



Individual Resolutions
Meeting of the Municipal Council
Wednesday, May 26, 2021
RESOLUTION SUMMARY

2021-273

The Opt Out Ordinance is based upon the model ordinance which has been prepared and endorsed by the New Jersey League of Municipalities;



RESOLUTION NO. 2021-273

**City of Asbury Park
County of Monmouth
State of New Jersey**

**A RESOLUTION REFERRING THE PROPOSED CANNABIS “OPT OUT”
ORDINANCE TO THE PLANNING BOARD PURSUANT TO THE NEW JERSEY
MUNICIPAL LAND USE LAW.**

WHEREAS, on May 26, 2021, the Mayor and Council of the City of Asbury Park (the “City”) intend to introduce an Ordinance which is generally known as the Cannabis “Opt Out” Ordinance which will prohibit the location and/or operation of all classes of cannabis establishments or cannabis distributors or cannabis delivery services (but not the delivery of cannabis items and related supplies by a delivery service) within the geographical boundaries of the City; and

WHEREAS, the Ordinance is captioned as follows: “An Ordinance Prohibiting the Operation of Any Class of Cannabis Businesses Within the Geographical Boundaries of the City of Asbury Park, and Amending and Supplementing Article VI, entitled ‘Zoning,’ of Chapter 30, ‘Land Development Regulations,’ of the ‘Code of the City of Asbury Park,’ as Well as Amending and Supplementing All Existing Redevelopment Plans Relating to All Redevelopment Areas of the City of Asbury Park Accordingly” (the “Opt Out Ordinance”); and

WHEREAS, the Opt Out Ordinance is based upon the model ordinance which has been prepared and endorsed by the New Jersey League of Municipalities; and

WHEREAS, the purpose of the Opt Out Ordinance is to ensure that the City takes formal action relating to cannabis uses/licenses prior to the expiration of the 180-day time period specified in the “New Jersey Cannabis Regulatory Enforcement Assistance, and Market Place Modernization Act” (the “Act”), which is also known as P.L.2021, c.16, and which legalizes the recreational use of marijuana by adults 21 years of age or older; and

WHEREAS, due to present uncertainties regarding the potential future impacts of allowing one or more classes of cannabis businesses to locate and operate within the geographical boundaries of the City, the Mayor and Council believe that it is necessary and appropriate, and in the best interest of the health, safety and welfare of the City’s residents, to opt out at the current time, with the understanding that the City may determine to opt back in with regard to one or more of the classes of cannabis licenses at some point in the future, in the discretion of the City; and

WHEREAS, the Opt Out Ordinance will amend and supplement the zoning regulations

of the City, which are found in Chapter 30, “Land Development Regulations,” of the Code of the City of Asbury Park; and

WHEREAS, the New Jersey Municipal Land Use Law, specifically at N.J.S.A. 40:55D-26 and -62, requires a referral to the Planning Board of any development regulation or amendment thereto, so that the Planning Board may review the proposed legislation and determine whether it is consistent with the Master Plan and/or to make any other recommendations that it deems appropriate to the Governing Body; and

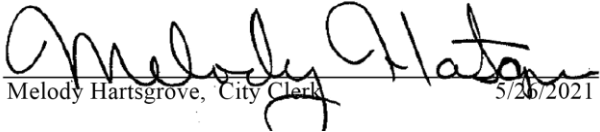
WHEREAS, in accordance with the above referenced statutes, the Mayor and Council of the City of Asbury Park now wish to refer the Opt Out Ordinance to the Planning Board for a determination as to its consistency with the City’s Master Plan and/or for any other recommendations that the Planning Board deems appropriate.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth, State of New Jersey, as follows:

1. That the Opt Out Ordinance is hereby referred to the Planning Board so that the Planning Board may review the same and determine whether it is consistent with the Master Plan and/or to make any other recommendations that the Planning Board deems appropriate to the Governing Body, in accordance with the N.J. Municipal Land Use Law.
2. That, pursuant to N.J.S.A. 40:55D-26, the Planning Board’s review of the proposed revisions to the City’s existing Land Development Regulations shall be completed within a period of thirty five (35) days after referral, or else the Mayor and Council shall be relieved of the referral requirement.
3. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Asbury Park Planning Board;
 - b. Jack Serpico, Esq., Planning Board Attorney;
 - c. Donna M. Vieiro, City Manager;
 - d. Michele Alonso, Director of Planning & Redevelopment; and
 - e. Frederick C. Raffetto, Esq., Municipal Attorney.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of RESOLUTION NO. 2021-273 which was finally adopted by the City Council at a meeting held on the 26th day of May, 2021

CERTIFIED BY ME THIS 27th DAY OF May, 2021.


 Melody Hartsgrove, City Clerk 5/26/2021

MELODY HARTSGROVE
 CITY CLERK

✓ Vote Record - Resolution 2021-273						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted						
<input type="checkbox"/> Adopted as Amended						
<input type="checkbox"/> Defeated						
<input type="checkbox"/> Tabled						
<input type="checkbox"/> Withdrawn						
<input type="checkbox"/> Second Reading						
	Eileen Chapman	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yvonne Clayton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Jesse Kendle	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Amy Quinn	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Moor	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>