

CITY OF PLAINFIELD

MC 2021-40

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 17, THE LAND USE ORDINANCE OF THE CITY OF PLAINFIELD, BY ADDING ARTICLE IX, SECTION 17:9-30. A. "FOOD VEHICLES":

WHEREAS, On December 2, 2002, the City Council of the City of Plainfield 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, the Planning Board continues to review and refine the ordinance in order to identify necessary changes; 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

WHEREAS, the City Council has reviewed and considered the Planning Board's recommendations to amend the Land Use Ordinance by adopting a "Food Vehicles" ordinance, and

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

WHEREAS, the Planning Board is scheduled to review this proposed land ordinance amendment at their June 1 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.

Section 3.

A notice of this action shall be published in the official newspaper authorized to publish legal notices for the City.

Section 4.

A copy of the Land Use Ordinance as amended is to be filed with the Union County Planning Board in accordance with Section 40:55D-16 of the Municipal Land Use Law.

Section 5.

This ordinance shall take effect twenty (20) days after final passage and approval, as provided by law.

EXHIBIT A
SECTION 17:9-30.A.

AMENDMENT TO -17:1-6 NUMBER OF LICENSES

10. Number of Licenses.

- a. A maximum of ~~six~~ twelve licenses/permits shall be available each year for ~~both~~ the Church Street and ~~Milt Campbell Field~~ areas for food vehicles operated by vendors who do not have a brick-and-mortar restaurant or store within the City of Plainfield. **As Church Steet is the only acceptable location for daily operations of food vehicles, with a six food vehicle capacity limit, permitted vehicles are allowed to operate daily on a first-come-first serve basis - not to exceed the six food vehicle capacity daily. [ADDED]**
- b. A maximum of ~~six~~ twelve licenses/permits shall be available each year for food vehicles operated by businesses which, already prior to the application for a license/permit have a brick and mortar eating and drinking establishment or restaurant, including restaurants with a plenary retail consumption license/permit within the City of Plainfield.
- c. Without amendment to this ordinance, the City Clerk may issue additional licenses for brick-and-mortar operations where circumstances outside business owner's control, such as executive orders which limit occupations on indoor dining, natural disaster, and other similar extreme circumstances, prevent or significantly diminish the operating ability of the brick-and-mortar establishment.