



Interoffice

MEMORANDUM

To: Nancy Power, Township Clerk

From: Donna Jones

Re: Records Request

Date: Thursday June 1, 2023

Dear Nancy,

This letter is regarding the records request from **Jacob Toby** for information pertaining to cannabis.

Please see attached documents available from the Zoning Department.

Thank you,

Donna Jones
Zoning Officer

**ORDINANCE AMENDING THE GLOUCESTER TOWNSHIP LAND DEVELOPMENT
ORDINANCE, THE VILLAGES OF GLOUCESTER TOWNSHIP REDEVELOPMENT
PLAN, AND THE NEW VISION REDEVELOPMENT AREA PLAN**

WHEREAS, during the November 3, 2020 General Election, New Jersey voters passed Public Ballot Question Number 1, amending the State Constitution to legalize the possession and use of marijuana for persons age 21 and older, and to legalize the cultivation, processing, and sale of retail marijuana pursuant to strict statutory and regulatory licensing standards (the "Constitutional Amendment"); and

WHEREAS, pursuant to the Constitutional Amendment, the New Jersey Legislature introduced and enacted the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, c.16 (the "Marketplace Modernization Act"), which amended existing laws governing medical marijuana to establish, among other things, a framework for the licensure, regulation, taxation, and oversight of marijuana businesses; and

WHEREAS, Section 31 of the Marketplace Modernization Act authorizes municipalities to enact certain ordinances governing the use, licensure, and taxation of marijuana businesses at the local level, and requires municipalities that wish to enact zoning ordinances governing the marijuana industry to do so within 180 days of the law's passage; and

WHEREAS, if a municipality does not enact local zoning ordinances within 180 days of the Marketplace Modernization Act's passage, uses pertaining to the marijuana industry will be deemed permitted in certain zones in accordance with the law, which may not align with the variety of specialized zoning districts within Gloucester Township; and

WHEREAS, according to official results provided by the Camden County Board of Elections, Gloucester Township residents voted in favor of the Constitutional Amendment by a vote of 22,665 to 7,948, representing over 74 percent of voters; and

WHEREAS, Gloucester Township therefore wishes to enact this ordinance to appropriately integrate marijuana business uses within the Township, and to establish responsible local licensing and taxation structures; and

WHEREAS, this Ordinance, including the terms utilized herein and any interpretation of its provisions, is intended to be consistent with the terms and intent of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act P.L. 2021, c.16, and its associated regulations, *N.J.A.C. §8:64-1, et seq.*, as amended from time to time; and

WHEREAS, this Ordinance is intended only to operate in accordance with and pursuant to the Township's authority under State Law, and is not intended to authorize nor encourage any activity pertaining to the cultivation, processing, distribution, sale, or use of marijuana and marijuana products in a manner that violates State law or Federal directives; and

WHEREAS, matter intended to be deleted from the Code shall be stricken *thus*, matter intended to be added as a new section of the Code shall be identified as a "(New Section)," and new matter inserted into existing text of the Code shall be italicized *thus*; and

SECTION I - ZONING

WHEREAS, the Township of Gloucester, in consultation with the Township Department of Community Development and Planning, and upon the recommendation of the Township Planning Board, desires to incorporate uses specific to the marijuana industry into certain zoning districts as outlined herein, in a manner which is consistent with the intent of existing Zoning Districts and the Township Master Plan; and

NOW THEREFORE, the Gloucester Township Land Development Ordinance shall be hereby amended as follows:

A. Marijuana Retail Dispensaries

1. Conditionally Permitted Use in the Highway Commercial Zone. Article IV, §416 of the Gloucester Township Land Development Ordinance (Highway Commercial) shall be amended to add the following language:

(New Section)

§416(D)(9). Marijuana Dispensaries operating under a Class 5 New Jersey State Marketplace, Conditional, or Microbusiness License are conditionally permitted, so long as all of the following criteria are met.

