

ORDINANCE NO. 2019- 20

AN ORDINANCE AMENDING CHAPTER 425 OF THE CODE OF THE CITY OF VINELAND ENTITLED LAND USE, AUTHORIZING A MEDICAL CANNABIS FACILITY WITHIN THE I-2 INDUSTRIAL ZONE AND MEDICAL CANNABIS DISPENSARY WITHIN THE B-3 BUSINESS ZONE

WHEREAS, the State adopted the New Jersey Compassionate Use Medical Marijuana Act (N.J.S.A. 24:6I-1 et al.) in 2009. This law established a system whereby marijuana could be dispensed for the treatment of designated medical conditions. It allowed for 6 dispensaries.

WHEREAS, in 2018, the State solicited applications for an additional 6 dispensaries. Because the City received multiple inquiries, a referendum was placed on the November ballot to ascertain public opinion. Over 60% of voters supported medical marijuana. Subsequently, the State approved an application for a medical marijuana alternative treatment center in Vineland.

WHEREAS, this amendment to the Land Use Ordinance was developed to regulate medical marijuana. It proposes that a medical marijuana alternative treatment center be a conditional use in I-2 Industrial Zones and that a medical marijuana dispensary facility be a conditional use in B-3 Zones.

WHEREAS, on February 13, 2019 the Planning Board of the city of Vineland adopted Resolution 6327 recommending the City Council amend the Land Use Ordinance so as to permit one medical marijuana alternative treatment center in the City of Vineland and to amend Chapter 425 of the Code of the City of Vineland in accordance with Resolution 6327; and

WHEREAS, City Council adopts the findings and conclusions and decision of the Planning Board Resolution 6327 and incorporates the same as if set forth herein at length and finds that the recommendations are in the best interest of the City.

NOW THEREFORE, BE IT ORDAINED that Chapter 425 of the Code of the City of Vineland entitled Land Use is hereby amended as follows:

Amend §425-270 Word usage; definitions.

Add the following definition:

MEDICAL MARIJUANA ALTERNATIVE TREATMENT CENTER (ATC)

An organization approved by the Department of Health to perform activities necessary to provide registered qualifying patients with usable marijuana (medical cannabis) and related paraphernalia in accordance with the provisions of the New Jersey Compassionate Use Medical Marijuana Act (N.J.S.A. 24:6I-1 et al.). A medical marijuana alternative treatment center may have cultivation facility and dispensary facility functions.

Amend §425-290 I-2 Industrial Zone standards.

Add the following conditional use:

D(3) Medical marijuana alternative treatment center.

Amend §425-295 B-3 Business Zone standards.

Add the following conditional use:

D(2) Medical marijuana alternative treatment center (dispensary facility only).

Amend §425-304 Conditional Uses.

Add the following conditional use:

A(11) Medical marijuana alternative treatment center.

A(12) Medical marijuana alternative treatment center (dispensary facility only).

C(4) Article XXVII, Medical marijuana alternative treatment center.

Amend Zoning Schedule, Sheet 2 - Conditional Use Specific Standards.

See attachment.

Add Article XXVII Medical Marijuana Alternative Treatment Center

§425-372 Definitions.

A. As used in this article, the following terms shall have the meanings indicated:

CULTIVATION FACILITY

Any site for the planting, propagating, cultivation, growing, harvesting, labeling or manufacturing, compounding and storing of medical marijuana for the limited purpose of the New Jersey Compassionate Use Medical Marijuana Act (N.J.S.A. 24:6I-1 et al.) and the Medicinal Marijuana Program Rules (N.J.A.C. 8:64 et seq.).

DISPENSARY FACILITY

Any site for the sale of medical marijuana and paraphernalia to a qualifying patient or primary caregiver for the limited purpose of the New Jersey Compassionate Use Medical Marijuana Act (N.J.S.A. 24:6I-1 et al.) and the Medicinal Marijuana Program Rules (N.J.A.C. 8:64 et seq.).

MEDICAL MARIJUANA ALTERNATIVE TREATMENT CENTER

Any organization approved by the Department of Health to perform activities necessary to provide registered qualifying patients with usable marijuana (medical cannabis) and related paraphernalia in accordance with the provisions of the New Jersey Compassionate Use Medical Marijuana Act (N.J.S.A. 24:6I-1 et al.). An alternative treatment center may acquire and possess an ongoing inventory of marijuana seeds or seedlings and paraphernalia, possess, cultivate, plant, grow, harvest, process, display, manufacture, deliver, transfer, transport, distribute, supply, sell or dispense marijuana, or related supplies to qualifying patients or their primary caregivers who are registered with the State. A medical marijuana alternative treatment center may have cultivation facility and dispensary facility functions.

