

ORDINANCE No.21-Code-863
BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY

AN ORDINANCE TO AMEND, SUPPLEMENT AND REVISE THE CODE OF THE BOROUGH OF OAKLAND,
LAND USE, CHAPTER 59 ENTITLED "LAND USE AND ZONING"

BE IT ORDAINED by the Borough Council of the Borough of Oakland, County of Bergen, State of New Jersey, that the following amendments and revisions are made to the Revised General Ordinances of the Borough Oakland, Chapter 59 entitled "Land Use and Zoning".

Section 1 Article VII, §59-44 is hereby amended to add the following term in proper alphabetic order:

CANNABIS—Term includes 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. The term "Cannabis" does not include medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honing Compassionate Use Medical Cannabis Act.

CANNABIS CULTIVATOR—Any licensed person or entity holding a valid Class 1 Cannabis Cultivator license that grows, cultivates or produces cannabis and sells and possibly transport cannabis to other licensed cannabis cultivators or usable cannabis to licensed cannabis manufacturers, licensed cannabis wholesalers, or licensed cannabis retailers.

CANNABIS DELIVERY SERVICE—Any licensed person or entity holding a Class 6 cannabis delivery license that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a licensed 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 a licensed cannabis retailer for fulfillment, is delivered to that consumer.

CANNABIS DISTRIBUTOR—Any licensed person or entity holding a Class 4 Cannabis distributor license that transports cannabis in bulk from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk 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 MANUFACTURER-- Any licensed person or entity holding a Class 2 cannabis manufacturer license that process cannabis items by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing and packaging cannabis items, and selling, and optional transporting, these times to other licensed cannabis manufacturers, licensed cannabis wholesalers, or licensed cannabis retailers, but not directly to consumers.

CANNABIS RETAILER—Any licensed person or entity holding a Class 5 cannabis retail license that purchases or otherwise obtains usable cannabis from licensed cannabis cultivators and cannabis items from licensed cannabis manufacturers or licensed cannabis wholesalers, and sells these items to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery or 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 the ultimate 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 purchase of resale or other transfer to either another licensed cannabis wholesaler or to a licensed cannabis retailer, but not consumers.

Section 2 Article VII Zoning is hereby amended in the following particulars only

A. §59-54. I-1 and I-2 Industrial zones are hereby amended in the following particulars only:

B. Subject to the requirements contained herein, only the following uses shall be permitted on any lot of required size within the I-1 and I-2 Industrial Zones:

(6) The following are permitted uses in the I-1 zone only. Furthermore, to protect the public health, safety and welfare the uses a through e listed below are subject to the standards enumerated herein:

- a. Cannabis Cultivating
- b. Cannabis Manufacturing
- c. Cannabis Wholesaling
- d. Cannabis Distributing
- e. Cannabis Delivery Service

i. As authorized by the enabling legislation, Oakland is permitted and has chosen to place an upper limit the number of cannabis licenses and thus cannabis operations that may locate in Oakland. No more than ten (10) cannabis enterprises of any type shall be authorized in the Borough. An applicant seeking site plan approval shall provide as an item of completeness a signed Affidavit attesting to and indicating the

owner, type of license held and location of every cannabis operation in the Borough.

- ii. Every cannabis operator/owner/applicant must possess a valid State of New Jersey license for the particular cannabis use being applied for. All conditions associated with the required New Jersey issued cannabis license are also requirements of any local approval that may issue.
- iii. Each and every cannabis operator must in addition to securing a license from the State of New Jersey must also secure a cannabis license from the Borough of Oakland. The fee for such license shall be established by separate ordinance. The Oakland Site Plan Checklist is herein revised and amended to include as a checklist item proof of possession of both a valid State of New Jersey and a Borough of Oakland license for all cannabis applications and the aforementioned listing of all cannabis operations within the Borough.
- iv. All proposed cannabis operations must secure site plan approval as a prior approval before seeking a construction permit.
- v. All cannabis applicants must produce a public safety and security plan and secure approval from the Oakland Police Department or an approved outside agency approved by the Oakland Police Department. Certification of all employees shall comprise one aspect of the public safety and security plan. Strict implementation of the public safety and security plan is a continuing obligation of every cannabis operator. All cannabis operations shall deposit in its escrow account an additional \$3,500 to fund all reviews by or required by the Police Department or Health Department. All outside reviews shall be paid for by the applicant through the use of the previously posted escrow funds. These escrow fund shall be replenished as needed upon the request of the Borough.
- vi. All cannabis applicants must produce an odor control plan. Approval of this odor control plan prior to the issuance of a construction permit will be a requirement of all cannabis operators. Strict implementation of the odor control plan is a continuing obligation of every cannabis operator. The Health Department, or an outside agency as designated by the Health Department, shall be the designated reviewing agency. All outside reviews shall be paid for by the applicant through the use of the previously posted escrow funds. These escrow fund shall be replenished as needed upon the request of the Borough.
- vii. Off street parking requirements for each listed cannabis operation shall be based on §59-61G(2), except that parking requirements for all office space in said cannabis operations shall conform to §59-61G(3).

