

ORDINANCE NO. 07-2017

**BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY**

**AN ORDINANCE TO AMEND CHAPTER XXX “LAND
DEVELOPMENT” REGARDING FAST SERVICE RESTAURANTS
AND CONVENIENCE STORES**

WHEREAS, the Mayor and Council of the Borough of Roseland wish to amend Chapter XXX Land Development to Amend the definitions and requirements for Fast Service Restaurants and Convenience Food Stores;

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Roseland that Chapter XXX “Land Development” of the Revised General Ordinances of the Borough shall be amended as follows:

SECTION I

That section 30-202 “Definitions” shall be amended as to add the following **thus** and delete the following **thus**:

30-202 DEFINITIONS.

Convenience ~~Food~~ Store shall mean **any a small retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. In a retail complex, a convenience store may provide for on-site consumption of food and drink, at tables or counters, under the provisions for fast food restaurants and in compliance with the applicable regulations business that stocks a range of everyday items such as groceries, snack foods, confectionery, soft drinks, tobacco products, prepackaged food products such as sandwiches, household items, over-the-counter drugs, toiletries, newspapers, and magazines. Convenience stores may contain countertop appliances, food-warmers or heat lamps for the purpose of heating or reheating food but no stoves or ovens (other than microwave ovens) for the purpose for cooking food are permitted. No food products shall be made-to-order. All food products including sandwiches shall be prepackaged.**

Restaurant shall mean an establishment where food, and drink are prepared, served, and consumed primarily within the principal building. A snack bar at a public or non-profit playground, play field, park or swimming club, maintained solely by the agency or group operating the recreational facilities and for the sole use of the patrons of the facility, shall not be deemed to be a restaurant.

a. *No change*

b. *Fast Service Restaurant* shall mean **any establishment providing whose principal business is the sale of foods, and drink frozen desserts or beverages to the customers in a ready-to-consume state for consumption, either within the restaurant building or for carryout with consumption** on

or off premises, ~~in which the customer orders and/or receives food and drink from a counter served by employees whose primary job responsibility is counter service and/or food preparation and in which table service is not a regular custom, and whose method of operation has the following characteristics:~~

1. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers.

2. A limited or specialized list of quickly prepared or pre-prepared food items, utilizing standardized preparation and packaging techniques, is offered for on and off the premises consumption.

3. No table service.

SECTION II

That section 30-404.3 “B-1, B-2 Business Zone” shall be amended as to add the following ~~thus~~ and delete the following ~~thus~~:

30-404.3 B-1, B-2 Business Zone.

a. *Permitted Principal Uses.*

1. Retail sales and services with the exception that convenience stores are permitted in the B-2 Business Zone only and are permitted as a conditional use in the B-1 Business Zone only.

2-4 No change

5. Fast-service restaurants, B-1 Zone only. ~~For the purpose of determining the area of the fast service restaurant use, the restaurant size shall be calculated as one hundred fifty (150%) percent of the area devoted to customer seating and circulation.~~

(a) Fast service restaurants shall be permitted only as an integral part of a retail complex, such as a strip center or shopping center, and shall not be a freestanding or stand alone use. The floor area of a fast service restaurant, in combination with all other restaurant uses, shall not exceed twenty (20%) percent of the gross floor area of the retail complex.

(b) Off-Street Parking. Off-street parking for a retail center containing any fast-service restaurant use shall be provided at a rate of six (6) parking spaces per one thousand (1,000) square feet of gross floor area of the entire retail center.

(c) No restaurant of any kind shall include drive-in or drive-through service; ordering and pickup of food shall not be permitted to take place from a vehicle, nor shall exterior playgrounds or play areas be permitted.

b. No change

c. *Permitted Conditional Uses.*

1-9 No change

10. Convenience stores in the B-1 Zone

SECTION III

That section 30-405 “Conditional Uses” shall be amended as to add the following **thus** and delete the following **thus**:

30-405 CONDITIONAL USES.

30-405.1 – 30-405.4 No change

30-405.5 Conditional Commercial Uses.

Certain commercial uses as described below may only be permitted as conditional uses subject to the following requirements:

a. No change

b. *Fast Service Restaurants.* Fast service restaurants are permitted as a conditional use. Said conditional uses shall be permitted provided the following requirements are met.

1. No change

2. No change

3. No restaurant of any kind shall include drive-in or drive through service; ordering and pickup of food shall not be permitted to take place from a vehicle, nor shall exterior playgrounds or play areas be permitted. ~~For the purposes of this chapter, a bar or tavern shall be considered a restaurant. A snack bar at a public or a nonprofit playground playfield, park, or swimming club, maintained solely by the agency or group operating the recreational facilities and for the sole use of the patrons of the facility, shall not be deemed to be a restaurant.~~

4. ~~For the purpose of determining the area of the fast service restaurant use, the restaurant size shall be calculated as one hundred fifty (150%) percent of the area devoted to customer seating and circulation.~~ Fast service restaurants shall be permitted only as an integral part of a retail complex, such as a strip center or shopping center, and shall not be a freestanding or stand alone use. The floor area of a fast service restaurant, in combination with all other restaurant uses, shall not exceed twenty (20%) percent of the gross floor area of the retail complex.

30-405.6 –30-405.9 No change

30.405.10 Convenience Store

Convenience stores are permitted as a conditional use in the B-1 Business Zone subject to the following conditions:

- a. **Minimum lot size requirements: 25,000 square feet**
- b. **Minimum lot frontage at the street line: one hundred fifty (150) feet**
- c. **Maximum building coverage: fifteen (15) percent**
- d. **Maximum impervious coverage: seventy (70) percent**
- e. **There shall be no provisions made for on-site consumption of food or beverages. Tables inside or outside the convenience store are prohibited.**

SECTION IV

That section 30-520.1 “Parking” shall be amended as to add the following **thus** and delete the following **thus**:

30-520.1 Parking.

- a. No change
- b. No change

c. *Nonresidential Uses*

Required Spaces

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- 6. No change
- 7. No change
- 8. No change
- 9. No change

~~10. **Fast service restaurants**~~

~~1 per 30 sq. ft. GFA~~

10. Convenience stores

1 space per 100 sq. ft. GFA or a part thereof

- 11. No change
- 12. No change
- 13. No change
- 14. No change

SECTION V

If any section of provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION VI

This ordinance shall take effect upon publication as provided by law.

DATE OF INTRODUCTION: June 20, 2017

Motion to Introduce by: Councilman Smith
Motion Seconded by: Councilman Jacobs
Introduction Approved: 5-0 Voice Vote (Tsilionis absent)

DATE OF ADOPTION:

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Jacobs							
Councilman Leonard							
Councilman Smith							
Councilwoman Tolli							
Councilman Tsilionis							
Council President Vidovich							
Mayor Duthie (In case of tie)							
		VOTE:					

John Duthie, Mayor

Jock H. Watkins, Borough Clerk

Date of Publication: