

CITY OF PLAINFIELD

MC 2021-24

AN ORDINANCE AUTHORIZING THE SITING OF CERTAIN CANNABIS RELATED BUSINESSES WITHIN THE CITY, AMENDING THE LAND USE AND DEVELOPMENT ORDINANCE AND THE TODD SOUTH REDEVELOPMENT PLAN AND THE ,AND THE NORTH AVENUE REDEVELOPMENT PLAN WITH RESPECT THERETO, AND ESTABLISHING CERTAIN REGULATIONS AND REQUIREMENTS FOR CANNABIS BUSINESSES.

WHEREAS, on February 22, 2021, Governor Murphy signed into law the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”, *N.J.S.A. 24:61-31 et seq.* (the “**Act**”), which provides for the legalization of a cannabis market that will be subject to State regulation by the Cannabis Regulatory Commission (the “**Commission**”) for the cultivation, distribution, and sale of cannabis, and legalizing the recreational use of marijuana by adults 21 years of age or older, subject to the comprehensive regulatory and licensing scheme to be established by the Commission; and

WHEREAS, the Act establishes six (6) classes of licensed cannabis businesses, specifically: cultivators, manufacturers, wholesalers, retailers, distributors, and delivery services; and

WHEREAS, the Act at *N.J.S.A. 24:61-45(a)(1)* authorizes municipalities to enact an ordinance prohibiting classes of cannabis businesses in their communities; or to enact ordinances and adopt regulations governing the number of licensed cannabis businesses that will be permitted, as well as their location, manner, and times of operation within its jurisdiction, in a manner consistent with the Act’s regulation of cannabis businesses; and

WHEREAS, the City of Plainfield (the “**City**”) wishes to adopt land use regulations and other requirements for cannabis businesses that can promote the health, safety, and general welfare of the community; and

WHEREAS, the Municipal Land Use Law, *N.J.S.A. 40:55D-1 et seq.*, delegates to municipalities the power to zone and regulate development within its borders by adopting or amending zoning ordinances relating to the nature and extent of the uses of land and structures thereon; and

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, gives municipalities the power to establish redevelopment plans with respect to areas in need of redevelopment and areas in need of rehabilitation; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law the City has enacted a redevelopment plan entitled the “North Avenue Redevelopment Plan” dated November 9, 2000 (as amended from time to time, the “**North Avenue Redevelopment Plan**”); and

WHEREAS, pursuant to the Local Redevelopment and Housing Law the City has enacted Ordinance MC 2020-01 enacting that certain TODD South Redevelopment Plan dated February 10, 2020, as amended from time to time (the “**TODD South Redevelopment Plan**”); and

WHEREAS, the City drafted proposed parameters for the regulation of cannabis businesses within the City (the “**Proposal**”), and acting by Resolution 207-21 referred such Proposal to the Planning Board, and requested that it review the Proposal for consistency with the City’s Master Plan and to prepare recommendations regarding an ordinance governing the number of licensed cannabis businesses that will be permitted within the City, as well as their location, manner, and times of operation; and

WHEREAS, the Planning Board, at its meeting of July 1, 2021, determined that the Proposal was consistent with the City’s Master Plan, and made certain other recommendations with respect to the Proposal, all of which it determined to be consistent with the City’s Master Plan, and which are embodied herein,

NOW THEREFORE, BE IT ORDAINED by the City of Plainfield, County of Union, New Jersey, as follows:

I. RECITALS INCORPORATED

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. GENERAL REQUIREMENTS

a) Definitions: The definitions set forth in the Act are hereby incorporated by reference.

b) State Licensure Required: In order to locate within the City, a cannabis business must first obtain a license from the Commission. Such license must be in good standing during the entirety of the term of that business's operation within the City.

c) Evidence of City Support: In order to obtain a license from the Commission, a prospective licensee must evidence support of the City with respect to such application. Such support shall be evidenced here by a writing from the Mayor of the City. As part of the City's review, the prospective licensee and the City shall discuss in good faith what community and social justice initiatives may be appropriate for the prospective licensee to undertake.

d) Compliance with State Regulations: As of the date of enactment of this Ordinance, the Commission is in the process of promulgating regulations with respect to the operation of cannabis facilities. To the extent that any regulation enacted by the Commission is more strict than those regulations set forth herein, the regulations enacted by the Commission shall control.

e) Quality of Life Task Force: All cannabis businesses shall be subject to health and safety review, inspection, and enforcement, including but not limited to an annual health and safety review and inspection, by the City's Quality of Life Task Force.

III. AMENDMENT OF LAND USE AND DEVELOPMENT ORDINANCE, THE TODD SOUTH REDEVELOPMENT PLAN, AND THE NORTH AVENUE REDEVELOPMENT PLAN - PERMITTED USES

a) The City's Land Use and Development Ordinance, the TODD South Redevelopment Plan, and the North Avenue Redevelopment Plan are hereby amended to permit the following State classified cannabis classes in the corresponding zoning districts:

1. Class 1: Cultivation - Light Industrial Zone (LI)
2. Class 2: Manufacture - Light Industrial Zone (LI)
3. Class 3: Wholesale - Light Industrial Zone (LI)
4. Class 4: Distribution - Light Industrial Zone (LI)
5. Class 5: Retail
 - a) Central Business District Zone (CBD)
 - b) North Avenue Historic District (NAHD), including that portion within the North Avenue Redevelopment Plan
 - c) TODD South Redevelopment Plan
 1. Cleveland Avenue Arts and Culture District
 2. Central Business District
6. Class 6: Delivery - In accordance with the Act, delivery of cannabis products within the City is authorized where permitted by State law.

b) Maximum number of facilities:

1. A maximum total of four (4) cannabis facilities operating under Classes 1, 2, 3 and/or 4 shall be permitted within the City. By way of clarification, four (4) licenses total are permitted under this section, not four (4) licenses with respect to each class.
2. A maximum of three (3) retail cannabis business establishments shall be permitted within the City.

