

**BOROUGH OF LITTLE FERRY
STATE OF NEW JERSEY
ORDINANCE NO. 1625-13-24**

An Ordinance of the Borough of Little Ferry, Bergen County, New Jersey, Amending Chapter 35 Land Use Regulations, Article 100 Zoning, Section 35-113 I-L Light Industrial 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 35-113 I-L Light Industrial 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 a maximum of one (1) class 5 licensed business, and a maximum of one (1) class 1, 2, 3, or 4 licensed business to operate in in the I-L 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 35-113 I-L Light Industrial Zone is hereby Amended and supplemented as shown addition (Bold) and deletion (strikethrough) as follows:

§35-113.3 Conditionally Permitted Uses

1. Wireless Telecommunications Towers and Antennas.

(a) See Article 1100 of the Land Use Regulations for conditions and requirements.

2. Outdoor Storage.

(a) Road frontage on Bergen Turnpike. (b) The use shall meet the requirements of Section 35-711, unless otherwise specified below.

(c) A planted buffer of not less than forty (40) feet in width shall be provided along any side or rear yard adjacent to a residential use or district. The buffer shall be provided on the outward facing side of the fence or wall.

3. Cannabis Cultivator, Manufacturer, Wholesaler, Distributor, and Retailer Establishments, subject to the additional requirements in §35-113.3(a)

(a) Cannabis Cultivator, Manufacturer, Wholesaler, Distributor, and Retailer Establishments shall meet the following conditions:

- 1. No more than one Retailer and no more than one Cultivator, Manufacturer, Wholesaler, or Distributor, shall be conditionally permitted in the I-L Zone in the Borough of Little Ferry.**
- 2. A cannabis 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.**
- 3. A cannabis establishment shall not operate outside of the hours of 9 AM- 10 PM.**
- 4. Consumption of cannabis shall be strictly prohibited at a cannabis retail establishment.**
- 5. 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.**

- 6. A cannabis business licensed pursuant to this section shall have an odor mitigation and/or security plan in place.**

§35-113.5 Prohibited Uses

~~m. All retail classes of cannabis establishments or cannabis distributors or 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. All retail cannabis and 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.~~

§ 35-113.7 Off-Street Parking Requirements.

m. Cannabis cultivator, manufacturer, wholesaler, and distributor establishments shall have one space for each employee, based on the maximum number of employees that will be working at one time.

n. 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.

o. 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.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

ATTEST:

BOROUGH OF LITTLE FERRY

Barbara Maldonado, Borough Clerk

Mauro Raguseo, Mayor

Introduced:

Motion by:

Second by:

Introduction Roll Call:

Ayes:
Nayes:
Absent:

Adopted:

Motion by:

Second by:

Adoption Roll Call:

Ayes:
Nayes:
Absent:

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Mayor and Council at a meeting held on _____, 2024.

Barbara Maldonado,
Borough Clerk