- a. No closer than 2,000 feet to a lot containing any other retail dispensary facility, as measured by the radius from the facility's main entrance.
- b. No closer than 1,000 feet to any public or private school serving grades K-12, daycare facility, or public park, as measured by the radius from the facility's main entrance.
- c. Dispensaries may utilize a drive-through window, so long as:
 - i. The drive-through window is not the sole method of conducting retail sales;
 - ii. Drive-through windows shall be utilized for appointment-based pickups only; and
 - iii. The site provides for a queuing capacity of at least five (5) vehicles.
- d. No closer than 500 feet to any lot containing a single, double, or multi-family residential use, as measured by the radius from the facility's main entrance.
- e. The facility may be open to customers from 8:00am through 10:00pm.
- f. Parking requirements shall be in accordance with Article V, §510 of the Gloucester Township Land Development Ordinance.
- g. Consumption Area Endorsements are prohibited.

2. Conditionally Permitted Use in the Commercial Residential Zone. Article IV, §414 of the Gloucester Township Land Development Ordinance (Commercial Residential) shall be amended to add the following language:

(New Section)

§414(D)(6). Marijuana Dispensaries operating under a Class 5 New Jersey State Marketplace, Conditional, or Microbusiness License are conditionally permitted, so long as all of the following criteria are met.

- a. No closer than 2,000 feet to a lot containing any other retail dispensary facility, as measured by the radius from the facility's main entrance.
- b. No closer than 1,000 feet to any public or private school serving grades K-12, daycare facility, or public park, as measured by the radius from the facility's main entrance.
- c. Dispensaries shall not utilize a drive-through window.
- d. No closer than 500 feet to any lot containing a single, double, or multi-family residential use, as measured by the radius from the facility's main entrance.
- e. The facility may be open to customers from 8:00am through 10:00pm.
- f. Parking requirements shall be in accordance with Article V, §510 of the Gloucester Township Land Development Ordinance.
- g. Consumption Area Endorsements are prohibited.

3. Conditionally Permitted Use in the Neighborhood Commercial Zone. Article IV, §415 of the Gloucester Township Land Development Ordinance (Neighborhood Commercial) shall be amended to add the following section:

(New Section)

§415(D)(5). Marijuana Dispensaries operating under a Class 5 New Jersey State Conditional or Microbusiness License are conditionally permitted, so long as all of the following criteria are met.

- a. No closer than 2,000 feet to a lot containing any other retail dispensary facility, as measured by the radius from the facility's main entrance.
- b. No closer than 1,000 feet to any public or private school serving grades K-12, daycare facility, or public park, as measured by the radius from the facility's main entrance.
- c. Dispensaries shall not utilize a drive-through window.

- d. No closer than 200 feet to any lot containing a single, double, or multi-family residential use, as measured by the radius from the facility's main entrance.
- e. The facility may be open to customers from 8:00am through 10:00pm.
- f. Parking requirements shall be in accordance with Article V, §510 of the Gloucester Township Land Development Ordinance.
- g. Consumption Area Endorsements are prohibited.
- h. A Class 5 Marketplace license holder shall be permitted to operate within the Neighborhood Commercial District, so long as the Marketplace license is converted from an existing Conditional or Microbusiness license.
 - i. In the event of such a conversion, proof of the converted license shall be deemed sufficient for the Zoning Officer to issue and/or renew any permits or approvals, and variance relief shall not be necessary so long as the license holder remains compliant with the other provisions of this section.

4. Permitted Use in the Villages of Gloucester Township Rehabilitation District. Section 3.1(C) (Permitted Uses) of the Villages of Gloucester Township Redevelopment Plan shall be amended as follows:

§3.1(C)(2). COMMERCIAL USES, which include but are not limited to:

...
(New Section)

m. Marijuana Dispensaries operating under a Class 5 New Jersey State Conditional or Microbusiness License are permitted, so long as all of the following criteria are met:

