

LEYBA-MARTINEZ
8/13/2024

ORDINANCE AMENDING SECTION 181-7; LOCATION OF RETAIL PREMISES LIMITED, PLENARY RETAIL CONSUMPTION LICENSE, TO ESTABLISH A PILOT PROGRAM WHEREBY THREE (3) BUSINESS CORRIDORS ARE TO BE ESTABLISHED WITHIN THE CITY OF CAMDEN WHICH, AMONG OTHER THINGS, ELIMINATES CERTAIN DISTANCE REQUIREMENTS FOR PLENARY RETAIL CONSUMPTION LICENSES WITHIN EACH BUSINESS CORRIDOR

WHEREAS, the Administration and the City Council of the City of Camden sought to examine and obtain recommendations as to whether Chapter 181, Alcoholic Beverages, Article I, Licensing and General Regulations, Section 181-7 of the Camden City Code; Location of Retail Premises Limited; Plenary Retail Consumption License, should be amended or modified in any way; and

WHEREAS, Section 181-7 currently states:

§ 181-7. Location of retail premises limited.

A. Plenary retail consumption license.

- (1) No plenary retail consumption license shall be issued for any premises within 500 feet of any other plenary retail consumption licensed premises. The foregoing prohibition shall not prevent a renewal or person-to-person transfer at any existing location. The Board of Alcoholic Beverage Control may, in its reasonable discretion, waive the above restriction in districts zoned C-1, C-2, C-3, C-4, C-5, C-W, I-1, I-2 or C-C or in areas zoned for planned unit development if the applicant shall establish to the Board's satisfaction that such waiver will not adversely impact on the surrounding area and the public health, safety and welfare. When reviewing an application for a waiver, the Board shall consider and make a finding with respect to each of the following:
 - (a) Whether the location of an additional facility in an area will have an adverse impact on adjacent residential areas.
 - (b) Whether the proposed location is in an area where patrons of licensed facilities tend to congregate and/or consume alcoholic beverages on the adjacent streets, sidewalks and properties and whether the proposed facility is of such a type that it may be expected that its patrons may engage in similar inappropriate behavior.
 - (c) The location of any premises licensed for plenary retail distribution in proximity to the proposed facility.
 - (d) Whether the proposed facility and existing licensed facilities are predominantly designed for use as taverns, restaurants, hotels or entertainment facilities.

- (e) Whether there is any dominant commercial or recreational theme in the area that would be enhanced by the presence of the proposed facility.
 - (f) Whether the proposed facility would enhance or facilitate a redevelopment project.
 - (g) Any factors which the Board deems critical to its decision to grant or deny an application for waiver.
- (2) The enumeration of certain zoning districts for the purpose of designating areas eligible for a waiver of the restriction imposed by this section shall not be deemed as a modification of the Zoning Code of the City of Camden and does not authorize any use in such districts not permitted by the specific provisions of the Zoning Code.
- B. No plenary retail distribution license shall be issued for any premises within 1,000 feet of any other plenary retail distribution licensed premises. The foregoing prohibition shall not prevent a person-to-person transfer at an existing location or a renewal at an existing location outstanding as of July 9, 1936.
- C. For the purpose of determining whether a proposed licensed premises is located within 500 feet or 1,000 feet of an existing licensed premises, the measurement shall be taken from the main entrance of the existing licensed premises to the main entrance of the proposed licensed premises along the shortest route a person would take to walk from one facility to the other without violating any laws or ordinances regulating pedestrian travel.

WHEREAS, the Administration and the City Council of the City of Camden, by Resolution MC-24:9444, approved on May 14, 2024, established an Ad Hoc Committee, called the ABC Ad Hoc Committee, to examine and make recommendations to the Administration and the City Council of the City of Camden as to whether section 181-7 should be amended or modified in any way; and

WHEREAS, the Administration and the City Council of the City of Camden appointed an Ad Hoc Committee comprised of seven (7) members: three (3) Business Leaders to be appointed by the City Council of the City of Camden, two (2) Mayor's designees and one (1) member of the City Council of the City of Camden and the Chief of the Camden County Police Department or his designee to examine possible amendments or modifications to Section 181-7 of the Camden Code; Location of Retail Premises Limited; Plenary Retail Consumption License; and

WHEREAS, the ABC ad Hoc Committee, Chaired by Tameeka Mason, held several public meetings, which included one community meeting held on August 8, 2024, via the virtual platform Zoom and one in-person community meeting held on August 22, 2024 in City Council Chambers; and

WHEREAS, the ABC Ad Hoc Committee has issued a report which includes recommendations as to whether Section 181-7 of the Camden Code; Location of Retail Premises Limited; Plenary Retail Consumption License should be amended or modified in any way; and

WHEREAS, the ABC Ad Hoc Committee, among other things, has recommended that the City of Camden institute a Pilot Program which would be in effect for one (1) year from the date of adoption of this ordinance which establishes three (3) business corridors in the City of Camden

in which bars and restaurants with plenary retail consumption licenses operating in these business corridors shall not be required to meet and maintain the current distance requirement of 500 feet between other plenary retail consumption licensed premises as provided for in Section 181-7 (A)(1); and

