

TOWNSHIP OF MAPLEWOOD



ORDINANCE

2915-18

AN ORDINANCE
TO
AMEND
CHAPTER 271
OF THE
CODE OF
TOWNSHIP OF MAPLEWOOD
ENTITLED
"Zoning and Development Regulations"

"Interpretive Statement"

This ordinance will allow medical marijuana alternative treatment centers as a permitted use, subject to conditions, within the Highway Business District and the Pedestrian Retail Business District.

WHEREAS, studies have shown that the use of medical marijuana is an effective treatment for certain medical conditions; and

WHEREAS, the location of medical marijuana dispensaries within the Highway Business Zone of the Township of Maplewood will provide greater access to this treatment source, to persons afflicted with certain illnesses.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey that Chapter 271 of the Code of the Township of Maplewood entitled "Zoning and Development Regulations" be amended as follows:

FIRST:

Chapter 271. Zoning and Development Regulations

Article I. Title; Purpose; Definitions

271-3 Definitions

"Medical marijuana alternative treatment center" or "alternative treatment center" means an organization approved by the New Jersey Department of Health to perform activities necessary to provide registered qualifying patients with usable marijuana and related paraphernalia in accordance with the provisions of this act. (NJSA 24:6I-3) A Medical Marijuana Alternative Treatment Center shall be considered a retail business.

Article V. Zoning Provisions

271-70 Zone requirements

D. Neighborhood Business NB; Retail Business RB and Highway Business HB Districts.

(1) Permitted principal uses.

- (a) Retail businesses, not including thrift shops, pawnshops and check-cashing establishments.
- (b) Convenience store with a fueling station in the HB District.
- (c) Financial institutions.
- (d) Restaurants, but not including fast-food restaurants.
- (e) Dwelling units over stores.
- (f) Offices, but not on the street level or lower in the RB District.
- (g) Multiple dwellings in the NB District.
- (h) Law enforcement facilities in the HB District.
- (i) Alternative Treatment Centers in the HB District.

(5) Other provisions.

(a) In the RB District, on-site parking shall not be required. However, off-street parking either on site or off site shall be required where there is a conversion of residential use to nonresidential use in RB District. Parking for residential uses in the RB District shall be as required under '271-50J(14)' and '271-50K' of this chapter. Parking lots which serve multiple dwellings which are located in the RB District shall comply with the requirements of '271-50A through H, inclusive.

(b) Outdoor storage of goods, wares, merchandise or other material shall be regulated by those ordinances of the Township of Maplewood which govern used motor vehicle dealers; the storage, display or sale of new motor vehicles other than in a building; and gasoline selling or service stations and public garages.

(c) Within the RB and HB Districts, additional building coverage can be achieved as a bonus for undertaking street or sidewalk beautification projects. The amount of the bonus shall be related to the extent of the beautification project undertaken, but in any event it shall not increase the allowable coverage by more than 10% (i.e., a maximum of 88% in the RB District and 55% in the HB District).

(d) For Alternative Treatment Centers:

(i) A certificate to operate an Alternative Treatment Center issued by the State of New Jersey shall accompany an application for continued use made to the Building Department.

(ii) The sole use of the premises shall be for an Alternative Treatment Center. The premises shall not be used for any other purposes.

(iii) An Alternative Treatment Center's main entrance shall not be less than two hundred (200) feet from the main entrance of a public or private elementary, middle or high school or house of worship.

(iv) An Alternative Treatment Center shall not be less than one thousand (1,000) feet from another Alternative Treatment Center.

(v) The hours of operation of an Alternative Treatment Center shall be no earlier than 8:00 a.m. and no later than 7:00 p.m. on Monday through Saturday and no earlier than 12:00 p.m. and no later than 6:00 p.m. on Sunday.

J. Pedestrian Retail Business (PRB Zone).

(1) Permitted principal uses.

- (a) Retail businesses, not including pawnshops, and check cashing establishments.
- (b) Financial institutions.
- (c) Eat-in and/or takeout restaurants, not including fast-food restaurants.
- (d) Dwellings.
- (e) Offices.
- (f) Professional offices.
- (g) Businesses that are primarily instructional.
- (h) Social/fraternal clubs and lodges and union halls.
- (i) Alternative Treatment Centers.

(5) Other provisions.

(a) Within the PRB District, additional building coverage can be achieved as a bonus for undertaking street or sidewalk beautification projects. The amount of the bonus shall be related to the extent of the beautification project undertaken, but in any event it shall not increase the allowable coverage by more than 10% (i.e., a maximum of 88% in the PRB District).

(b) For Alternative Treatment Centers:

(i) A certificate to operate an Alternative Treatment Center issued by the State of New Jersey

shall accompany an application for continued use made to the Building Department.

(ii) The sole use of the premises shall be for an Alternative Treatment Center. The premises shall not be used for any other purposes.

(iii) An Alternative Treatment Center's main entrance shall not be less than two hundred (200) feet from the main entrance of a public or private elementary, middle or high school or house of worship.

(iv) An Alternative Treatment Center shall not be less than one thousand (1,000) feet from another Alternative Treatment Center.

(v) The hours of operation of an Alternative Treatment Center shall be no earlier than 8:00 a.m. and no later than 7:00 p.m. on Monday through Saturday and no earlier than 12:00 p.m. and no later than 6:00 p.m. on Sunday.

All other provisions remain unchanged.

SECOND: Severability

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

THIRD: Repeal of Prior Ordinances

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

FOURTH: Effective Date

This Ordinance shall take effect after final passage and publication and as provided by law and upon notice by personal service or certified mail to the Municipal Clerk of all adjoining Municipalities and to the Essex County Planning Board, which will be done within (30) thirty days following the adoption of this ordinance.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the Township Committee of the Township of Maplewood, held on June 19, 2018, and that the Township Committee met again on July 17, 2018, at the Maplewood Police and Court Building, 1618 Springfield Avenue, Maplewood, New Jersey, at which time and place the Township Committee held a hearing and proceeded to consider the said Ordinance on final reading and final passage.

ELIZABETH J. FRITZEN, R.M.C.
Township Clerk