

ORDINANCE NO. 2024- 63

ORDINANCE AMENDING ORDINANCE 96-4, AS AMENDED, CHAPTER 425, ARTICLE XV, SECTIONS 425-293 ENTITLED B-1 BUSINESS ZONE STANDARDS, SECTION 425-294 ENTITLED B-2 BUSINESS ZONE STANDARDS, SECTION 425-295 ENTITLED B-3 BUSINESS ZONE STANDARDS, 425-298 ENTITLED IN-1 INSTITUTIONAL ZONE STANDARDS IN ACCORDANCE WITH RESOLUTION 6667 OF THE CITY OF VINELAND PLANNING BOARD.

WHEREAS, City Council has, by Ordinance 96-4, as amended, Chapter 425, Article XV, established zoning standards for all zones within the City, including B-1 Business Zones, B-2 Business Zones, B-3 Business zones, IN-1 Institutional Zones; and

WHEREAS, City Council is obligated to adopt Land Use Ordinances “with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land” in accordance with N.J.S.A. 40:55D-62; and

WHEREAS, City Council moved to request the Planning Board consider an examination of all permitted uses within the B-2 Zone and to consider any further recommended changes to the Business Zones as some uses may be incompatible with others and not meet the purpose of the B-2 Business Zone and therefore not the most appropriate use of land within the B-2 Business Zone; and

WHEREAS, Section 425-294 entitled B-2 Business Zone Standards has as permitted uses “All uses permitted in the B-1 Zone, in addition to those uses enumerated as prohibitive uses in the B-1 Zone and Substance Abuse Counseling or Treatment Centers are prohibited uses in the B-1 Zone and therefore permitted in the B-2 Zone; and

WHEREAS, Substance Abuse Counseling or Treatment Center is a permitted use in a B-2 Business Zone. However, in contrast, Section §425-294 of the Code entitled B-2 Business Zone 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....’

WHEREAS, on November 13,2024 the Planning Board of the City of Vineland considered the motion of City Council and has taken testimony from Kathleen Hicks, P.P. City Planner and Ryan Headley, P.E., P.P., A.I.C.P., C.M.E. Board Planner and Engineer. Planning opining that Substance Abuse Counseling or Treatment Centers do not properly “interface with residential zones as required by Section 425-294 of the Code and therefore should not be permitted in the B-2 Zone and further should be limited in scope to out-patient service with no shelter or food being provided; and

WHEREAS, further testimony elicited indicated that the newly defined use of “Service Office” would best be located within the B-3 Business Zone and IN-1 Institutional Zone reasonably considering the character of the different zones and their peculiar suitability for the use prescribed by a “Service Office;” and

WHEREAS, testimony of Planner Hicks and Engineer Headley further indicated that out-patient treatment for mental health issues is not adequately addressed in the Zoning Ordinance and the newly defined use of Mental Health Counseling or Treatment Centers should be permitted within the B-3 Business Zone and IN-1 Institutional Zone reasonably considering the character of the different zones and their peculiar suitability for the use prescribed by a Mental Health Counseling or Treatment Center; and

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WHEREAS, after considering the testimony, the Planning Board has determined that a recommendation be made to the City Council to amend Chapter 425, Article XV, Section 425-293, B-1 Business Zone to specifically prohibit Mental Health Counseling or Treatment Centers in said zone in addition to the other prohibited uses enumerated therein; to amend Section 425-294 B-2 Business Zone to include as prohibited uses in the B-2 Zone Substance Abuse Counseling or Treatment Centers and Mental Health Counseling or Treatment Centers; amend Section 425-295, B-3 Business Zone and 425-298 IN-1 Institutional Zone to have as permitted uses in said zones “Service Office,” and “Mental Health Counseling or Treatment Centers; and

WHEREAS, the Planning Board adopted Resolution 6667 presenting findings of fact and recommendations and City Council adopts the findings of fact and recommendations as if set forth therein at length as well as taking testimony from Kathleen Hicks and Ryan Headley.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Ordinance 96-4, as amended, Chapter 425, Article XV entitled Zoning, specifically Sections 425-293 entitled B-1 Business Zone, 425-294 entitled B-2 Business Zone, Section 425-295 entitled B-3 Business Zone and 425-298 entitled IN-1 Institutional Zones be amended as follows:

1. Section 425-293 **B-1 Business Zone Standards** shall be amended with the addition of the following
 - E. Prohibited Uses in the B-1 Business Zone Shall be as follows:
 - (8) Mental Health Counseling or Treatment Center
2. Section 425-294 **B-2 Business Zone Standards** Section B(1) shall be deleted in its entirety and replaced as follows:
 - B. Permitted uses. Permitted uses in the B-2 Business Zone shall be as follows:
 - (1) 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 and Treatment Center which shall be prohibited in the B-2 Zone.
3. Section 425-295 **B-3 Business Zone Standards** Section B (2) shall be amended as follows
 - B. Permitted uses. Permitted uses in the B-3 Business Zone shall be as follows:
 - (2) Service Office

Further, the use “Restaurant” previously (2) shall be renumbered as (3) and all subsections shall be renumbered accordingly.
4. Section 425-298, **IN-1 Institutional Zone Standards** shall be amended with the addition of the following:
 - B. Permitted uses. Permitted uses in the IN-1 Institutional Zone shall be as follows:
 - (14) Service Office

Further, the use “Bank” previously (14) shall be renumbered as (15) and all subsections shall be renumbered accordingly.

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BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, the same 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.

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

Passed first reading: November 26, 2024

Passed final reading: December 10, 2024

President of Council

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Approved by the Mayor:

Mayor

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ATTEST:

City Clerk

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