First Reading

INTRODUCED BY: Councilman Karcic				
SECONDED BY: Councilman Fitzhenry				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY	X			
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO				X
BOCCHINO				X
PRONTI				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilman Karcic				
SECONDED BY: Councilwoman Sheedy				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY	X			
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO	X			
PRONTI				
TOTAL				

ORDINANCE NO. 2372
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

AN ORDINANCE TO AMEND THE
RIDGE ROAD REDEVELOPMENT ORDINANCE

WHEREAS, the Local Redevelopment and Housing Law at N.J.S.A 40A:12A-1 *et. seq*, provides that a municipality may declare an area within the municipality as an area-in-need-of redevelopment and approve a redevelopment plan for the development thereof; and

WHEREAS, the Redevelopment Agency of the Borough of North Arlington was established by Ordinance 1464 on June 13, 1989 and was subsequently dissolved pursuant to N.J.S.A. 40A:12A-24 and all duties and obligations of the Redevelopment Agency were transferred to the Mayor and Council of the Borough of North Arlington by Ordinance 1909 dated March 11, 2004; and

WHEREAS, circa 2001, the Borough of North Arlington declared the Ridge Road corridor as an area-in-need-of-redevelopment; and

WHEREAS, a Ridge Road Redevelopment Plan was prepared by Heyer, Gruel & Associates, PA., Community Planning Consultants; and

WHEREAS, on or about November 27, 2001, the Ridge Road Redevelopment Plan was adopted by the Governing Body by Ordinance No. 1823, entitled: "An Ordinance Amending the Code of the Borough of North Arlington and more Specifically Chapter 50A thereof Entitled Redevelopment Agency and Creating Article III thereto Entitled "Ridge Road Redevelopment Plan"; and

WHEREAS, the Governing Body is permitted to amend, from time to time, the Redevelopment Plan pursuant to the Local Redevelopment and Housing Law at N.J.S.A 40A:12A-7(e); and

WHEREAS, the Governing Body has determined that there is a need to amend the Ridge Road Redevelopment Plan; and

WHEREAS, a proposed amendment to the Ridge Road Redevelopment Plan entitled "Ridge Road Redevelopment Plan Amendment South End Retail Commercial Zone" and dated March 9, 2023 was prepared by the Borough Planner, DMR Architects; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of North Arlington that the Ridge Road Redevelopment Plan is hereby amended as follows:

SECTION 1. Pursuant to the authority granted to the Governing Body by N.J.S.A. 40A:12A-7, the amendment to the Ridge Road Redevelopment Plan entitled "Ridge Road Redevelopment Plan Amendment for the South End Retail Commercial Zone" and dated February 24, 2023, prepared by DMR Architects attached hereto is hereby adopted.

SECTION 2. the Ridge Road Redevelopment Plan is hereby amended as follows:

The following definitions are being revised and or added to the Definitions contained within Section VI of the Ridge Road Redevelopment Plan South End Retail Commercial Zone and are to be applicable to all parts of the entire Ridge Road Redevelopment Area:

Bar / Tavern: A business establishment, section of a restaurant establishment, or a temporary or permanent facility within an assembly or hotel establishment, at which alcoholic beverages are served for on-site consumption.

Barber Shop: Any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more licensed barbers.

Beauty Shop: Commercial services primarily concerned with temporarily improving the physical appearance of persons or pets through non-surgical or medical means. Such businesses include, but are not limited to, nail salons, hair salons, barber shops, spas, pet grooming, piercing shops, wig shops, manicurists and pedicurists, and the like. They do not include massage establishments, health clubs, gyms, tattoo parlors, cosmetology schools or establishments where

the principal mission is to educate hair stylists, beauticians, or the like. These uses may also include accessory retail sales of products related to the services provided, such as specialty hair care products, treatments or ointments for piercing or tattoo areas, and the like.

Cannabis: All parts of the plant Cannabis sativa L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L. 2016, c. 16, for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L.2009, c.307 (N.J.S.A. 24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); marijuana as defined in N.J.S.A. 2C:35-2 and applied to any offense set forth in Chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L. 2001, c. 114 (N.J.S.A. 2C:35B-1 et seq.), or marijuana as defined in Section 2 of P.L. 1970, c. 226 (N.J.S.A. 24:21-2) and applied to any offense set forth in the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226 (N.J.S.A. 24:21-1 et seq.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

Cannabis Cultivator: Any licensed person or entity that grows, cultivates, or produces cannabis in this state, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

Cannabis Delivery Service: Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

Cannabis Distributor: Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

Cannabis Establishment: A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

Cannabis Grower: Any licensed person or entity that grows, cultivates, or produces cannabis in this state, and sells, and may transport, this cannabis to other cannabis growers, cannabis processors, cannabis wholesalers, or cannabis retailers, but not to consumers. This

person or entity shall hold a Class 1 Cannabis Grower license. A cannabis grower may also be referred to as a "cannabis cultivation facility."

Cannabis Item: Any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. "Cannabis item" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the Jake Honig Compassionate Use Medical Cannabis Act, P.L. 2009, c. 307 (N.J.S.A. 24:6I-1 et seq.) and P.L. 2015, c. 158 (N.J.S.A. 18A:40-12.22 et seq.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the New Jersey Hemp Farming Act, P.L. 2019, c. 238 (N.J.S.A. 4:28-6 et seq.).

