

**BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**ORDINANCE 2023-16
INTRODUCTION DATE: 11-20-2023
ADOPTED DATE: 12-18-2023**

**AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE
BOROUGH CODE TO INCLUDE WINERIES AS A PERMITTED USE IN
THE BOROUGH'S R-AG/400 ZONE WITH APPLICABLE REGULATIONS**

WHEREAS, the Borough of Roosevelt, County of Monmouth, State of New Jersey (the "Borough"), seeks to preserve its rural character through development policies that promote agricultural uses and the preservation of open spaces; and

WHEREAS, over time, the ownership and use of farmland and open space throughout the Borough has significantly changed and continues to change at present; and

WHEREAS, the Borough faces significant threats of development on farmland and open space both within the Borough and surrounding its borders; and

WHEREAS, the Mayor & Council find it to be in the best interests of the Borough that its development regulations and policies be revised and updated to promote more modern agricultural uses of land, and correspondingly, the preservation of farmland within the Borough;

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

SECTION 1: Section 2.100: "Definitions" of the Zoning Ordinances of the Borough Code shall be supplemented with following *new* definitions (~~stricken text~~ indicates deletions, underlined text indicates additions):

2.100 DEFINITIONS.

SALES ROOM, WINERY

An on-site or off-site facility that sells beverages produced by a winery direct to consumers either for consumption on the premises, or off-premises, and licensed in accordance with the State Alcoholic Beverage Law. Also known as a tasting room. A sales room shall not include outdoor seating areas.

SAMPLING (WINE)

The selling at a nominal charge or the gratuitous offering of an open container not exceeding one and one and one half ounces of any wine.

WINEMAKING, INSTRUCTIONAL FACILITY

Any facility where nonlicensed persons may engage in and be instructed in and assist in the act of making wine or any similar fermented alcoholic beverage, where instruction is provided by a person licensed in accordance with the State Alcoholic Beverage Law.

WINERY

Any establishment engaged in the act of fermenting fruit juice or other natural substances in order to produce alcoholic beverages such as wine, mead, or brandy, and licensed in accordance with the State Alcoholic Beverage Law, that produces less than 250,000 gallons of alcoholic beverages annually. A winery must have a plenary or farm winery license issued by the State of New Jersey and shall also comply with all applicable state and county regulations.

SECTION 2: Section 4.500: "District Regulations" of the Zoning Ordinances of the Borough Code shall be amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

4.500 DISTRICT REGULATIONS.

DISTRICT R-AG 400 RESIDENTIAL/AGRICULTURAL DISTRICT

Purpose: The purpose of this district is to facilitate the continuation of traditional agricultural lands for productive farming purposes in accordance with the original plan and design of Jersey Homesteads and the Roosevelt National Historical District; to minimize residential sprawl; to encourage the perpetuation of the Borough's agro-industrial design so long as it may be appropriate and to otherwise further the general purposes of this ordinance.

Principal Permitted Uses:

Farms for growing of field, vegetable, <u>fruit, and tree crops, and vineyards</u>
Nurseries and greenhouses
Single-family detached dwellings
Group homes for the developmentally disabled license by the New Jersey Department of Human Services.
Houses of worship subject to the requirements below.
Public and private schools. Public and private schools shall comply with applicable requirements in accordance with State law and be subject to the requirements below.
<u>Winery, subject to the requirements of Sections 6.200, 6.210, 6.211, 6.212, 6.213, 6.220, 6.230, 6.240, 6.250 and 6.700.</u>

Sales Room, Winery, subject to the requirements of Sections 6.200, 6.210, 6.211, 6.212, 6.213, 6.220, 6.230, 6.240, 6.250 and 6.700.

Winemaking, Instructional Facility, subject to the requirements of Sections 6.200, 6.210, 6.211, 6.212, 6.213, 6.220, 6.230, 6.240, 6.250, and 6.700.

Athletic and recreation facilities ancillary to a public or private school provided that such facilities shall be located on the same parcel as the school within the R/Ag-400 Zone and further provided that such facilities shall not utilize field lighting, that any scoreboard structures be located a minimum of 500 feet from any off-tract residential use, and that a planted buffer and landscaping be provided in accordance with the requirements below.

