The Town Clerk is hereby directed, upon adoption of this ordinance after public hearing, to publish notice of the passage thereof and to file a copy of this ordinance with the Hunterdon County Planning Board as required by N.J.S.A. 40:55D-

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SECTION 6. This Ordinance shall take effect upon final passage, publication, and filing with the Hunterdon County Planning Board, all in accordance with the law.