- viii. Off street loading requirements for all cannabis operations shall be the same as adopted for industrial uses.
- ix. All trucks owned by the cannabis operator and used in the distribution and wholesaling of cannabis or related products shall be stored or parked in a lot that is enclosed by fencing with a gate that shall at all times be locked, except for when trucks are entering or leaving the enclosed truck storage area. Employee parking shall be located in a separate area of the site.

Section 3. Article VII Zoning is hereby amended in the following particulars only:

- A. §59-55. I-P Industrial Park Zone is hereby amended in the following particulars only:
- B. Paragraph §59-55E. Is hereby supplemented in the following particulars only:

Subject to the requirements contained herein, only the following uses shall be permitted on any lot of required size within the I-P Industrial Zone.

- (7)
 - a. Cannabis Wholesaling
 - b. Cannabis Distributing

Furthermore, to protect the public health, safety and welfare the uses a and b listed are are subject to the standards enumerated herein:

- i. As authorized by the enabling legislation, Oakland is permitted and has chosen to place an upper limit the number of cannabis licenses and thus cannabis operations that may locate in Oakland. No more than ten (10) cannabis enterprises of any type shall be authorized in the Borough. An applicant seeking site plan approval shall provide as an item of completeness a signed Affidavit attesting to and indicating the owner, type of license held and location of every cannabis operation in the Borough.
- ii. Every cannabis operator/owner/applicant must possess a valid State of New Jersey license for the particular cannabis use being applied for. All conditions associated with the required New Jersey issued cannabis license are also requirements of any local approval that may issue.
- x. Each and every cannabis operator must in addition to securing a license from the State of New Jersey must also secure a cannabis license from the Borough of Oakland. The fee for such license shall be established by separate ordinance. The Oakland Site Plan Checklist is herein revised and amended to include as a checklist item proof of possession of both a valid State of New Jersey and a Borough of

Oakland license for all cannabis applications and the aforementioned listing of all cannabis operations within the Borough.

- iii. All proposed cannabis operations must secure site plan approval as a prior approval before seeking a construction permit.
- iv. All cannabis applicants must produce a public safety and security plan and secure approval from the Oakland Police Department or an approved outside agency approved by the Oakland Police Department. Certification of all employees shall comprise one aspect of the public safety and security plan. Strict implementation of the public safety and security plan is a continuing obligation of every cannabis operator. All cannabis operations shall deposit in its escrow account an additional \$3,500 to fund all reviews by or required by the Police Department or Health Department. All outside reviews shall be paid for by the applicant through the use of the previously posted escrow funds. These escrow fund shall be replenished as needed upon the request of the Borough.
- v. All cannabis applicants must produce an odor control plan. Approval of this odor control plan prior to the issuance of a construction permit will be a requirement of all cannabis operators. Strict implementation of the odor control plan is a continuing obligation of every cannabis operator. The Health Department, or an outside agency as designated by the Health Department, shall be the designated reviewing agency. All outside reviews shall be paid for by the applicant through the use of the previously posted escrow funds. These escrow fund shall be replenished as needed upon the request of the Borough.
- vi. Off street parking requirements for each listed cannabis operation shall be based on §59-61G(2), except that parking requirements for all office space in said cannabis operations shall conform to §59-61G(3).
- vii. Off street loading requirements for all cannabis operations shall be the same as adopted for industrial uses.
- viii. All trucks owned by the cannabis operator and used in the distribution and wholesaling of cannabis or related products shall be stored or parked in a lot that is enclosed by fencing with a gate that shall at all times be locked, except for when trucks are entering or leaving the enclosed truck storage area. Employee parking shall be located in a separate area of the site.