MARIJUANA (MEDICAL CANNABIS)

Marijuana (medical cannabis) has the meaning given in the New Jersey Controlled Dangerous Substances Act (N.J.S.A. 24:21-2). Marijuana means all parts of the plant genus Cannabis, whether growing or not; the seeds thereof; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant; but shall not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seed of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation or such mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The words marijuana and *medical* cannabis shall be used interchangeably in this chapter.

MARIJUANA CONSUMPTION AREA

Any designated location operated by an alternative treatment center, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of an alternative treatment center that is separate from the area in which retail sales of marijuana (cannabis) items or the dispensing of medical marijuana occurs; or (2) an exterior structure on the same premises as the alternative treatment center, either separate from or connected to the center, at which cannabis items or medical cannabis either obtained from the retailer or center, or brought by a person to the consumption area, may be consumed.

PARAPHERNALIA

Paraphernalia has the meaning given in the New Jersey Code of Criminal Justice ((N.J.S.A. 2C:36-1). Paraphernalia means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body medical marijuana.

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§425-373 Purpose.

The purpose of this article is to:

- A. Provide regulations and standards for the establishment and operation of a medical marijuana alternative treatment center.
- B. Provide appropriate locations for a medical marijuana alternative treatment center that will allow development of a complete facility, from growing to dispensing, and that will minimize conflicts with other uses, thereby advancing public health, safety and welfare.
- C. Provide appropriate locations for a medical marijuana alternative treatment center (dispensary facility only) that will minimize conflicts with other uses, thereby advancing public health, safety and welfare.

§425-374 Statutory authority.

This article is authorized under N.J.S.A. 24:6I-1 et al., pertaining to medical marijuana, and N.J.S.A. 40:55D-1 et seq., pertaining to land use.

§425-375 Permitted uses.

Permitted uses shall be as follows:

- A. Medical marijuana cultivation facility, in accordance with this chapter.
- B. Medical marijuana dispensary facility, in accordance with this chapter.

§425-376 Permitted accessory uses.

Permitted accessory uses shall be as follows:

- A. Administrative office for business on site.
- B. Environmental equipment, as may be required by the Environmental Protection Agency or by the Department of Environmental Protection.
- C. Parking.
- D. Trash enclosure for solid waste and recyclables.
- E. Fencing.
- F. Signage.

§425-377 Prohibited uses.

The following uses shall be prohibited:

- A. Outdoor grow area.
- B. Agricultural greenhouse.
- C. Sale or consumption of food, beverages, alcohol or tobacco on the premises.
- D. Marijuana consumption area.
- E. Recreational cannabis establishment.

§425-378 Signs.

Signage shall be in accordance with the standards in this chapter, in addition to N.J.A.C. 8:64-

12.1. Standards specific to medical marijuana alternative treatment centers are as follows:

1. Alternative treatment centers shall restrict signage to black text on a white background on external signage.
2. Alternative treatment center signage shall not be illuminated at any time.
3. Alternative treatment centers shall not display on the exterior of the facility advertisements for medical marijuana or a brand name except for the purposes of identifying the building by the permitted name.
4. Marijuana and paraphernalia shall not be displayed or clearly visible to a person from the exterior of an alternative treatment center.
5. Signs restricting access to the medical marijuana alternative treatment center shall be installed at the entrance drive and at the public entrance to the building.

§425-379 Construction standards.

- A. A medical marijuana alternative treatment center shall be developed in accordance with the standards in this chapter. In the event there is a conflict with a provision in this article, the provision in this article shall govern.
- B. Medical marijuana shall only be produced at an indoor cultivation site, which is an enclosed, locked facility.

§425-380 Security.

Security shall be provided in accordance with N.J.A.C. 8:64-9.7.

§425-381 Parking.

- A. The parking requirement for the cultivation facility function of a medical marijuana alternative treatment center shall be one (1) space per employee on the main work shift.
- B. The parking requirement for the dispensary facility function of a medical marijuana alternative treatment center shall be one (1) space per 200 square feet of gross floor area.

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§425-382 Buffers, screening, fencing and landscaping.

- A. Buffers alongside and rear property lines shall be a minimum of 25 feet, while buffers along front property lines shall be a minimum of 30 feet.
- B. Screening shall not be required because of the heightened need for security for a medical marijuana alternative treatment center.
- C. Fencing, a minimum of eight (8) feet tall, shall be installed around the developed portion of the site that is restricted from public access. Fencing may be installed around the entire site behind the required 30-foot front buffer.
- D. The 30-foot front buffer shall be an irrigated landscaping bed. Vegetation in this bed shall not exceed a height of three (3) feet. Additional landscaping shall not be required because of the heightened need for security for a medical marijuana alternative treatment center.

