

**TOWNSHIP OF BUENA VISTA
COUNTY OF ATLANTIC**

ORDINANCE NO. 123-2022

**ORDINANCE TO ADOPT THE TOWNSHIP OF BUENA VISTA 2022 MASTER PLAN
RECOMMENDATIONS/AMENDMENTS FOR CANNABIS**

WHEREAS, Buena Vista proposed 2022 Master Plan recommendations/amendments for cannabis was prepared; and

NOW, THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Buena Vista, the County of Atlantic, State of New Jersey as follows:

Add the following definition to the ordinance under Section 115-6:

Cannabis Business or Establishment - An organization issued a license by the State of New Jersey to operate as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, or cannabis dispensary. While it may have a component that administers medical cannabis to qualifying patients, it is open to adult use of cannabis for persons 21 years and older. A Cannabis Business or Establishment includes the following Classes:

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.

New Section 115-145 – Cannabis

- A. Cannabis establishments Class 1 and 2 shall be permitted as a conditional use in the following Zoning Districts in accordance with the standards under Subsection E below:

- Agricultural Production (AP)
- Agriculture Commerce (APC)
- Rural Development Residence/Commerce (RDR1C)
- Rural Development Residence/Industry (RDR1I)
- Rural Development Exclusive Industry (RDI)
- Pinelands Village Exclusive Industry (PVI)
- Pinelands Town-Commerce (PT)
- Business (B1)
- Office Campus Overlay (OC)

B. Cannabis establishments Class 3 and 4 shall be permitted as conditional uses in the following Zoning Districts in accordance with the standards under Subsection E below:

- Rural Development Residence/Commerce (RDR1C)
- Rural Development Residence/Industry (RDR1I)
- Rural Development Exclusive Industry (RDI)
- Pinelands Village Exclusive Industry (PVI)
- Pinelands Town-Commerce (PT)
- Business (B1)
- Office Campus Overlay (OC)

C. Cannabis establishments Class 5, retail, shall be permitted as a conditional use in the following Zoning Districts in accordance with the standards under Subsection E below:

- Pinelands Village Residence/Commerce (PVRC)
- Pinelands Town-Commerce (PT)
- Business (B1)
- Office Campus Overlay (OC)

D. No delivery cannabis establishment, Class 6, shall be permitted within the Township.

E. Any Cannabis use must submit for a conditional use approval and site plan approval to the Land Use Board. The following conditions must be satisfied:

- (1) All cannabis establishments Class 1 through 5, located within the Township shall meet all requirements for licensure and hold the appropriate license issued by the cannabis Regulatory Commission, Department of Treasury, State of New Jersey.
- (2) No cannabis establishment shall permit on-site consumption of cannabis or cannabis related products, including no on-site sales and consumption of alcohol or tobacco products.

- (3) All cannabis establishment operations such as cultivation, manufacturing, wholesale and packaging shall be conducted within a building. No operations shall be conducted outside. No outside storage of any cannabis, cannabis products or cannabis related materials shall be permitted.
- (4) All facilities shall be located within enclosed buildings and shall not be permitted outdoors.
- (5) Deliveries to any Cannabis business shall be limited from 8:00 a.m. to 9:00 p.m., seven days a week.
- (6) All cannabis establishments shall provide detailed information on odor control from these sites. This shall include air treatment systems with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located in the same building if the use occupies a portion of a building. Odor from the facility shall be monitored on an annual basis at the discretion of the Township by a licensed, qualified contractor chosen by the Township at a cost that shall be paid for by the licensed business.
- (7) All cannabis establishments shall provide for noise mitigation features designed to minimize disturbance from machinery, processing and/or packaging operations, loading and other noise generating equipment or machinery. All licensed facilities must operate within applicable state decibel requirements.
- (8) No cannabis Class 1, Class 2, Class 3 and Class 4 establishments shall be located within 1,500 feet as measured from the building to the common property line or zone, of an educational facility including elementary, high school, charter school, child or day care facility, or any other use which provides education to persons under the age of 18.
- (9) No cannabis Class 1, Class 2, Class 3 and Class 4 establishments shall be located within 500 feet as measured from the building to the common property line or zone, of a residential zone or property. Residential zones are as follows:
 - Forest Area (FA1, FA2, FA3)
 - Rural Development (RDR)
 - Pinelands Village Residence (PVR)
 - Residence Agriculture (RA)
- (10) A water reclamation plan for Class 1 cannabis cultivation establishment shall be submitted to be reviewed and approved by the Township Engineer.
- (11) The following parking schedule shall be used to calculate the required number of off-street parking spaces per use. Where the calculation results in a fraction of a space, the required number of parking spaces shall be rounded to the nearest whole number.