- i. No closer than 2,000 feet to a lot containing any other retail dispensary facility, as measured by the radius from the facility's main entrance.
- ii. No closer than 1,000 feet to any public or private school serving grades K-12, daycare facility, or public park, as measured by the radius from the facility's main entrance.
- iii. Dispensaries shall not utilize a drive-through window.
- iv. No closer than 200 feet to any lot containing a single, double, or multi-family residential use, as measured by the radius from the facility's main entrance.
- v. The facility may be open to customers from 8:00am through 10:00pm.
- vi. Parking requirements shall be in accordance with §3.1(J) of the Redevelopment Plan.
- vii. Consumption Area Endorsements are prohibited.
- viii. A Class 5 Marketplace license holder shall be permitted to operate within the Rehabilitation District, so long as the Marketplace license is converted from an existing Conditional or Microbusiness license.
 - a. In the event of such a conversion, proof of the converted license shall be deemed sufficient for the Zoning Officer to issue and/or renew any permits or approvals, and variance relief shall not be necessary so long as the license holder remains compliant with the other provisions of this section.

5. Conditionally Permitted Use in the New Vision Business Park District. Article IX, Zone Plan and Zoning Regulations of the New Vision Redevelopment Plan shall be amended to add the following section:

(New Section)

3.0 Condition Uses

- 1. Marijuana Dispensaries operating under a Class 5 New Jersey State Marketplace, Conditional, or Microbusiness License are conditionally permitted, so long as all of the following criteria are met.
 - a. No closer than 2,000 feet to a lot containing any other retail dispensary facility, as measured by the radius from the facility's main entrance.
 - b. No closer than 1,000 feet to any public or private school serving grades K-12, daycare facility, or public park, as measured by the radius from the facility's main entrance.
 - c. Dispensaries may utilize a drive-through window, so long as:
 - i. The drive-through window is not the sole method of conducting retail sales;

- ii. Drive-through windows shall be utilized for appointment-based pickups only; and
- iii. The site provides for a queuing capacity of at least five (5) vehicles.
- d. No closer than 500 feet to any lot containing a single, double, or multi-family residential use, as measured by the radius from the facility's main entrance.
- e. The facility may be open to customers from 8:00am through 10:00pm.
- f. Parking requirements shall be in accordance with Article V, §510 of the Gloucester Township Land Development Ordinance.
- g. Consumption Area Endorsements are prohibited.

6. Conditionally Permitted Use in the Blackwood West Redevelopment Zone. The Blackwood West Redevelopment Plan shall be amended as follows:

...
Blackwood West Redevelopment Zone

...
D. Conditional Uses Permitted...

...
(New Section)

7. Marijuana Dispensaries operating under a Class 5 New Jersey State Conditional or Microbusiness License are conditionally permitted, so long as all of the following criteria are met:

- a. No closer than 2,000 feet to a lot containing any other retail dispensary facility, as measured by the radius from the facility's main entrance.
- b. No closer than 1,000 feet to any public or private school serving grades K-12, daycare facility, or public park, as measured by the radius from the facility's main entrance.
- c. Dispensaries shall not utilize a drive-through window.
- d. No closer than 200 feet to any lot containing a single, double, or multi-family residential use, as measured by the radius from the facility's main entrance.
- e. The facility may be open to customers from 8:00am through 10:00pm.
- f. Parking requirements shall be in accordance with Article V, §510 of the Gloucester Township Land Development Ordinance.
- g. Consumption Area Endorsements are prohibited.
- h. A Class 5 Marketplace license holder shall be permitted to operate within the Rehabilitation District, so long as the Marketplace license is converted from an existing Conditional or Microbusiness license.
 - i. In the event of such a conversion, proof of the converted license shall be deemed sufficient for the Zoning Officer to issue and/or renew any permits or approvals, and variance relief shall not be necessary so long as the license holder remains compliant with the other provisions of this section.

B. Marijuana Cultivation Facilities

1. Conditionally Permitted Use in the General Industry Zone. Article IV, §417 of the Gloucester Township Land Development Ordinance (General Industry) shall be amended to add the following section:

(New Section)

§417(D)(7). Marijuana Cultivation facilities operating under a Class 1 New Jersey State Marketplace, Conditional, or Microbusiness License are conditionally permitted, so long as all of the following criteria are met.

- a. No closer than 1,000 feet to any other cultivation facility, as measured by the straight-line distance between main entrances.
- b. No direct-to-consumer sales shall take place at the facility.
- c. No closer than 1,000 feet to any residential use zoning district, public or private school serving grades K-12, daycare facility, or public park, as measured by the radius from the facility's main entrance.

