

**ORDINANCE AMENDING ORDINANCE 96-4, AS AMENDED, CHAPTER 425, ARTICLE XV, SECTION 425-270 ENTITLED WORD USAGE; DEFINITIONS TO CLARIFY THE TERM “OFFICE” AND “SUBSTANCE ABUSE COUNSELING OR TREATMENT CENTER” AND TO CONSIDER OTHER TYPES OF OFFICES AS DEFINED TERMS IN ACCORDANCE WITH RESOLUTION 6667 OF THE CITY OF VINELAND PLANNING BOARD.**

**WHEREAS**, on January 23, 1996, City Council adopted Ordinance 96-4, as amended, Chapter 425, Article XV, Section 425-270 entitled Zoning; Word Usage; Definitions, wherein the term of “Office” was defined but was not a permitted use in any zone, although certain specific types of offices as defined in Chapter 425 of the Code of the City of Vineland, (Land Use Ordinance) such as “Business Office” “Corporate Office” and “Professional Office” were defined and permitted in certain zones specific to their intended use; and

**WHEREAS**, a question was considered whether the Land Use Ordinance adequately addresses agencies or entities providing services that do not conform to one of the other office definitions or adequately consider other types of “medical offices” that have become prevalent in the City; and

**WHEREAS**, a question was also considered regarding the proper definition of the use “Office” so as to better and more adequately clarify the term and the use; and

**WHEREAS**, a question was also considered regarding the definition of Substance Abuse Counseling or Treatment Center and whether out-patient treatment for mental health should be considered as a defined use and whether such uses should include in-patient treatment providing shelter and food; and

**WHEREAS**, on November 13, 2024, the Planning Board of the City of Vineland considered the matters at a regularly scheduled meeting at which time the Board heard testimony from Kathleen Hicks, P.P., Supervising Planner for the City and Ryan R. Headley, P.E., P.P., A.I.C.P., C.M.E., Board Planner and Engineer and reviewed the Ordinance and amendments; and

**WHEREAS**, after taking testimony and considering the existing Land Use Ordinance, determined it was necessary to amend Chapter 425, Article XV, Section 425-270 to further define the term “Office;” to consider changes to the definition of “Medical Office,” “Substance Abuse Counseling or Treatment Center” and “Professional Office” and to create a new definition to encompass the use of entities providing a service or assistance to individuals to be a “Service Office;” as well as a new defined term of Mental Health Counseling or Treatment Center and

**WHEREAS**, the Planning Board adopted Ordinance No. 6667 wherein the Planning Board recommended City Council consider an amendment to Section 425-270 of the Code of the City of Vineland clarifying the term “Office;” changing the definition of “Medical Office” to include therein acupuncturists; clarifying the term “Professional Office” to make it clear that medical offices shall not be considered a “Professional Office;” clarifying the term “Substance Abuse Counseling or Treatment Center” to specifically limit treatment to out-patient only and prohibiting food and/or shelter and to create a defined term of “Service Office” as one has not herein before been defined; and further to create the defined term of “Mental Health Counseling or Treatment Center” and to specifically limit treatment to out-patient only and prohibiting food and/or shelter.

**WHEREAS**, City Council hereby adopts the findings and recommendations of the Planning Board in accordance with Resolution 6667 and testimony of Kathleen Hicks, Supervising Planner and Ryan Headley Board Planner and Engineer; and

CITY OF VINELAND

**WHEREAS**, City Council finds it to be in the best interest of the City to amend Ordinance 96-4, Chapter 425 Article XV, Section 425-270 as recommended by the City of Vineland Planning Board and Kathleen Hicks and Ryan Headley.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Vineland that Ordinance 96-4, as amended, Chapter 425, Article XV, Section 425-270 entitled Zoning; Word Usage; Definitions be amended as follows:

- A. The defined term **OFFICE** shall be deleted in its entirety and replaced as follows:

**OFFICE**- Any room or group of rooms used for conducting the affairs of a business, profession, service, industry or government. For purposes of this Chapter, if a use established on a property has an on-site office that only serves the use established on that lot and that is clearly subservient to the use established on that lot, said office shall not be considered a separate use.