Number of Parking Spaces Required

- Cannabis cultivator- one per every 1,000 square feet of gross floor area or one per two employees at maximum shift.
 - Cannabis delivery service- one per every 1,000 square feet of gross floor area, plus one parking space for every delivery driver or fleet vehicle.
 - Cannabis manufacturer- one per every 1,000 square feet of gross floor area or one per two employees at maximum shift.
 - Cannabis wholesaler- one per every 1,000 square feet of gross floor area.
 - Cannabis retailer – one per every 200 square feet of gross floor area.
- (12) Signage: Signage shall comply with § 115-105, Signs. The following words shall be prohibited from appearing on any sign: "cannabis," "marijuana," "pot" and "weed." No cannabis product shall be displayed in any windows or doors. No cannabis business shall place or cause to be placed any off-site advertising signage.
- (13) A traffic impact study is required which includes estimated delivery vehicles, size of vehicles and number of employees. Additionally, a class 5, Retail Cannabis establishment shall provide an on-site circulation plan for vehicles and pedestrians.
- (14) Cannabis waste shall be stored, secured, and managed in accordance with applicable state laws.
- (15) A planted buffer of at least 25-feet and fencing is required along any property line that abuts a residential district. All screening shall be in conformance with Section 115-104.
- (16) Within the AP and APC zones, Class 1 licensed facilities shall be permitted only to the extent that cultivation activities are consistent with the definitions of “Agricultural or Horticultural Purpose or Use” and “Agricultural Products Processing Facility” contained in §115-6 of this Chapter.
- (17) Within the AP and APC zones, Class 2 licensed facilities shall be permitted only to the extent that manufacturing activities are consistent with the definition of “Agricultural Products Processing Facility” contained in §115-6 of this Chapter.
- (18) Any cannabis facility shall be consistent with the schedule in §115-77 and with all standards and regulations set forth in this Chapter.

F. Additional Criteria for Cannabis Establishments

- (1) For each cannabis establishment located within the Township a security plan shall be submitted to the New Jersey State Police and a copy of the submission shall be provided to the Township. The security plan shall demonstrate how the

facility will maintain effective security and control of the operations. The plan should include the following but not limited to:

- Type of security systems to be installed.
 - Installation, operation and maintenance of security camera covering all interior and exterior parking lots, loading areas and other such areas of the establishments.
 - Tracking and record keeping of products and materials.
 - Type of lighting provided in and around the establishments.
 - Location on-site security team and armed guard on premises.
- (2) To the extent not already required by the entity's State license, all licensed facilities must provide at least one security guard (or more if required by the State) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing.
- (3) Township of Buena Vista shall permit a *maximum of one cannabis establishment for each licensed classification from Class 1 through Class 5*. No delivery establishment cannabis establishment Class 6 shall be permitted within the Township.

Section 115-75 shall be amended to replace item B and create a new item C as follows:

- B. Cannabis establishments Class 1 through 5, as said terms are defined in section 3 of P.L. 2021, c. 16 and in Section 115-6 herein, are permitted as a conditional use in accordance with Section 155-145.
- C. Class 6 Cannabis delivery as said term is defined in section 3 of P.L. 2021, c. 16 and Section 115-6 herein, but not the delivery of cannabis items and related supplies by a delivery service, are hereby prohibited within Buena Vista Township.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

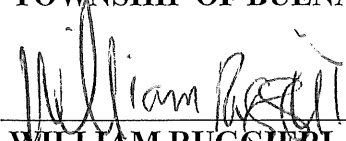
BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect following adoption and approval in the time and manner prescribed by law.

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced in and passed the first reading at a meeting of the Township Committee of the Township of Buena Vista, County of Atlantic and State of New Jersey, held on December 12, 2022 and said Ordinance will be further considered for final passage and adoption at a public hearing to be held at the Municipal Complex located at 890 Harding Highway, Buena, New Jersey 08310, on December 27, 2022 at 7:00 PM or as soon thereafter as the matter may be reached.

TOWNSHIP OF BUENA VISTA

BY:


WILLIAM RUGGIERI, MAYOR

ATTEST:

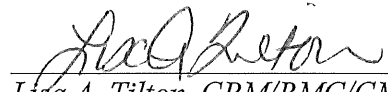


LISA A. TILTON, MUNICIPAL CLERK

CERTIFICATION

I, Lisa A. Tilton, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance introduced on December 12, 2022, and adopted on final reading by the Township Committee of the Township of Buena Vista at a regular and duly convened meeting held on December 27, 2022.

In witness thereof, I have set my hand and affixed the seal of the Township of Buena Vista this 27th day of December, 2022.


Lisa A. Tilton, CPM/RMC/CMR/TA
Municipal Clerk, Buena Vista Township

	Motion	Y	N	ABSENT	ABSTAIN
KRENZER	_____	_____	_____	_____	_____
TESTA	_____	✓	_____	_____	_____
WILLIAMS	_____	✓	_____	_____	_____
RUGGIERI	_____	✓	_____	_____	_____