Dormitories for private schools in the R-AG400 Zone shall conform with the following:

- a. Dormitories shall be located on the same property as the school facility for which the dormitory is providing boarding services.
- b. Dormitories shall comply with requirements applicable to dormitories in accordance with State law.
- c. Provisions for affordable housing generated in accordance with State law shall be provided by private schools.
- d. Parking. Parking shall be provided in accordance with Section 6.220.
- e. Loading. Loadings bases shall be provided and designed in accordance with Section 6.230.

Houses of worship, private and public schools, athletic fields and dormitories shall provide for the following:

- a. A planted buffer of not less than 50 feet in width shall be provided between a dormitory, school and/or athletic and recreation field and an adjacent residential structure within 100 feet of the facility in accordance with the standards of Article 5 of Ordinance, 187, Subdivision and Site Plan Ordinance. The length of a planted buffer shall be sufficient to provide a visual screen from the residence to the facility or facilities to be developed.
- b. Landscaping in accordance with Article 5 of Ordinance 187, Subdivision and Site Plan Ordinance.

DISTRICT R-AG 400 RESIDENTIAL/AGRICULTURAL DISTRICT

Permitted Accessory Uses:

Buildings and structures incidental to permitted principal uses, including customary farming accessory uses for farms, nurseries and greenhouses and customary residential accessory uses.

Other accessory uses as permitted in the R-40 district

Signs pursuant to Section 6.300

Parking pursuant to Section 6.200

Conditional Uses:

Breeding, raising, training, boarding and/or rehabilitation of horses provided that there is, at least, one acre of pasture per horse over the age of seven months and there are no nuisance factors generated.

SECTION 3: Section 6.220: "Minimum Parking Requirements" of the Zoning Ordinances of the Borough Code shall be amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

6.220 MINIMUM PARKING REQUIREMENTS.

Where a particular activity contains more than one of the following categories of uses, the total parking requirement shall be the sum of all use requirements:

a.	Residential	2 spaces per dwelling unit
b.	Farm	2 spaces per dwelling unit
c.	School	2 spaces per classroom, but not less than 1 space per 5 seats in an auditorium
d.	Borough Hall	1 space for each full-time employee plus 1 space for every 5 seats in the general meeting room
e.	House of Worship	1 space for every 5 seats
f.	Office	1 space for each 325 square feet of gross floor area
g.	Retail Store	1 space for every 150 square feet of gross floor area
h.	Service Station	4 spaces per interior service area or bay
i.	Manufacturing or Assembly Plant	1 space for every 800 square feet of gross floor area
j.	Swim Club	1 space for every 50 square feet of water surface

k.	Dormitories	1 space for every adult supervisor and 1 space for every 2 students aged 16 ^{1/2} years or older
l.	<u>Winemaking, Instructional Facility</u>	<u>1 space per 500 square feet of gross floor area for instructional or classroom space, plus 1 space per 2,000 square feet of any storage area</u>
m.	<u>Winery</u>	<u>1 space per 1,000 square feet of gross floor area devoted to production or storage space, plus 1 space per 150 square feet of gross floor area in any sales room or tasting room area, plus 1 space for every 4 seats devoted to outdoor seating</u>
n.	<u>Sales Room, Winery</u>	<u>1 space per 150 square feet of gross floor area</u>

SECTION 4: Article VI: "Supplementary Regulations" of the Zoning Ordinances of the Borough Code shall be supplemented with *new* Section 6.700: "Wineries" as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

6.700 WINERIES.

a. Wineries

1. A tasting room and/or salesroom for sampling and purchasing of beverages produced on the premises may be permitted as an accessory use.
2. An instructional facility may be permitted as an accessory use to a winery.
3. A winery may include outdoor seating on the premises provided that the seating area is enclosed by fencing, landscaping, or gates at least 36 inches in height, and does not interfere with any necessary pedestrian or vehicular circulation.
4. The hours of operation where sales of alcoholic beverages for consumption on the premises is permitted shall be limited from 12:00PM to 10:00PM.
5. No operation of a kitchen or restaurant at which meals are prepared from raw ingredients and served on the premises will be allowed. Foods which are assembled but not cooked on premises, such as cheese, charcuterie, fruit, breads, crackers and other snacks and pre-packaged foods may be offered for sale and service. Foods prepared and offered by licensed caterers, restaurants and food trucks may be sold and offered for service at events hosted by the winery.
6. Special events such as wine festivals, music festivals, theme nights, banquets, weddings and wedding receptions associated with a winery shall be permitted pursuant to the following:
 - a) Event shall require reservations and/or tickets and shall not be re-occurring.
 - b) Shall be for no more persons than the occupancy/seating capacity permitted for the winery under this Section and/or the applicable Minimum Parking Requirements.