Section 4. Article VII Zoning is hereby amended in the following particulars only

- A. §59-45 J is hereby repealed and deleted from the Oakland Zoning Ordinance.
- B. §59-46. Zoning district established; Zoning Map; interpretation of boundaries is and shall be amended in the following particulars only. I-4 Industrial Zone is hereby created with the following requirements and standards:

CO-IP Corporate Office, Industrial Park is hereby deleted and replaced by:
I-4 Industrial Zone

- C. Oakland Borough Zoning Map is hereby amended and revised to delete the CO & IP zone, both on the Zoning Map itself and in the Legend of Oakland Borough Zoning and to replace said CO & IP Zone with the newly established I-4 Industrial Zone.
- D. §59-55.1. I-4 Industrial Zone. Within the I-4 Industrial Zone, only the following uses shall be permitted on any single lot of required size:
 - (1) A professional or business office or studio.
 - (2) Executive, professional and administrative offices.
 - (3) Research, experimental or testing in scientific laboratories.
 - (4) Solar energy systems as either a principal use or structure, or as an accessory structure or use. Such systems may be installed either on the roof of permitted principal or accessory structures or as freestanding structures including above a parking area.
 - (5) Craft and Plenary distilleries, but only in strict conformance with N.J.S.A. 33:1-10.
 - (6) Wineries but only if holding the requisite New Jersey license and on land parcels of three (3) acres or more.
 - (7) Cannabis Cultivating
 - (8) Cannabis Manufacturing
 - (9) Cannabis Wholesaling
 - (10) Cannabis Distributing
 - (11) Cannabis Delivery Service
- i. As authorized by the enabling legislation, Oakland is permitted and has chosen to place an upper limit the number of cannabis licenses and thus cannabis operations that may locate in Oakland. No more than ten (10) cannabis enterprises of any type shall be authorized in the Borough. An applicant seeking site plan approval shall provide as an item of completeness a signed Affidavit attesting to and indicating the owner, type of license held and location of every cannabis operation in the Borough.

- ii. Every cannabis operator/owner/applicant must possess a valid State of New Jersey license for the particular cannabis use being applied for. All conditions associated with the required New Jersey issued cannabis license are also requirements of any local approval that may issue.
- iii. Each and every cannabis operator must in addition to securing a license from the State of New Jersey must also secure a cannabis license from the Borough of Oakland. The fee for such license shall be established by separate ordinance. The Oakland Site Plan Checklist is herein revised and amended to include as a checklist item proof of possession of both a valid State of New Jersey and a Borough of Oakland license for all cannabis applications and the aforementioned listing of all cannabis operations within the Borough.
- iv. All proposed cannabis operations must secure site plan approval as a prior approval before seeking a construction permit.
- v. All cannabis applicants must produce a public safety and security plan and secure approval from the Oakland Police Department or an approved outside agency approved by the Oakland Police Department. Certification of all employees shall comprise one aspect of the public safety and security plan. Strict implementation of the public safety and security plan is a continuing obligation of every cannabis operator. All cannabis operations shall deposit in its escrow account an additional \$3,500 to fund all reviews by or required by the Police Department or Health Department. All outside reviews shall be paid for by the applicant through the use of the previously posted escrow funds. These escrow fund shall be replenished as needed upon the request of the Borough.
- vi. All cannabis applicants must produce an odor control plan. Approval of this odor control plan prior to the issuance of a construction permit will be a requirement of all cannabis operators. Strict implementation of the odor control plan is a continuing obligation of every cannabis operator. The Health Department, or an outside agency as designated by the Health Department, shall be the designated reviewing agency. All outside reviews shall be paid for by the applicant through the use of the previously posted escrow funds. These escrow fund shall be replenished as needed upon the request of the Borough.
- vii. Off street parking requirements for each listed cannabis operation shall be based on §59-61G(2), except that parking requirements for all office space in said cannabis operations shall conform to §59-61G(3).
- viii. Off street loading requirements for all cannabis operations shall be the same as

adopted for industrial uses.

- ix. All trucks owned by the cannabis operator and used in the distribution and wholesaling of cannabis or related products shall be stored or parked in a lot that is enclosed by fencing with a gate that shall at all times be locked, except for when trucks are entering or leaving the enclosed truck storage area. Employee parking shall be located in a separate area of the site.