- d. Parking requirements shall be in accordance with Article V, §510 of the Gloucester Township Land Development Ordinance, as defined under the "Industrial, Manufacturing, Research, Testing Laboratory, or Similar Use" category.
- e. Delivery and pick-up operations may not occur at the facility outside the hours of 5:00am through 10:00pm.
- f. The facility shall utilize an air filtration system on all exhaust fans that vent to the outside, to minimize any odors resulting from the facility's operation.
- g. Class 1 Cultivators may operate within the same facility as Class 2 Manufacturers, so long as:
 - i. No more than one Class 1 and one Class 2 licensed operation may occur at and/or within the same facility or unit of a multi-unit facility.
 - ii. The site shall meet the parking obligations applicable to both Class 1 and Class 2 operations.

C. Marijuana Manufacturing Facilities

1. Conditionally Permitted Use in the General Industry Zone. Article IV, §417 of the Gloucester Township Land Development Ordinance (General Industry) shall be amended to add the following section:

(New Section)

§417(D)(8). Marijuana Manufacturers operating under a Class 2 New Jersey State Marketplace, Conditional, or Microbusiness License are conditionally permitted, so long as all of the following criteria are met.

- a. No closer than 1,000 feet to any other manufacturing facility, as measured by the straight-line distance between main entrances.
- b. No direct-to-consumer sales shall take place at the facility.
- c. No closer than 1,000 feet to any residential use zoning district, public or private school serving grades K-12, daycare facility, or public park, as measured by the radius from the facility's main entrance.
- d. Parking requirements shall be in accordance with Article V, §510 of the Gloucester Township Land Development Ordinance, as defined under the "Industrial, Manufacturing, Research, Testing Laboratory, or Similar Use" category.
- e. Delivery and pick-up operations may not occur at the facility outside the hours of 5:00am through 10:00pm.
- f. The facility shall utilize an air filtration system on all exhaust fans that vent to the outside, to minimize any odors resulting from the facility's operation.
- g. Class 2 Manufacturers may co-locate with Class 1 cultivators, pursuant to the provisions of §417(D)(7).

D. Warehousing & Distribution

1. Conditionally Permitted Use in the General Industry Zone. Article IV, §417 of the Gloucester Township Land Development Ordinance (General Industry) shall be amended to add the following section:

(New Section)

§417(D)(9). Marijuana Wholesalers and Distributors operating under a Class 3 or Class 4 New Jersey State Marketplace, Conditional, or Microbusiness License are conditionally permitted, so long as all of the following criteria are met.

- a. No closer than 1,000 feet to any other Class 3 or Class 4 distribution facility, as measured by the straight-line distance between main entrances.
- b. No direct-to-consumer sales shall take place at the facility.
- c. No closer than 1,000 feet to any residential use zoning district, public or private school serving grades K-12, daycare facility, or public park, as measured by the radius from the facility's main entrance.
- d. Parking requirements shall be in accordance with Article V, §510 of the Gloucester Township Land Development Ordinance, as defined under the "Warehouse, Wholesale, Machinery or Large Equipment Sales" category.
- e. Delivery and pick-up operations may not occur at the facility outside the hours of 5:00am through 10:00pm.

- f. All marijuana and marijuana products shall be stored and secured indoors, within the licensed premises; no temporary storage containers are permitted to be located outdoors.

E. Licensed Laboratory Testing Facilities

1. Permitted Use in the General Industrial Zone. Article IV, §417 of the Gloucester Township Land Development Ordinance (General Industrial) shall be amended to add the following section:

(New Section)

§417(D)(10). Marijuana Testing Facilities licensed and accredited pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, c.16, as may be amended.

- (a) For purposes of calculating parking requirements, this use shall be deemed consistent with the "testing laboratory" category established within Article V, §510 of the Gloucester Township Land Development Ordinance.
- (b) All laboratories must utilize an air filtration system on all exhaust fans that vent to the outside, to minimize any odors resulting from marijuana testing operations.

