

**FIRST AMENDMENT TO THE ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 17,
THE LAND USE ORDINANCE OF THE CITY OF PLAINFIELD,
ARTICLE IX, SECTION 17:9-30. A.A.4. “FOOD VEHICLES”**

WHEREAS, On December 2, 2002, City Council adopted Ordinances No. 2002-29 and 2002-29A repealing and replacing the existing Chapters 17 (Zoning), Chapter 14 (Subdivisions), and portions of Chapter 3 (Agencies, Boards, Commissions and Committees) and replaced them with a new Chapter 17 entitled Land Use Ordinance; and

WHEREAS, at multiple times since this initial adoption the Planning Board and City Council have amended the Land Use Ordinance to respond to new land use issues and concerns as they arise, and

WHEREAS, it is the intent of the City of Plainfield to regulate the location, hours and general use of food vehicles throughout the City, and on December 12, 2021 City Council adopted MC 2021-40 creating a “Food Vehicles’ ordinance, and

WHEREAS, the Department of Economic Development staff recognized that ordinance MC 2021-40 required an annual Police and Fire Department, and Health Division review, for City Clerk issuance of a license, but did not require an annual zoning review, and

WHEREAS, the Department is now correcting that omission by requesting that an annual zoning review be conducted as part of the annual renewal process by amending the ordinance as follows:

17:9-30.A.A.4. The city clerk issued license, the police background check, and the Health and Fire Department Certificates of Approval shall be valid for one year and expire on May 31, regardless of the month the license was issued. The applicant shall submit a new license application to be reviewed annually by the end of May of each calendar year with the City **Zoning Officer**, Health, Police, and Fire Departments, and obtain a new license from the City Clerk. ~~Annual zoning approval, provided the site location has not changed~~

~~is not required; a new site will require the submission of a new zoning application.~~

Licenses/permits are not transferable. and,

WHEREAS, the City Council is required pursuant to N.J.S.A. 40:55D-26 to forward the proposed amendments to the Planning Board for their review and comment prior to the City Council adoption of amendments to the Land Use Ordinance, and

WHEREAS, the Planning Board is scheduled to review this proposed land ordinance amendments at their July 6, 2022 meeting and submit their resolution of findings to the City Council in accordance with Section 40:55D-26 of the Municipal Land Use Law prior to second reading of this ordinance.

NOW, THEREFORE BE IT ENACTED By the City Council of the City of Plainfield, that:

Section 1.

The City Council has determined that the Food Vehicles ordinance amendment to the Land Use Ordinance is appropriate and hereby adopts this Ordinance amendment to the Land Use Ordinance as proposed.

Section 2.

The validity or enforceability of any provision of this Ordinance shall not affect the remaining provision of this ordinance, which shall remain in full force and effect.