E. Yards; Area; Height.

- (a) Minimum lot area: 10 acres.
- (b) Minimum lot frontage: 200 feet.
- (c) Maximum lot coverage: 25%.
- (d) Maximum impervious coverage: 50%.
- (e) Yards:
 - [1] Front Yard: 100 feet.
 - [2] Rear Yard: 50 feet.
 - [3] Side Yard: 50 feet.
- (f) Building height: 40 feet and three stories.
- (e) Signs, as established in §59-63l.

- F. Borough of Oakland, Schedule "A" is hereby amended and revised to remove the IP-CO Industrial Park/Corporate Office zone and replace same with the I-4 Industrial Zone. The area requirements, dimensional requirements and coverages for the I-4 Zone shall be as indicated above by inserting same in the appropriate locations on Schedule "A".

Section 5. Article VII Zoning is hereby amended and revised in the following particulars only:

- A. §59-56. I-3 Industrial/Office Zone. Within the Industrial/Office Zone, only the following uses shall be permitted on any single lot of required size:

- (7) The following are permitted uses in the I-3 zone only. Furthermore, to protect the public health, safety and welfare the uses a and b listed below are subject to the standards enumerated herein:

- a. Cannabis Wholesaling
- b. Cannabis Distributing

- i. As authorized by the enabling legislation, Oakland is permitted and has chosen to place an upper limit the number of cannabis licenses and thus cannabis operations that may locate in Oakland. No more than ten (10) cannabis enterprises of any type

shall be authorized in the Borough. An applicant seeking site plan approval shall provide as an item of completeness a signed Affidavit attesting to and indicating the owner, type of license held and location of every cannabis operation in the Borough.

- ii. Every cannabis operator/owner/applicant must possess a valid State of New Jersey license for the particular cannabis use being applied for. All conditions associated with the required New Jersey issued cannabis license are also requirements of any local approval that may issue.
- xi. Each and every cannabis operator must in addition to securing a license from the State of New Jersey must also secure a cannabis license from the Borough of Oakland. The fee for such license shall be established by separate ordinance. The Oakland Site Plan Checklist is herein revised and amended to include as a checklist item proof of possession of both a valid State of New Jersey and a Borough of Oakland license for all cannabis applications and the aforementioned listing of all cannabis operations within the Borough.
- iii. All proposed cannabis operations must secure site plan approval as a prior approval before seeking a construction permit.
- iv. All cannabis applicants must produce a public safety and security plan and secure approval from the Oakland Police Department or an approved outside agency approved by the Oakland Police Department. Certification of all employees shall comprise one aspect of the public safety and security plan. Strict implementation of the public safety and security plan is a continuing obligation of every cannabis operator. All cannabis operations shall deposit in its escrow account an additional \$3,500 to fund all reviews by or required by the Police Department or Health Department. All outside reviews shall be paid for by the applicant through the use of the previously posted escrow funds. These escrow fund shall be replenished as needed upon the request of the Borough.
- v. All cannabis applicants must produce an odor control plan. Approval of this odor control plan prior to the issuance of a construction permit will be a requirement of all cannabis operators. Strict implementation of the odor control plan is a continuing obligation of every cannabis operator. The Health Department, or an outside agency as designated by the Health Department, shall be the designated reviewing agency. All outside reviews shall be paid for by the applicant through the use of the previously posted escrow funds. These escrow fund shall be replenished as needed upon the request of the Borough.
- vi. Off street parking requirements for each listed cannabis operation shall be based on

§59-61G(2), except that parking requirements for all office space in said cannabis operations shall conform to §59-61G(3).

- vii. Off street loading requirements for all cannabis operations shall be the same as adopted for industrial uses.
- viii. All trucks owned by the cannabis operator and used in the distribution and wholesaling of cannabis or related products shall be stored or parked in a lot that is enclosed by fencing with a gate that shall at all times be locked, except for when trucks are entering or leaving the enclosed truck storage area. Employee parking shall be located in a separate area of the site.

Section 6.

All Ordinances of the Borough of Oakland which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7

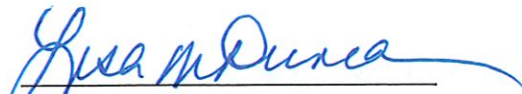
If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 8

This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

BOROUGH OF OAKLAND
COUNTY OF BERGEN
STATE OF NEW JERSEY


Lisa M. Duncan, Borough Clerk

By: 
Linda H. Schwager, Mayor

This is to certify that this is a true copy
as adopted by the Mayor and Council
of the Borough of Oakland at a meeting
held on December 20, 2021

Borough Clerk 