

**BOROUGH OF LITTLE FERRY  
STATE OF NEW JERSEY  
ORDINANCE NO. 1624-12-24**

**An Ordinance of the Borough of Little Ferry, Bergen County, New Jersey, Amending Chapter 35 Land Use Regulations, Article 100 Zoning, Section 35-112 B-H Highway and Regional Business Zone, of the Code of the Borough of Little Ferry**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Little Ferry, that Chapter 35 Land Use Regulations, Article 100 Zoning, Section 35-112 B-H Highway and Regional Business Zone of the Ordinances of the Borough of Little Ferry is hereby amended as follows and that those portions of the Ordinance not set forth below shall remain unchanged:

**WHEREAS**, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least twenty-one (21) years of age; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of cannabis by adults twenty-one (21) years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

**WHEREAS**, the Act establishes six (6) classes of licenses for Cannabis Establishments, including:

Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk

from any type of licensed cannabis business to another;

Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and

**WHEREAS**, Section 31(a) of the Act authorizes municipalities by ordinance to adopt regulations governing the number of Cannabis Establishment, Cannabis Distributors or Cannabis Delivery Services, as well as the location, manner and hours of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

**WHEREAS**, the Mayor and Borough Council have determined that it is appropriate to permit a limited number of Class 5 licenses to operate in designated zone districts in the Borough, subject to sensible regulations to regulate such licensees in a responsible manner to protect the health, safety and welfare of the residents of the Borough and to enforce rules and regulations consistent with State law; and

**WHEREAS**, on August 17, 2021, the Borough Council adopted Ordinance 1557-15-21 prohibiting the operation of any class of cannabis businesses within the Borough and amending Section 35 of the Borough of Little Ferry Municipal Code; and

**WHEREAS**, the Borough council finds and declares that it is in the best interest of the Borough and its residents to amend Section 35-112 to permit no more than one class 5 licensed business to operate in the B-H Zone in Little Ferry.

**NOW THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Little Ferry, Bergen County, New Jersey, as follows:

Section 35-112 B-H Highway and Regional Business Zone of the Borough Code is hereby Amended and supplemented as shown addition (Bold) and deletion (strikethrough) as follows:

§35-112.3 Conditionally Permitted Uses

a. Uses. Conditionally permitted uses shall be as follows:

1. Professional, business and governmental offices.
2. Banks and savings-and-loan institutions.
3. Post offices.
4. Hotels and motels.

**5. Cannabis Retail Establishments**

b. Conditional Use Requirements. Cannabis Retail Establishments Shall Be Subject to Only the Following Conditions (as set forth in Section 35-112.3(b)(1-9), as a Conditionally Permitted Use in the B-H Zone. Cannabis Retail Establishments shall be exempt from the requirements set forth in Section 5(c).

1. Site development plan approval in accordance with Article 500, Site Plan Review of this chapter shall be required prior to the issuance of building permits for the erection of all conditionally permitted structures. Such approval shall also be required prior to the issuance of a certificate of occupancy for a change of use of a conditionally permitted use.

2. Parking Requirement. A Cannabis Retail Establishment shall provide one off-street parking space for every two hundred square feet of gross floor area (excluding utilities and storage of non-cannabis items) utilized by a Cannabis Retail Establishment.

**3. No more than one cannabis retail establishment shall be conditionally permitted in the B-H Zone in the Borough of Little Ferry.**

**4. A cannabis retail establishment shall have an odor mitigation and/or security plan in place.**

**5. A cannabis retail establishment shall have frontage on US Route 46.**

**6. A cannabis retail establishment shall be no less than 1,000 feet from an elementary school, secondary school or high school, and no less than 500 feet from a church, public park, or state licensed drug rehabilitation facility. All measurements pursuant to this section shall be measured by a straight line from the nearest boundary of each property.**

**7. A cannabis retail establishment shall not operate outside of the hours of 9 AM- 10 PM.**

**8. Consumption of cannabis shall be strictly prohibited at a cannabis retail establishment.**

**9. Prior to commencing retail operations in the Borough, an approved cannabis retailer shall be licensed by the State of New Jersey and shall maintain such licenses in good standing at all times. An applicant shall not require a license from the State of New Jersey to file and have action taken on the application by the appropriate land use board.**

c. Other Requirements. Other requirements for conditional uses shall be as follows:

1. Off-Street Loading Requirements. There shall be no loading or unloading from the street in the B-H Zone.

2. Landscaped Open Space Area. In order to provide for much needed pervious area for drainage purposes, a minimum of twenty (20%) percent of the total lot area shall be maintained in lawns, gardens, buffer strips, woodlands or other forms of landscaping subject to site plan approval.

3. The parking requirements for professional or business office uses shall be met within two hundred (200) feet of the site. The Planning Board shall review all off-street parking lots as provided in Article 500, Site Plan Review, but in no case shall off-street parking be provided off-site without Planning Board approval, nor shall parking standards be less than those specified in this section.

#### §35-112.5 Prohibited Uses

k. ~~All classes of Cannabis establishments or cannabis distributors~~ **cultivators, cannabis manufacturers, cannabis wholesalers, and** cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c. 16,[1] but not the delivery of cannabis items and related supplies by a delivery service

#### § 35-112.7 Off-Street Parking Requirements.

a. Commercial uses shall have one space for each employee, plus one space for each two hundred (200) feet of floor area.

b. Eating and drinking establishments shall be as provided in subsection 35-111.7.

c. ~~d.~~ For uses not listed above, required parking spaces shall be according to the category which most nearly approximates each particular use as determined by the Planning Board.

d. ~~e.~~ The parking requirements for professional or commercial uses shall be met within two hundred (200) feet of the site. The Planning Board shall review all off-street parking lots as provided in Article 500, Site Plan Review, but in no case shall off-street parking be provided off site without Planning Board approval, nor shall parking standards be less than those specified in the off-street parking requirements of the Code of the Borough of Little Ferry

### **SEVERABILITY**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