Cannabis Leaf: The leaf of the plant Cannabis sativa L. within the plant family Cannabaceae.

Cannabis Manufacturer: Any licensed person or entity that processes cannabis items in this state by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

Cannabis Manufacturing: The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. "Manufacture" with respect to cannabis does not include packaging or labeling.

Cannabis Paraphernalia: Any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing a cannabis item into the human body. "Cannabis paraphernalia" does not include drug paraphernalia as defined in N.J.S.A. 2C:36-1 and which is used or intended for use to commit a violation of Chapter 35 or 36 of Title 2C of the New Jersey Statutes.

Cannabis Product: A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

Cannabis Retailer: Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

Cannabis Wholesaler: Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport cannabis items for the purpose of resale or

other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

Cannabis, Usable: The dried leaves and flowers of the female plant Cannabis sativa L., and does not include the seedlings, seeds, stems, stalks, or roots of the plant.

Cigar Bar: Any bar, or area within a bar, designated specifically for the smoking of tobacco products, purchased on the premises or elsewhere.

Cigar Lounge: Any establishment, or area within an establishment, designated specifically for the smoking of tobacco products, purchased on the premises or elsewhere.

Gym and Fitness Center: A facility where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. The activities shall be conducted entirely within an enclosed building. Access may be limited to paying members or to the public. May include auxiliary facilities and services such as locker rooms, showers, massage services, saunas, and related accessory uses.

Indoor Amusement & Recreation: Establishments providing and maintaining indoor facilities where the public may engage in or enjoy amusement or recreational activities, such as dance halls; studios; billiards hall; bowling alleys; commercial facilities such as arenas, rings, and rinks; go-carting; indoor driving ranges or miniature golf; archery; hatchet throwing; sports and health clubs; video arcades; expositions; swimming pools; tennis courts; and other athletic, performance, and recreational activities that may be safely enjoyed within a building.

Tattoo Parlor: An establishment operating in compliance with N.J.A.C. 8:27-1 et seq., also known as the Body Art Procedures section of the New Jersey State Sanitary Code, in which body art services are provided.

Section VI D. PROHIBITED USES of the Ridge Road Redevelopment Plan South End Retail Commercial Zone is hereby amended to read as follows and shall be applicable to all parts of the entire Ridge Road Redevelopment Area:

1. Any use not specifically stated as permitted is not permitted in the redevelopment area.

2. Retail sales of marijuana are expressly prohibited in the redevelopment area with the exception of medical prescriptions / use.

3. Cannabis and Cannabis establishments meeting one or more of the following criteria:

a. Cannabis cultivator

b. Cannabis manufacturer

c. Cannabis wholesaler

d. Cannabis distributor

e. Cannabis retailer

f. Cannabis delivery service

4. Vapor, THC, Cannabis and Tobacco: Paraphernalia including sales, manufacturing and refining.

5. Cigar Bar: Any bar or area within a bar, designated specifically for the smoking of tobacco / vapor products purchased on the premises or elsewhere.

6. Cigar Lounge / Smoke Shop: Any establishment, or area within an establishment, designated specifically for the smoking of tobacco / vapor products, purchased on the premises.

7. Any interpretation of a permitted use shall be determined by the Zoning Officer and/or the Zoning Board of Adjustment.

Section VI G3 of the Ridge Road Redevelopment Plan South End Retail Commercial Zone is hereby amended to read as follows:

Minimum Parking Requirements:

a. Residential:
   i. Subzone 1, 2 & 3:
      (1) One-bedroom & Studio/Efficiency: 1.2space/unit
      (2) Two-bedroom: 1.5 spaces/unit
      (3) Three or more bedrooms: 2.0 spaces / unit

b. Non-residential:
   i. Any non-residential building or non-residential portion of a mixed-use building which either has not been designed or fitted out for a specific use or which is designed for a specific use not listed in Table 4 or §205-70.A shall provide three (3) parking spaces per 1,000 square feet of gross floor area.

SECTION 3. Pursuant to the provisions of N.J.S.A. 40A:12-7c, the Ridge Road Redevelopment Plan and all amendments thereto hereby supersede all applicable provisions of the Borough of North Arlington Land Use Ordinance. In so doing, the Ridge Road Redevelopment Plan shall constitute an explicit amendment to the Borough Zoning Map to identify the Redevelopment Area as the boundaries of the area regulated by the Ridge Road Redevelopment Plan. The official Borough Zoning map shall be amended to henceforth coincide with the Ridge Road Redevelopment Plan and all amendments thereto.

SECTION 4. All other sections of the Ridge Road Redevelopment Plan shall remain unchanged and in full force and effect. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

SECTION 5. If any provision of this ordinance is declared invalid, such invalidity shall not affect the other provisions of this ordinance. Furthermore, the other provisions of this ordinance are deemed to be severable and remain in full force and effect.

SECTION 6. This ordinance shall take effect after final approval and publication according to law.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: April 6, 2023

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, March 9, 2023 THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON April 6, 2023 at 7:00 PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERKS OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Kathleen Moore, RMC
Borough Clerk