IV. SITE PLAN REVIEW REQUIRED

All proposed cannabis businesses must obtain site plan approval from the Planning Board. All such applications must be reviewed by the Planning Board's Technical Review Committee, together with a representative from the City's Department of Health and Social Services, prior to any Planning Board hearing.

V. SIGNAGE AND DISPLAY OF PRODUCTS

- a) Each business shall be permitted one (1) sign.
- b) The following words shall be prohibited from appearing on any sign: "cannabis", "marijuana", "pot", and "weed".
- c) Signage shall comply with the City's 2018 Signage Ordinance, as may be amended from time to time.
- d) No cannabis products shall be displayed in any windows or doors.

VI. DISTANCE REQUIREMENTS

In addition to any other requirements and limitations established by the Commission from time to time, no retail cannabis business shall be located within:

- a) a 500 foot radius of any school (public, private, charter, K-12), licensed child-care facility, park, or playground;
- b) 250 feet of any other retail cannabis business; or
- c) 100 feet of any residential zoning district.

VII. PARKING AND LOADING

a) Retail: (i) Number of Parking Spaces: A retail cannabis business establishment shall be required to provide no less than 1 space per 300 square feet of gross floor area.

(ii) Regulations: Retail cannabis businesses also shall follow the parking regulations set forth in Sections 17:9-42 and 17:11-15 of the Land Use Ordinance, unless such establishments are located within an area governed by a redevelopment plan, in which case the parking standards set forth in the redevelopment plan shall control.

(iii) Off-site Arrangements: Parking requirements may be satisfied through an off-site parking arrangement. A retail cannabis business establishment may lease parking spaces from the Plainfield Parking Utility's municipal parking lots.

b) All Other Cannabis Businesses: (i) Number of Parking Spaces: All non-retail cannabis businesses shall be required to provide no less than 1 space per 1,000 square feet of gross floor area.

(ii) Regulations: All non-retail cannabis businesses also shall follow the parking regulations set forth in Sections 17:9-42 and 17:11-15 of the Land Use Ordinance.

c) Loading Requirements: (i) Retail: A retail cannabis business establishment shall adhere to Section 17:11-13 of the Land Use Ordinance regarding required loading areas for commercial uses.

(ii) All Other Cannabis Businesses: All non-retail cannabis businesses shall adhere to Section 17:11-13 of the Land Use Ordinance regarding required loading areas for light industrial and warehouses.

VIII. ODOR

- a) All cannabis businesses must provide adequate HVAC air quality equipment.

- b) Cannabis odor must not permeate outside any cannabis business establishment.
- c) All cannabis businesses shall adhere to generally applicable City ordinances regulating odor emissions.
- d) All retail cannabis businesses must follow the protocols set forth in the Clean Air Act.
- e) No smoking is permitted inside or outside of any cannabis business establishment.

IX. NOISE

- a) All cannabis businesses shall adhere to all generally applicable noise ordinances and regulations of the City.
- b) All non-retail cannabis businesses shall take such sound mitigation practices as may be necessary, including but not limited to the installation of insulation if appropriate.
- c) All non-retail cannabis businesses shall adhere to the requirements of N.J.A.C. 7:29.

X. HOURS OF OPERATION; SECURITY

- a) Retail: The maximum hours of operation for any retail cannabis business shall be 8 a.m. to 8 p.m. At least one (1) licensed security guard shall be onsite at all times during a retail cannabis business's hours of operation. All patrons must be screened by said security employee and patrons must demonstrate proof of minimum age (21 years old).
- b) All Other Cannabis Businesses: All non-retail cannabis businesses shall adhere to the generally applicable hours of operation for manufacturing and light industrial businesses within the City.

XI. CAPACITY

- a) Retail: A maximum of 30 patrons per 1,500 square feet of gross floor area shall be permitted in any retail cannabis business establishment. By way of clarification, floor area which is not accessible to customers (e.g., storage) shall not be included in the gross floor area for purposes of this calculation. The business's security employees shall monitor patron capacity and restrict entry if necessary.
- b) All Other Cannabis Businesses: The capacity of all non-retail cannabis businesses shall be governed by the generally applicable requirements for manufacturing and light industrial businesses within the City.

XII. NO PUBLIC CONSUMPTION; NO CONSUMPTION ONSITE

- a) Public consumption of cannabis products is prohibited.
- b) Consumption of any cannabis products in any cannabis business establishment and in any other business establishment is prohibited.

XIII. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

XIV. EFFECTIVE DATE

This Ordinance shall take effect in accordance with law.

ADOPTED BY THE MUNICIPAL COUNCIL

August 16, 2021



Abubakar Jalloh, R.M.C.
Municipal Clerk

CLERK'S CERTIFICATION

I, Abubakar Jalloh, City Clerk of the City of Plainfield do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Plainfield City Council.

Abubakar Jalloh, R.M.C.
Municipal Clerk

✓ Vote Record - Ordinance MC 2021-24						
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Repealed <input type="checkbox"/> Failed <input type="checkbox"/> Vetoed <input type="checkbox"/> Consensus			Yes/Aye	No/Nay	Abstain	Absent
	Charles McRae	Second	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Joylette Mills-Ransome	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Steve Hockaday	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Ashley Davis	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Sean McKenna	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Stacey Welch	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Barry N. Goode	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>