- B. The defined term **BUSINESS OFFICE** shall be deleted in its entirety and replaced as follows:

**BUSINESS OFFICE**- Any office, other than a service, professional or medical office as defined herein, rendering services on a fee or contract basis.

- C. The defined term **MEDICAL OFFICE** shall be deleted in its entirety and replaced as follows:

**MEDICAL OFFICE**- Any office of a recognized medical profession maintained for the conduct of that profession. For purposes of this Chapter, a dentist's, chiropractor's or acupuncturist 's office shall be considered a medical office, while a veterinarian's office shall not be considered a medical office.

- D. The defined term **PROFESSIONAL OFFICE** shall be deleted in its entirety and replaced as follows:

**PROFESSIONAL OFFICE**- Any office of a member of a recognized profession maintained for the conduct of that profession. For purposes of this Chapter, a medical, service or veterinarian's office as defined herein, shall not be considered a professional office.

- E. The defined term **SERVICE OFFICE** shall be added as follows:

**SERVICE OFFICE**- Any office primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government or other enterprises.

- F. The defined term **SUBSTANCE ABUSE COUNSELING OR TREATMENT CENTER** shall be deleted in its entirety and replaced as follows:

**SUBSTANCE ABUSE COUNSELING OR TREATMENT CENTER**-Any facility which provides counseling and/or therapeutic programs for recovering alcoholics or drug addicts. For purposes of this Chapter, a Substance Abuse Counseling or Treatment Center shall be out-patient only, providing no food or shelter as part of the regular regimen of treatment or care.

- G. The defined term **MENTAL HEALTH COUNSELING OR TREATMENT CENTER** shall be added as follows:

**MENTAL HEALTH COUNSELING OR TREATMENT**

**CENTER**-Any facility which provides counseling and/or therapeutic programs for persons having mental health issues. For purposes of this Chapter, a Mental Health Counseling or Treatment Center shall be out-patient only, providing no food or shelter as part of the regular regimen of treatment or care.

**BE IT FURTHER ORDAINED** that any portion of Ordinance 96-4, as amended, Chapter 425, Article XV, Section 425-270 of the Code of the City of Vineland not amended hereby shall remain in full force and effect.

**BE IT FURTHER ORDAINED** that any ordinance or portion thereof inconsistent herewith shall be void to the extent of such inconsistency.

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

Passed first reading: November 26, 2024

Passed final reading: December 10, 2024

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President of Council eaa

Approved by the Mayor:

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Mayor arf

ATTEST:

\_\_\_\_\_  
City Clerk kp

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Attorneys for City of Vineland Planning Board

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<b>Land Use Ordinance Amendments:</b>	:	
	:	<b>CITY OF VINELAND PLANNING BOARD</b>
<b>#1-Clarification of Office Uses</b>	:	
	:	
<b>#2- Substance Abuse Counseling or Treatment Center In B-2 Business Zone</b>	:	<b>DECISION AND RESOLUTION No. 6667</b>
	:	
<b>#3- Mental Health Counseling or Treatment Center</b>	:	
	:	
<b>#4- Temporary Use Permit</b>	:	
	:	
<b>#5- Complete Application (submission of plans)</b>	:	
	:	
<b>#6- County Transmittal</b>	:	
	:	
<b>#7- Newspaper Notice for Applications</b>	:	
	:	
<b>#8- Cannabis</b>	:	

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**THESE MATTERS** having been heard by the Planning Board of the City of Vineland on November 13, 2024, at a regularly scheduled meeting at Vineland City Hall and the Board having reviewed the Ordinance Amendments (hereinafter defined) as prepared by Kathleen Hicks, Supervising Planner and attached hereto as Exhibit “A “ and a quorum being present; and

**WHEREAS**, the City of Vineland Planning Board has heard the testimony of Ryan R. Headley, P.E., P.P., A.I.C.P., C.M.E., Board Planner & Engineer; and

**WHEREAS**, the City of Vineland Planning Board has heard the testimony of Kathleen Hicks, Supervising Planner; and

**WHEREAS**, the City of Vineland Planning Board has received the following Land Use Ordinance Amendments prepared by Kathleen Hicks, Supervising Planner:

Land Use Ordinance Amendment #1-Clarification of Office Uses

Land Use Ordinance Amendment #2- Substance Abuse Counseling or Treatment Center In B-2 Business Zone