WHEREAS, establishing a Pilot Program to be in effect for restaurants and bars with plenary retail consumption licenses within these three (3) business corridors will greatly assist in the City's economic development going forward; and

WHEREAS, the ABC Ad Hoc Committee also made the following recommendations in its report to City Council:

1. Institute a Pilot Program for Retail Consumption Licenses for one year in Three Business Corridors
2. Selection of Business Corridors:
 - A. Camden's Waterfront – Waterfront Line to Third Street and from Pearl Street to Federal Street.
 - B. Federal Street - Cross Streets; 19th Street to 27th Street.
 - C. Haddon Avenue – Cross Streets; Liberty and Wildwood.
3. Modification of Distance Requirements – Elimination of Distance Restrictions for retail consumption licenses in the above selected corridors.
4. Such modifications will allow for economic development in the City of Camden.
5. Consider Business Incentives for businesses to re-locate or operate in the business corridors pursuant to the Pilot Program.
6. Engage with the Community through educational resources.
7. Leverage Camden's cultural diversity to enhance the appeal of Business Corridors, thereby attracting visitors and fostering a unique and vibrant atmosphere.
8. Follow similar paths for those municipalities which have instituted business changes to encourage tourism and business development such as:
 - a. Nashville, Tennessee
 - b. Denver, Colorado
 - c. Atlanta, Georgia
 - d. Atlantic City, New Jersey
 - e. Cape May, New Jersey
 - f. Collingswood, New Jersey
 - g. Wildwood, New Jersey

WHEREAS, the Administration and the City Council of the City of Camden, following review and approval by the Planning Board, seek to adopt all of the recommendations contained in the

report of the ABC ad Hoc Committee presented to the City Council of the City of Camden on August 13, 2024 at its City Council meeting on that date; now therefore

BE IT ORDAINED, by the City Council of the City of Camden that Section 181-7 of the Camden City Code is amended as follows:

§ 181-7. Location of retail premises limited.

A. Plenary retail consumption license.

- (1) Subject to subsection D below, no plenary retail consumption license shall be issued for any premises within 500 feet of any other plenary retail consumption licensed premises. The foregoing prohibition shall not prevent a renewal or person-to-person transfer at any existing location. The Board of Alcoholic Beverage Control may, in its reasonable discretion, waive the above restriction in districts zoned C-1, C-2, C-3, C-4, C-5, C-W, I-1, I-2 or C-C or in areas zoned for planned unit development if the applicant shall establish to the Board's satisfaction that such waiver will not adversely impact on the surrounding area and the public health, safety and welfare. When reviewing an application for a waiver, the Board shall consider and make a finding with respect to each of the following:
 - (a) Whether the location of an additional facility in an area will have an adverse impact on adjacent residential areas.
 - (b) Whether the proposed location is in an area where patrons of licensed facilities tend to congregate and/or consume alcoholic beverages on the adjacent streets, sidewalks and properties and whether the proposed facility is of such a type that it may be expected that its patrons may engage in similar inappropriate behavior.
 - (c) The location of any premises licensed for plenary retail distribution in proximity to the proposed facility.
 - (d) Whether the proposed facility and existing licensed facilities are predominantly designed for use as taverns, restaurants, hotels or entertainment facilities.
 - (e) Whether there is any dominant commercial or recreational theme in the area that would be enhanced by the presence of the proposed facility.
 - (f) Whether the proposed facility would enhance or facilitate a redevelopment project.
 - (g) Any factors which the Board deems critical to its decision to grant or deny an application for waiver.
- (2) Subject to subsection D, below, the enumeration of certain zoning districts for the purpose of designating areas eligible for a waiver of the restriction imposed by this section shall not be deemed as a modification of the Zoning Code of the City of

Camden and does not authorize any use in such districts not permitted by the specific provisions of the Zoning Code.

- B. No plenary retail distribution license shall be issued for any premises within 1,000 feet of any other plenary retail distribution licensed premises. The foregoing prohibition shall not prevent a person-to-person transfer at an existing location or a renewal at an existing location outstanding as of July 9, 1936.
- C. Subject to subsection D below, for the purpose of determining whether a proposed licensed premises is located within 500 feet or 1,000 feet of an existing licensed premises, the measurement shall be taken from the main entrance of the existing licensed premises to the main entrance of the proposed licensed premises along the shortest route a person would take to walk from one facility to the other without violating any laws or ordinances regulating pedestrian travel.
- D. Pilot Program - Plenary Retail Consumption License

(1) The City of Camden hereby establishes and implements a pilot program for bars and restaurants with plenary retail consumption licenses for the following business corridors:

(a) The Waterfront within the following boundaries: between the north side of Pearl Street and the south side of Federal Street and extending from the water line to those properties with a U.S. Post Office mailing address on Third Avenue.