2. Permitted Use in the Business Park Zone. Article IV, §418 of the Gloucester Township Land Development Ordinance (Business Park) shall be amended to add the following section:

(New Section)

§418(B)(9). Marijuana Testing Facilities licensed and accredited pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, c.16, as may be amended.

- (a) For purposes of calculating parking requirements, this use shall be deemed consistent with the "testing laboratory" category established within Article V, §510 of the Gloucester Township Land Development Ordinance.
- (b) All laboratories must utilize an air filtration system on all exhaust fans that vent to the outside, to minimize any odors resulting from marijuana testing operations.

3. Permitted Use in the New Vision Business Park District. Article IX, Zone Plan and Zoning Regulations of the New Vision Redevelopment Plan shall be amended to add the following section:

(New Section)

§1.0(D)(2)(h). Marijuana Testing Facilities licensed and accredited pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, c.16, as may be amended.

- (a) For purposes of calculating parking requirements, this use shall be deemed consistent with the "testing laboratory" category established within Article V, §510 of the Gloucester Township Land Development Ordinance.
- (b) All laboratories must utilize an air filtration system on all exhaust fans that vent to the outside, to minimize any odors resulting from marijuana testing operations.

F. Vertically Integrated Alternative Treatment Centers & Co-Located Operations

1. Permitted Use in the New Vision Redevelopment Area. The New Vision Redevelopment Area Plan, Article IX, Zone Plan and Zoning Regulations shall be amended to add the following section:

§1.0 New Vision Business Park District (NVBP)

...
(D) Permitted Uses

...
(New Section)

5. Vertically Integrated and Co-Located Marijuana Operations.

a. The following uses will be permissible only as to Block 18403, Lot 20, and Block 18301, Lot 10.02 within the Redevelopment Area.

i. Development of a facility or facilities for the operation of a licensed Vertically Integrated Alternative Treatment Center, as defined by the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, c.16, as may be amended.

ii. Development of a facility or facilities to be utilized for a holder or holders of any class or category of licensure pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, c.16, as may be amended. License holders of the same or different classes shall be permitted to co-locate within the same facility, and shall be permitted to operate within different facilities located on the same lot.

b. Development Regulations

i. With the exception of the additional standards outlined herein, all area, bulk, design, and performance standards applicable to uses under this section shall be governed as noted within the Redevelopment Plan.

ii. All development pursuant to this section shall provide for buffering, screening, as well as odor and noise mitigation, including air filtration systems, to minimize the impact of licensed marijuana-related uses on surrounding properties.

SECTION II – LOCAL LICENSING

WHEREAS, in accordance with Section 31 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, the Township of Gloucester desires to establish local licensing procedures associated with the operation of a licensed marijuana business; and

NOW THEREFORE, the Gloucester Township Code shall be hereby amended to create a new “Chapter 26A,” entitled “Licensed Marijuana Establishments” as follows:

(New Chapter)

Chapter 26A (Licensed Marijuana Establishments)

Article I. Licensing Procedures.

A. Marijuana establishments licensed by the State of New Jersey shall be required to obtain a mercantile license in accordance with Chapter 63 of the Township Code prior to commencing operations. In addition to the requirements of Chapter 63, Mercantile License applicants under this Chapter shall be required to provide:

- i. A full copy of the license holder's State application; and
- ii. An addendum to the Township's Mercantile License application, containing contact information for the business owner, any applicable security service provider, and an additional emergency contact.

Article II. License Fees.

The annual fees for the issuance of the hereinafter named licenses, under the terms of the rules and regulations now enforced in the Township, shall be and are hereby fixed as follows:

A. Marketplace License Fees

1. Class 1 – Cultivator: \$2,400

2. Class 2 – Manufacturer: \$2,400
3. Class 3 – Wholesaler: \$1,200
4. Class 4 – Distributor: \$1,200
5. Class 5 – Retailer: \$600
6. Class 6 – Delivery: \$600
7. Marijuana Testing Facility: \$600

B. Conditional & Microbusiness License Fees

1. Class 1 – Cultivator: \$800
2. Class 2 – Manufacturer: \$800
3. Class 3 – Wholesaler: \$400
4. Class 4 – Distributor: \$400
5. Class 5 – Retailer: \$400
6. Class 6 – Delivery: \$400

Article III. Consumption in Public Prohibited.