Land Use Ordinance Amendment #3- Mental Health Counseling or Treatment Center

Land Use Ordinance Amendment #4- Temporary Use Permit

Land Use Ordinance Amendment #5- Complete Application (submission of plans)

Land Use Ordinance Amendment #6- County Transmittal

Land Use Ordinance Amendment #7- Newspaper Notice for Applications

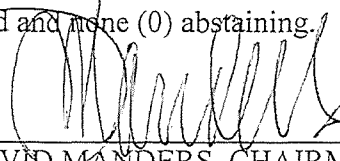
Land Use Ordinance Amendment #8- Cannabis

(collectively the "Ordinance Amendments")

**WHEREAS**, the City of Vineland Planning Board, based upon the public comments and testimony of the Board Consultants, makes the following finds of fact and conclusions:

1. The Ordinance Amendments are consistent with the goals and intent of the City of Vineland Master Plan and the 2018 Reexamination of the Master Plan.
2. The adoption and implementation of the Ordinance Amendments is in the public interest and will protect public health and safety and promote the general welfare.

NOW, THEREFORE, BE IT DECIDED AND RESOLVED by the Planning Board of the City of Vineland recommends that City Council adopt the Ordinance Amendments attached as Exhibit "A." by a vote of seven (7) in favor, none (0) opposed and none (0) abstaining.

  
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DAVID MANDERS, CHAIRMAN

Dated: 11-13-24

  
\_\_\_\_\_  
YASMIN PEREZ, SECRETARY

RE: Ordinance Amendments  
Resolution No. 6667

BOARD VOTING IN FAVOR:  
JOHN CASADIA  
DOUGLAS MENZ  
MICHAEL PANTALIONE  
SANDY VELEZ  
ROBERT ODORIZZI  
DAVID MANDERS

BOARD OPPOSED:  
NONE

ABSTAIN:  
NONE

## LAND USE ORDINANCE AMENDMENT #1

### Clarification of Office Uses

**Issue** – In §425-270, ‘office’ is defined but it isn’t a permitted use in any zone. ‘Business office’, ‘corporate office’, ‘governmental office’, ‘in-home office’, ‘medical office’, ‘professional office’ and ‘public utility office’ are also defined. The current definitions are as follows:

Office - Any room or group of rooms used for conducting the affairs of a business, profession, service, industry or government.

Business office – Any office, other than a professional office, rendering services on a fee or contract basis.

Corporate office – Any administrative headquarters of a business or industry which, for purposes of this chapter, is characterized as a single employer with over 50 employees working on-site and as a facility primarily serving a regional, national or international client base, not a local, walk-in clientele.

Governmental office – Any office of a governmental body (i.e., federal, state, county, municipal, authority or school board office).

In-home office – Any office within a single-family dwelling which is used only for making phone calls and doing paperwork for an enterprise conducted off site. Such an office shall have no identification sign and shall receive no business visitation.

Medical office - Any office of a recognized medical profession maintained for the conduct of that profession. For purposes of this chapter, a dentist’s or chiropractor’s office shall be considered a medical office, while a veterinarian’s office shall not be considered a medical office.

Professional office – Any office of a member of a recognized profession maintained for the conduct of that profession. For purposes of this chapter, a veterinarian’s office shall not be considered a professional office.

Public utility office – Any office of a public utility.

Some non-profit agencies don’t conform to any of these definitions. Offices that provide services, such as non-profit agencies, but don’t conform to one of the other office definitions, need to be addressed. Additionally, some of these definitions require clarification.

**Proposed Amendment** – Add definition of ‘service office’.

In §425-270, add definition for 'SERVICE OFFICE – Any office primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government or other enterprises'

**Proposed Amendment** – Make 'service office' a permitted use in selected zones.

In §425-295, insert 'Service office' as B(2) and re-order permitted uses for B-3 Business Zone.

In §425-298, insert 'Service office' as B(14) and re-order permitted uses for IN-1 Institutional Zone.

**Proposed Amendment** - In §425-270, add clarifying language to existing definitions as follows:

Office - Any room or group of rooms used for conducting the affairs of a business, profession, service, industry or government. *For purposes of this chapter, if a use established on a property has an on-site office that only serves the use established on that lot and that is clearly subservient to the use established on that lot, said office shall not be considered a separate use.*

Business office – Any office, other than a professional *or medical* office, rendering services on a fee or contract basis.

