

ORDINANCE NO. 2022- 26

ORDINANCE AMENDING ORDINANCE 86-38, AS AMENDED, CHAPTER 425 ENTITLED LAND USE, SECTION 425-383 OF THE CODE OF THE CITY OF VINELAND ENTITLED ZONING, LOCATION AND OTHER RESTRICTIONS.

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

WHEREAS, in 2018, the City of Vineland placed a referendum on the November ballot to ascertain public opinion regarding the operation of cannabis businesses and over 60% of voters supported medical marijuana and as a result thereof, the State of New Jersey approved an application for a medical marijuana alternative treatment center in the City; and

WHEREAS, the Land Use Ordinance of the City of Vineland was amended in 2019 to enact regulations related to medical marijuana which permitted a medical marijuana alternative treatment center as a conditional use in I-2 Industrial Zones and a medical marijuana dispensary facility as a conditional use in B-3 Zones, however the ordinance permitted only one (1) alternative treatment center in the City; and

WHEREAS, the one (1) alternative treatment center has its cultivation and dispensary facilities at different locations, which is permitted; and

WHEREAS, the State of New Jersey placed a referendum on the November ballot to ascertain public opinion on adult use cannabis and in Vineland, 67% of voters were supportive of legalization of adult use cannabis and the State adopted the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernizations Act, which legalizes adult use cannabis; and

WHEREAS, in 2020, the City subsequently enacted ordinances that permitted an unlimited number of cannabis cultivators, manufacturers, wholesalers, and distributors in all industrial zones and one (1) cannabis retailer in B-3 Business Zones as a conditional use; and

WHEREAS, after further consideration, City Council passed a motion to refer a request for the Planning Board to consider an amendment to the Land Use Ordinance to limit the number of cannabis cultivators, manufacturers, wholesalers and distributors from an unlimited number to five licenses for each class of license and to change the number of retail licenses from one to two; and

WHEREAS, the Planning Board adopted a Resolution recommending Council consider an amendment to Chapter 425, Section 425-383 entitled Zoning, location and other restrictions at subsections E and F as well as an amended Zoning Schedule; and

WHEREAS, City Council adopts all of the findings and conclusions set forth in the Planning Board Resolution as if set forth herein at length.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Section 425-383 be amended as follows:

Section 425-383

- E. Two cannabis retailers having a State license shall be permitted in the City of Vineland.
- F. Five cannabis cultivators, five cannabis manufacturers, five cannabis wholesalers and five cannabis distributors shall be permitted in the City of Vineland.

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BE IT FURTHER ORDAINED that Zoning Schedule, Sheet 2- Conditional Use Specific Standards shall be further adopted as attached hereto and made a part hereof.

BE IT FURTHER ORDAINED that the balance of Ordinance 86-38, as amended, Chapter 425 Section 425-383 not amended hereby shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

President of Council

ATTEST:

City Clerk

City of Vineland

Zoning Schedule, Sheet 2:
Conditional Use Specific Standards ^{1,2}

Zone	Use ³	Minimum Lot Dimensions				Minimum Yards ⁴				Maximum Bulk Standards				Minimum Number of On-Site Parking Spaces ^{6,21}	
		Area-Net ⁵ (square feet)		Frontage ^{5,6,11} (feet)		Depth-Net ⁶ (feet)	Front ⁷ (feet)	Side (feet)	Rear (feet)	Dwelling Units per Building	Building Height (feet)		Lot Coverage ⁸ (percent)		Dwelling Units/Lot Area-Net
		Inside	Corner	Inside	Corner						Principal	Accessory			
R-1	Boarding house, rooming house	25,000		150		150	25	20	25	N/A	30 ⁹	15 ⁹	30	N/A	See Parking Standards
R-1, R-B-1, R-2, R-P, R-3, R-4	Hospital, medical center, convalescent home	90,000		250		300	75	50	50	N/A	70 ⁹	15 ⁹	40	N/A	See Parking Standards
R-1, R-B-1, R-B-2, R-2, R-P, R-3, R-4 R-5, R-6, A-5, A-6, W-5, W-6, B-1, B-2 MF, AA-1, AA-2, IN-2	Church, congregation	22,500		150		150	35	25	25	N/A	35 ⁹	15 ⁹	30	N/A	See Parking Standards
R-1, R-P, R-3, R-B-2	Funeral home	22,500		100		150	35	20	20	N/A	30 ⁹	15 ⁹	30	N/A	See Parking Standards
R-2, R-3, A-5, A-6, W-5, W-6	Cemetery, Crematorium	250,000		300		330	60	50	50	N/A	35 ⁹	15 ⁹	10	N/A	See Parking Standards
R-1, R-B-1, R-B-2, R-2, R-P, R-3, R-4 R-5, R-6, A-5, A-6, W-5, W-6, I-B, I-2 I-3, I-4, B-1, B-2, B-3, B-4, IN-1, IN-2 MF, AA-1, AA-2	Recreational facility	15,000		100		150	35	20	20	N/A	30 ⁹	15 ⁹	30	N/A	See Parking Standards
W-5, W-6, P-F, AA-2	Campground ¹²	250,000		300		330	100	100	100	N/A	35 ⁹	25 ⁹	10	N/A	See Parking Standards
R-P, I-1, I-B, I-2, I-3, IN-1	Helipad, heliport, helipad ¹³	45,000		200		200	100	100	100	N/A	30 ⁹	15 ⁹	50	N/A	See Parking Standards
W-6, I-3, I-4	Resource extraction ¹⁴	1,089,000 (25 Acres)		300		350	150	75	75	N/A	40 ⁹	15 ⁹	10	N/A	See Parking Standards
I-4	Production of bitumen products	1,089,000 (25 Acres)		500		1,000	300	200	200	N/A	40 ⁹	15 ⁹	50	N/A	See Parking Standards
B-3	Medical cannabis dispensary/ cannabis retailer	45,000		150		200	30	10 ¹⁸	20	N/A	35 ⁹	15 ⁹	50	N/A	See Article XXVII, §425-381

NOTES FOR SHEET 2:

- By reference, Article XIX, Airport Safety and Hazardous Zoning Standards, is made a part of Article XV, Zoning. Where any provision of this schedule is in conflict with any provision of Article XIX, the more stringent shall apply.
- By reference, Article XVI, River Conservation Area, is made a part of Article XV, Zoning. Where any provision of this schedule is in conflict with any provision of Article XVI, the more stringent shall apply.
- By reference, buffer requirements, as stipulated in Article VII, §425-73D, are made a part of Article XV, Zoning.
- Any proposed lot not serviced by public sewer shall be a minimum of 43,560 square feet, with a minimum frontage of 160 feet. If zone standards are more stringent, said standards shall apply. Only the least intensive use permitted within a zone shall be allowed on an existing or proposed lot not serviced by public sewer which is less than 43,560 square feet. Additionally, no multi-family shall be allowed on any lot not serviced by public sewer.
- See Article VII, §425-76C.
- By reference, Article VII, §425-75E, Building line modification for minor arterials, is made a part of Article XV, Zoning. Where any provision of this schedule is in conflict with any provision of Article VII, §425-75E, the more stringent shall apply.
- Maximum lot coverage shall only be attainable if all other provisions of this schedule are met.
- Loading areas and access to said areas shall not be considered as supplying off-street parking.
- All buildings shall be classified as principal with the exception of trash enclosures and public bus shelters.
- Exceptions to standards designated "as per zone" shall be subject to "c" variance approval.
- (Reserved)
- A campground shall be subject to all the general standards contained in Article X. Additionally, a campground within a P-F Zone shall be subject to all the provisions of Article XI. Where any provision of this schedule is in conflict with any provision of Article X or Article XI, the more stringent shall apply.
- See Article XIII for general standards relating to a heliport, heliport or helipad.
- See Article XIV for general standards relating to resource extraction.
- Parking for residential uses shall be in accordance with Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq.
- The minimum lot width shall be equal to the minimum frontage.
- See Article XXVII for general standards relating to medical and adult use cannabis.
- One side yard may be reduced to 5 feet, but two side yards combined must total 20 feet.