(b) Federal Street within the following boundaries: properties with a U.S. Post Office mailing address on Federal Street between the east side of 19th Street to properties on the west side of 27th Street.

(c) Haddon Avenue within the following boundaries: properties with a U.S. Post Office mailing address on Haddon Avenue between the east side of Wildwood Avenue to properties on the west side of Liberty Street.

(2) The Administration shall develop an application and application process consisting of a Committee of three (3) to be appointed by the Mayor to review whether an operating establishment holding a plenary retail consumption license that does not fall within one of the corridors as provided for in Section D(1) above but, at the time of the establishment of the Pilot Program, the premises of this establishment lies within 500 feet of one of the corridors, should be provided a waiver for continued operations. Such waiver shall be granted for currently operating establishments and shall not be unreasonably denied for other establishments.

(3) The Committee shall determine what documents are necessary for its decision and may, in its discretion, determine that the applicant, as part of its application process, must provide a certified survey of the property.

(4) This Pilot Program only applies to bars and restaurants holding a plenary retail consumption license.

(5) The Pilot Program does not apply to establishments holding a plenary retail distribution license [Liquor store].

(6) The Pilot Program shall be in effect for one year from the date of adoption of this ordinance to allow the City to review and examine its success rate and review and consider one or more of the following:

- (a) The effect of these business corridors on public safety;
- (b) Whether these business corridors are adversely affecting staffing and/or response time from the Camden County Police Department, Metro Division;
- (c) Whether the Pilot Program should be continued and the period of time to do so;
- (d) Whether the Pilot Program should be discontinued but the three (3) business corridors should remain in place with the restrictions as listed herein or as amended;
- (e) Whether the number of business corridors included in the Pilot Program should be increased to include other business corridors; or
- (f) Whether other modifications should be considered and take place as determined by the Administration and the City Council of the City of Camden, in their discretion.

(7) During the term of the Pilot Program, bars and restaurants with plenary retail consumption licenses operating within the three business corridors as described above, shall be exempt from subsection A and C, above, requiring that no plenary retail consumption license be issued for any premises within 500 feet of any other plenary retail consumption licensed premises.

(8) During the term of the Pilot Program, bars and restaurants with plenary retail consumption licenses operating within the three business corridors as described above shall be required to comply with Section 181-13 and Section 181-14 with regard to hours of operation.

(9) Subject to this subsection D, above, during the term of the Pilot Program, bars and restaurants with plenary retail consumption licenses operating within the three business corridors as described above shall be required to meet all other requirements as established by state law and the Camden City Code.

(10) Any bar or restaurant with a plenary retail consumption license that falls outside of the three business corridors as described above but seeks to re-locate or open an establishment near but not within one of the business corridors as described above, shall be required to comply with subsections A and C above, requiring that no plenary retail consumption license be issued for any premises within 500 feet of any other plenary retail consumption licensed premises.

(11) If an establishment with a retail consumption license opens and begins operations during the Pilot Program but the Pilot then ends, that establishment shall be able to maintain and continue operations in one of the business corridors as if the Pilot had remained in effect.

(12) The Administration may consider offering business incentives to those businesses holding current retail consumption licenses to encourage these businesses to re-locate and operate in one of the three business corridors.

(13) The Administration may consider offering educational opportunities to the public as a means of raising community awareness of this Pilot Program and its goals.

BE IT FURTHER ORDAINED that following introduction and prior to adoption, the Clerk shall cause a copy of this ordinance to be referred to the City of Camden Planning Board for an advisory review.

BE IT FURTHER ORDAINED that any portion of Section 181-7 not herein amended and supplemented shall remain in full force and effect.

BE IT FURTHER ORDAINED that that any portion of the Camden City Code not herein amended and supplemented shall remain in full force and effect.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

BE IT FURTHER ORDAINED that if any provision of this ordinance is declared invalid, such invalidity shall not affect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

BE IT FURTHER ORDAINED that this ordinance shall take effect twenty (20) days after its final passage and publication as provided by law.

BE IT FURTHER ORDAINED that pursuant to N.J.S.A. 52:27BBB-23 and N.J.S.A. 40:69A-41, a true copy of this Ordinance shall be forwarded to the Mayor, who shall have ten (10) days from the receipt thereof to approve or veto this Ordinance. Additionally, pursuant to N.J.S.A. 52:27BBB-23, a true copy of this Ordinance shall be forwarded to the State Commissioner of Community Affairs, who shall have ten (10) days from the receipt thereof to veto this Ordinance, and the action by the Commissioner regarding this Ordinance shall supersede any action by the Mayor on the same Ordinance. All notices of approval and/or veto shall be filed in the Office of the Municipal Clerk.

Date of Introduction: August 13, 2024

The above has been reviewed
and approved as to form.

DANIEL S. BLACKBURN
City Attorney

ANGEL FUENTES
President City Council

VICTOR CARSTARPHEN
Mayor

ATTEST: _____
LUIS PASTORIZA
Municipal Clerk