Medical office - Any office of a recognized medical profession maintained for the conduct of that profession. For purposes of this chapter, a dentist's, chiropractor's *or acupuncturist's* office shall be considered a medical office, while a veterinarian's office shall not be considered a medical office.

Professional office – Any office of a member of a recognized profession maintained for the conduct of that profession. For purposes of this chapter, a *medical or veterinarian's* office shall not be considered a professional office.

**LAND USE ORDINANCE AMENDMENT #2**  
**Substance Abuse Counseling or Treatment Center**  
**In B-2 Business Zone**

**Issue** – ‘Substance abuse counseling or treatment center’ is a permitted use in a B-2 Business Zone. In §425-294, it specifically states, ‘It is the purpose of these zones to recognize and preserve commercial areas which are specifically intended to provide convenient service to surrounding neighborhoods. Because of the necessary interface with residential zones, it is important that negative impacts be minimized...’ Should ‘substance abuse counseling or treatment center’ be a permitted use in a B-2 Business Zone?

**Proposed Amendment** – Clarify definition so use includes out-patient only.

In §425-270, revise ‘substance abuse counseling or treatment center’ definition to read ‘Any facility which provides counseling and/or therapeutic programs for recovering alcoholics or drug addicts. For purposes of this chapter, a substance abuse or treatment center shall be out-patient only, providing no food or shelter’.

**Proposed Amendment** – Remove ‘substance abuse counseling or treatment center’ as a permitted use in a B-2 Zone.

In §425-294, replace B(1) with ‘All uses permitted in the B-1 Zone, in addition those uses enumerated as prohibited uses in the B-1 Zone with the exception of substance abuse counseling or treatment center’.



**LAND USE ORDINANCE AMENDMENT #3**  
**Mental Health Counseling or Treatment Center**

**Issue** – Out-patient treatment for mental health issues isn't addressed in the Zoning Ordinance.

**Proposed Amendment** – Provide a definition for 'mental health counseling or treatment center'.

In §425-294, insert new definition 'MENTAL HEALTH COUNSELING OR TREATMENT CENTER - Any facility which provides counseling and/or therapeutic programs for persons having mental health issues. For purposes of this chapter, a mental health counseling or treatment center shall be out-patient only, providing no food or shelter.'

**Proposed Amendment** – Permit in same zones as substance abuse counseling or treatment center.

In §425-293, add 'E(8) Mental health counseling or treatment center' as a prohibited use in a B-1 Zone.

In §425-294, replace B(1) with 'All uses permitted in the B-1 Zone, in addition those uses enumerated as prohibited uses in the B-1 Zone with the exception of substance abuse counseling or treatment center and mental health counseling or treatment center'.

## **LAND USE ORDINANCE AMENDMENT #4**

### **Temporary Use Permit**

**Issue** – Some developers have applied to the Zoning Board of Adjustment to authorize the issuance of a temporary use permit by the Zoning Officer to permit utilization of a site without required site improvements. A temporary use permit is valid for 6 months, with a 6 month extension available. At the end of the 6 months or 1 year, the site often continues in violation. The Boards' solicitor has advised that there is no allowance in Municipal Land use Law for the Zoning Board to authorize temporary use permits. The provision allowing the Zoning Officer to issue temporary use permits when there are true emergencies is acceptable.

**Proposed Amendment** – Delete provisions related to the Zoning Board of Adjustment in §425-310. Revised §425-310 shall read as follows:

It is recognized that there may be the need in very selected instances to allow for a temporary use on a property which may not be in accordance with the provisions of this chapter. A temporary use may be necessitated by a public emergency or by a personal hardship created by a catastrophic event (e.g., hurricane, fire). These events, because of their sudden and unexpected nature, cannot be planned for in advance, yet require immediate remedy. The Zoning Officer is therefore empowered in these very selected instances to grant a temporary use permit if, in his judgement, the proposed use is of such a nature that there will be no detrimental impact upon adjoining properties. Said temporary use permit shall be valid for a period of six months from date of issuance. Upon written request made prior to the expiration date, the Zoning Officer may grant one six-month extension.