- c) Catering for the event is permitted on-site but shall not include on-site cooking of any kind.
- 7. Live entertainment is permitted inside the facility during all hours of operation. Outdoor entertainment on the premises shall be limited from between the hours of 12:00PM to 10:00PM. Noise shall be regulated pursuant to the Borough Noise Ordinance 3-1.
- 8. All storage of waste materials, garbage, and recyclable materials shall be in enclosed containers, and stored inside the primary building, or within a separately enclosed structure that will completely confine any odors.
- 9. Unless otherwise provided herein and within Chapter Z – Zoning of the Borough of Roosevelt, the regulations regarding on-farm direct marketing facilities, activities and events pursuant to N.J.A.C. 2:76-2A.13 shall be utilized for wineries.
- 10. A winery permit is required:
 - a) Wineries utilizing existing farm structures located on properties as of the adoption of this subsection and fulfilling all requirements of 6.700 – Wineries and 4.500 – District Regulations shall be site plan exempt. All other wineries shall obtain site plan approval from the approving authority.
 - b) All wineries shall obtain a yearly retail sales permit issues by the Zoning Officer. The retail sales permit shall be issued or denied within 20 working days of submission. A fee of \$25 shall be submitted with the permit application.
 - c) All winery sales permit applications shall include a plot plan which indicates: the location of all existing structures; parking locations; the location, size and description of signage; floor plan of the retail sales area; the location of all entrances and exits; the location of all access isles, parking control measures to be provided; and a description of the wine and accessory products sold and the hours of operation. Proof of a State Alcoholic Beverage Control (ABC) approved farm winery license shall be submitted. The Zoning Officer may request additional information as deemed necessary.
- 11. The sales area shall be limited to juices, wine and/or brandy grown, processed and fermented on site in the winery, along with associated accessory products such as corkscrews, wine totes, wine buckets, wine glasses, decanters, small wine racks, small uncorking and preservation machines, small wine barrels and literature.
- 12. Wine sampling shall be limited to no more than five samples per visitor as defined herein.
- 13. Outdoor Seating Standards:
 - a) Shall meet applicable minimum parking requirements pursuant to 6.220.

- b) Outdoor seating areas shall meet all minimum yard requirements of the zone and shall be no less than 50 feet between the lot on which an outdoor seating area is proposed and an adjacent lot developed with a residential structure.
- c) Shall provide for not less than four feet of clear, unobstructed passageway between tables and chairs and other fixture or obstruction, which unobstructed passageway may be increased by the applicable land use board in the interests of safety.
- d) The tables and chairs shall be sturdy and of sufficient strength to be used for the purpose intended.
- e) Outdoor seating areas shall not be located in required parking and/or loading areas.

b. Sales Room of Wineries

- 1. The hours of operation where sales of alcoholic beverages for consumption on the premises is permitted shall be limited from 12:00PM to 10:00PM.
- 2. No operation of a kitchen or restaurant at which meals are prepared from raw ingredients and served on the premises will be allowed. Foods which are assembled but not cooked on premises, such as cheese, charcuterie, fruit, breads, crackers and other snacks and pre-packaged foods may be offered for sale and service. Foods prepared and offered by licensed caterers, restaurants and food trucks may be sold and offered for service at events hosted by the winery.
- 3. Live entertainment is permitted inside the facility during all hours of operation. Outdoor entertainment on the premises shall be limited from between the hours of 12:00PM to 10:00PM. Noise shall be regulated pursuant to the Borough Noise Ordinance 3-1.
- 4. All storage of waste materials, garbage, and recyclable materials shall be in enclosed containers, and stored inside the primary building, or within a separately enclosed structure that will completely confine any odors.

BE IT FURTHER ORDAINED that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

BE IT FURTHER ORDAINED that, after introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning/Zoning Board of the Borough of Roosevelt for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Borough's Mayor & Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate; and

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-16; and

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies only.

ATTEST:

APPROVED

Kathleen Hart, Borough Clerk

Peggy Malkin, Mayor