§425-383 Zoning and location restrictions.

- A. A medical marijuana alternative treatment center shall be a minimum of one (1) mile from what is viewed as the historic center of the City, an area bound by Park Avenue, East Avenue, Chestnut Avenue and West Avenue. The one (1) mile shall be measured from the centerlines of these abutting roadways.
- B. A medical marijuana alternative treatment center shall not be located within a drug-free school zone.
- C. Only one (1) medical marijuana alternative treatment center having a State permit shall be permitted in the City. The medical marijuana dispensary facility may or may not be located on the same site as the medical marijuana cultivation facility.

§425-384 Enforcement.

- A. The State shall enforce the provisions of the medical marijuana alternative treatment center facility permit.
- B. The Zoning Officer shall enforce the zoning and site plan provisions of this ordinance.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 6327
RESOLUTION OF FINDINGS AND CONCLUSIONS AND
DECISION OF THE VINELAND PLANNING BOARD

WHEREAS, the Planning Board of the City of Vineland recommends to City Council of the City of Vineland certain changes to the City's Land Use Ordinance based upon recent legislation; and

WHEREAS, the Planning Board, having considered the sworn testimony of Kathleen Hicks, PP, Supervising Planner, City of Vineland, as well as having considered the proposed revisions to the Land Use Ordinance prepared by Kathleen Hicks, PP, made the following factual findings:

1. During 2009, the New Jersey Legislature adopted, and the Governor signed legislation known as "The New Jersey Compassionate Use Medical Marijuana Act" with an effective date of October 1, 2010.
2. The initial legislation permitted six (6) medical marijuana dispensaries throughout New Jersey. Throughout 2018 the State of New Jersey solicited applications for six additional dispensaries. One site dispensary was approved for the City of Vineland.
3. In November 2018, the voters within the City of Vineland approved a ballot question to locate a medical marijuana dispensary in the City of Vineland.
4. Changes proposed by Kathleen Hicks, PP, incorporate the provisions of the New Jersey Compassionate Use Medical Marijuana Act and amends the City Land Use Ordinance so as to permit medical marijuana facilities within the I-2 Industrial Zone, and medical marijuana dispensaries within the ~~I-2 Industrial~~ Business Zone.
5. The proposed changes to the Land Use Ordinance besides incorporating requirements of the States legislation, is to provide standards for medical marijuana facilities.
6. The proposed revisions to the Land Use Ordinance entitled: "City of Vineland Land Use Ordinance Amendments for Medical Marijuana Alternative Treatment Centers" is attached hereto as Exhibit A and incorporated into this Resolution in its entirety by reference.

THEREFORE, the Planning Board recommends to City Council of the City of Vineland that the attached Amendments to the Land Use Ordinance for Medical Marijuana Alternative Treatment Centers be adopted in its entirety.

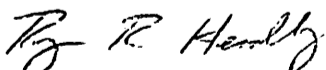
NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the City of Vineland, that recommendation is made to City Council to amend the Land Use Ordinance so as to include the attached "City of Vineland Land Use Ordinance Amendments for Medical Marijuana Alternative Treatment Centers" in its entirety.

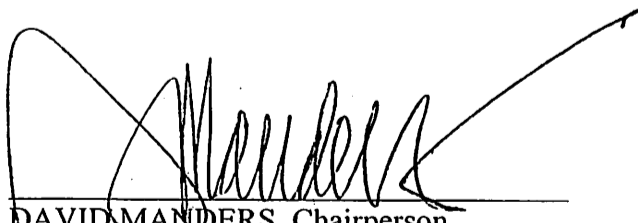
The foregoing is a true copy of the Resolution of decision adopted by the Planning Board of the City of Vineland at a meeting held on February 13, 2019 as reflected in the recorded minutes of said meeting.

ADOPTED DATE: February 13, 2019

PLANNING BOARD OF THE
CITY OF VINELAND

Attest:


Ryan R Healdley
for YASMIN RICKETTS, Secretary


DAVID MANDERS, Chairperson

ROLL CALL VOTE

VOTING IN FAVOR

DAVID MANDERS
MICHAEL PANTALIONE
CHRISTINE SCARPA
JOHN CASADIA
ROBERT ODORIZZI
KEITH SALERNO

ABSTAINING

DAVID ACOSTA

ABSENT

SANDY VELEZ
STEPHEN PLEVINS
SAMUEL FIOCCHI
DAVID CATALANA

OPPOSED

NONE