**LAND USE ORDINANCE AMENDMENT #5**  
**Complete Application (submission of plans)**

**Issue** – Digital copies of plans submitted with applications reduces number of paper copies needed.

**Proposed Amendment** – In §425-59, change the number of copies submitted as follows:

B(1)(a) – Replace 'six copies' with 'four copies' for a minor subdivision or redivision

B(2)(a) – Replace 'ten copies' with 'four copies' for a major subdivision, preliminary plat

B(2)(c) - Replace 'ten copies' with 'three copies' for stormwater plans

B(3)(b) – Replace 'twelve copies' with 'five copies' for a major subdivision, final plat

B(4)(a) – Replace 'six copies' with 'four copies' for a site plan

B(4)(g) – Replace '10 copies' with 'four copies' for other checklist requirements

**LAND USE ORDINANCE AMENDMENT 6**  
**County Transmittal**

**Issue** – For a fee, the City transmits 4 copies of the plan submitted with a development application to the County Planning Board for their review and approval. Because of the increased size of plans being submitted, this courtesy has become too burdensome and costly.

**Proposed Amendments** – Remove any reference to City transmitting submitted plans to County Planning Board.

In §425-5, delete A(28) ‘Submission to County Planning Board \$10’ and re-number

Delete §425-44 and replace with the following:

**§425-44 Submission to County Planning Board**

Each application for subdivision approval, where required by Section 5 of P.L. 1968, c. 285 (N.J.S.A. 40:27-6.3), and each application for site plan approval, where required by Section 8 of P.L. 1968, C. 285 (N.J.S.A. 40:27-6.6), shall be submitted to the County Planning Board for review or approval by the applicant. In such case, the municipal board shall condition its approval upon timely receipt of a favorable report from the County Planning Board or approval of said board by its failure to act within the required time period.

In §425-59, delete clause ‘(plus four if the application must go to the County Planning Board)’ from B(1)(a); B(2)(a); B(3)(b); B(4)(a); and B(4)(b)

**LAND USE ORDINANCE AMENDMENT #7**  
**Newspaper Notice for Applications**

**Issue** – The City, as a courtesy, publishes required notices for public hearings in the newspaper. The City has been advised by its board solicitor that the City takes on liability for the accuracy of these notices with this practice.

**Proposed Amendment** – Make applicant responsible for required notice.

Delete §425-12A and replace with ‘The applicant shall give notice of application for development pursuant to N.J.S.A. 40:55D-12 and any amendments thereto. In addition, the Applicant shall give notice of application for revision to the Master Plan of Street Extensions.

**LAND USE ORDINANCE AMENDMENT #8**  
**Cannabis**

**Issue** – City Council has created licenses for cannabis delivery services, but the use isn't permitted in any zoning districts.

**Proposed Amendments** – Make allowance for cannabis delivery service in Article XXVII Medical and Adult Use Cannabis

In §425-373B, add 'cannabis delivery service' after 'cannabis distributor'.

In §425-375, add 'K. Cannabis delivery service, in accordance with this chapter'.

In §425-377, delete 'F. Cannabis delivery service' from list of prohibited uses.

**Proposed Amendments** - Permit cannabis delivery service in same zones as cannabis cultivator, manufacturer, wholesaler, and distributor.

In §425-288, add '(27) Cannabis delivery service' to I-1 permitted uses and re-number (Note – This also allows use in I-2, I-3, and I-B Zones)

In §425-292, add '(15) Cannabis delivery service' to I-4 permitted uses and re-number

**Issue** – The number of licenses stipulated in the Land Use Ordinance is duplicative and inconsistent with another section of the City Code.

**Proposed Amendments** – Delete restrictions on number of licenses.

In §425-383, delete 'E. Two cannabis retailers having a state license shall be permitted in the City of Vineland'.

In §425-383, add new 'E. The number of cannabis cultivators, manufacturers, wholesalers, distributors and delivery services permitted in the City of Vineland is established in §266-3 Licensing, applications, qualifications and standards.

In §425-383, delete 'F. Five cannabis cultivators, five cannabis manufacturers, five cannabis wholesalers and five cannabis distributors shall be permitted in the City of Vineland' and re-number.