A. The consumption by smoking, vaping, or aerosolizing of a marijuana item is prohibited in any place pursuant to law that prohibits the smoking of tobacco, including the "New Jersey Smoke-Free Air Act," P.L.2005, c.383 (C.26:3D-55 et seq.), and is further prohibited in accordance with Chapter 70 of the Gloucester Township Code ("Smoking Regulations").

B. The consumption by smoking, vaping, or aerosolizing of a marijuana item is prohibited in any indoor public place, as defined by the "New Jersey Smoke-Free Air Act," P.L.2005, c.383 (C.26:3D-55 et seq.), even if such a place is otherwise permitted to allow the smoking of tobacco, unless the establishment holds a valid Marijuana Consumption Area Endorsement in accordance with State law.

C. It shall be unlawful for any person 21 years of age or older to consume (other than by smoking, vaping, or aerosolizing) any marijuana item in a public place.

D. The penalty for violation of this Article III shall be a civil penalty of up to \$200 per violation, or the maximum as permitted by law, in addition to any penalties which may be available under the "New Jersey Smoke-Free Air Act," P.L.2005, c.383 (C.26:3D-55 et seq.), or other applicable State law. In the event any such violation occurs on school property, it shall be punishable as a disorderly persons offense.

SECTION III – LOCAL TAXATION

WHEREAS, in accordance with Section 40 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, the Township of Gloucester is permitted to enact a local transfer tax for certain marijuana business activities that occur within the municipality; and

NOW THEREFORE, the Gloucester Township Code shall be hereby amended to create a new Article IV (Local Taxation) within new "Chapter 26A," entitled "Licensed Marijuana Establishments" as follows:

Chapter 26A (Licensed Marijuana Establishments)
(New Article)

Article IV. Local Taxation.

A. Transfer Tax & User Tax Rates. The following transfer taxes are to be imposed on marijuana sales that occur within the municipality, including a user tax imposed on non-sale transactions between a concurrent license holder operating more than one cannabis establishment:

- i. 2% of the receipts from each sale by a marijuana cultivator.
- ii. 2% of the receipts from each sale by a marijuana manufacturer.
- iii. 1% of the receipts from each sale by a marijuana wholesaler.
- iv. 2% of the receipts from each sale by a marijuana retailer.

B. Tax Collection Procedures.

i. The tax imposed by this section shall be paid, for a given calendar year, to the C., hief Financial Officer of the Township no later than the first business day in February of the following year.

ii. Payments pursuant to this section shall be accompanied by a report certified as true and accurate by the Chief Financial Officer, Controller, or a licensed accountant for the marijuana establishment, showing the gross revenues for the licensed marijuana establishment for each month of the preceding year, and the corresponding tax obligation for each month.

SECTION IV – SCOPE, SEVERABILITY, REPEALER, EFFECTIVE DATE

NOW THEREFORE, be it ordained, that pursuant to Section 31 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, c.16, all license classes and categories of cannabis establishments shall be prohibited within the Township of Gloucester, unless and in the manner specifically permitted by this Ordinance, and any amendments hereto; and

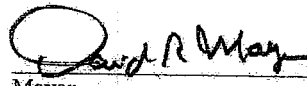
BE IT FURTHER ORDAINED, if any section, subsection or part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of the ordinance; and

BE IT FURTHER ORDAINED, that all ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency; and

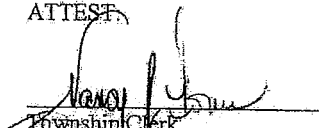
BE IT FINALLY ORDAINED, that this Ordinance shall take effect immediately after final passage and publication as required by law.

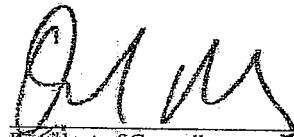
Introduced: July 26, 2021

Adopted: August 9, 2021


Mayor
David Mayer

ATTEST


Township Clerk
Nancy Power, RMC


President of Council
Orlando Mercado