

ORDINANCE NO. 2025- 28

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.

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 the Municipal Land Use Law at 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 Business Zone in particular and all the Business Zones in general as some uses as currently defined may be incompatible with those existing in the district, 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 “Social 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 “Social Service Office;” and

WHEREAS, through the report of professional planning consultant CME Associates, in addition to testimony of Planner Hicks and Engineer Headley at a Planning Board hearing, 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-2 Business Zone, 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

WHEREAS, the defined uses of “substance abuse counseling or treatment center”, “medical office”, and “mental health counseling or treatment center” do not adequately address the specific activities associated with a harm reduction center as defined by the State of New Jersey in the Harm Reduction Act at N.J.A.C. 26:5C-26 et seq.; and

WHEREAS, due to the particular nature of the activities associated with a “harm reduction center”, particularly programs that provide sterile syringe distribution, these uses warrant unique treatment in the City’s Land Use Ordinance to properly determine appropriate locations and regulatory controls; and

WHEREAS, after considering the testimony, the resolution of the Planning Board, and the professional planning report, the City Council has determined that there is a need 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; amend Section 425-295, B-3 Business Zone and 425-298 IN-1 Institutional Zone to have as permitted uses in said zones “Social Service Office,” and “Mental Health Counseling or Treatment Centers; and

WHEREAS, the City Council further determines it necessary to amend Chapter 425, Article XV, Section 425-295 B-3 Business Zone and 425-298 IN-1 Institutional Zone to permit “harm reduction centers” as a permitted use in the IN-1 Zone, and conditionally permitted use in B-3 Zone subject to certain conditional use requirements; and

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
 - (9) Harm Reduction 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 exceptions of Substance Abuse Counseling or Treatment Center and Harm Reduction 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:

(26) Social Service Office

(27) Mental Health Counseling or Treatment Center

4. Section 425-295 B-3 Business Zone Standards Section D (5) shall be added as follows:

D. Conditional uses. Conditional uses in the B-3 Business Zone shall be as follows:

(5) Harm Reduction Center

5. Section 425-298, IN-1 Institutional Zone Standards Section B shall be amended with the addition of the following:

B. Permitted uses. Permitted uses in the IN-1 Institutional Zone shall be as follows:

(21) Social Service Office

(22) Mental Health Counseling or Treatment Center

(23) Harm Reduction Center

6. Section 425-298, IN-1 Institutional Zone Standards Section D shall be amended with the addition of the following:

D. Conditional uses. Conditional uses in the IN-1 Institutional Zone shall be as follows:

(3) Sterile Syringe Program

7. Section 425-304 Conditional uses shall be amended with the addition of the following:

A. The following conditional uses are established in the City of Vineland:

(13) Harm Reduction Center, subject to the following conditional use requirements:

(a) the use shall be located a minimum of 1,000 feet from any of the following uses: child day care facility; public elementary, middle, or high school; playground; public park; or house of worship, as measured from property the nearest points of any property line;

(b) the program must be duly licensed and registered by the NJ Department of Health

(c) Hours of operation shall be limited to 7:00 AM to 8:00 PM;

(d) In addition to any other required submission items for a site plan application, the facility operator must provide a plan for addressing loitering by users during and after operational hours;

(e) the facility must disclose whether it may seek to operate a “sterile syringe program” or any kind of supervised drug use or injection site programs at the facility. Any program that would include such accessory uses must also provide a plan for accessing emergency services.

(f) A sterile syringe program may be permitted as an accessory use to a harm reduction center only if such sterile syringe program is operated as a mobile program where sterile syringes are delivered or collected by a mobile vehicle operated by the program, and not as a fixed location where syringes and/or needles are distributed to users directly from the site.

(14) Sterile Syringe Program, subject to the following conditional use requirements:

(a) A sterile syringe program at a fixed location shall be permitted only as an accessory to a Harm Reduction Center, Hospital, Emergency Medical Service Facility, or Substance Abuse Counseling or Treatment Center located in the IN-1 Institutional Zone;

BE IT FURTHER ORDAINED that any portion of Ordinance 96-4, as amended, Chapter 425, Article XV, 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: March 11, 2025

Passed final reading: _____

President of Council

Approved by the Mayor:

Mayor

Attest:

City Clerk