

TOWNSHIP OF PEMBERTON
ORDINANCE NO. 10-2022

**AN ORDINANCE AMENDING CHAPTER 190 OF THE CODE OF THE
TOWNSHIP OF PEMBERTON IMPLEMENTING CHANGES TO THE CANNABIS
ZONING REQUIREMENTS TO ENSURE CONSISTENCY WITH THE PINELANDS
COMMISSION COMPREHENSIVE MANAGEMENT PLAN**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (“the Act”) (P.L. 2021, c.16), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Township Council of the Township of Pemberton adopted Ordinance 29-2021 on August 19, 2021 authorizing a limited number of Cannabis Licenses 1 through 6 as defined by the Cannabis Commission in various zoning districts throughout the Township subject to certain restrictions (the “Cannabis Ordinance”);

WHEREAS, the Township submitted the Cannabis Ordinance to the Pinelands Commission for its review and approval for consistency with the Commission’s Comprehensive Management Plan (“CMP”) and the Pinelands Commission issued a letter dated January 26, 2022 to the Township recommending changes to the Cannabis Ordinance for CMP consistency;

WHEREAS, the Township Council of the Township of Pemberton believes it is in the best interest of its residents to implement the cannabis ordinance in a manner consistent with the Pinelands Commission’s CMP.

NOW THEREFORE, BE IT ORDAINED, by the Council of the Township of Pemberton, in the County of Burlington, State of New Jersey that it hereby amends Chapter 190 of the Township Code as follows:

(deletions are noted in strike-out and additions are underlined).

§ 190-12. AR Agricultural Residential District.

B (1). Conditional Uses. The following conditional uses re permitted in the AR Agricultural Residential District.

- (1) Class 1 Cannabis Cultivator shall comply with the following requirements as set forth in § 190-56.I.
- (2) Class 2 Cannabis Manufacturer shall comply with the following requirements as set forth in § 190-56.I.
- (3) Class 3 Cannabis Wholesaler shall comply with the following requirements as set forth in § 190-56.I. The Pinelands Commission presently deems Class 3 Cannabis Wholesaler uses and the issuances of licenses for such facilities to be inconsistent with its Comprehensive Management Plan (“CMP”). The Township shall not allow a Class 3 Cannabis Wholesaler use or issue a license to a Class 3 Cannabis Wholesaler in the AR zoning district under the Pinelands Commission jurisdiction until said use and the issuance of cannabis licenses for such use are deemed to be consistent with the CMP.
- (4) Class 4 Cannabis Distributor shall comply with the following requirements as set forth in § 190-56.I. The Pinelands Commission presently deems Class 4 Cannabis Distributor uses and the issuances of licenses for such facilities to be inconsistent with its Comprehensive Management Plan (“CMP”). The Township shall not allow Class 4 Cannabis Distributor uses or issue a license to a Class 4 Cannabis Distributor in the AR zoning district under the Pinelands Commission jurisdiction

until said use and the issuance of cannabis licenses for such use are deemed to be consistent with the CMP.

§ 190-13. AP Agricultural Production District.

B (1). Conditional Uses. The following conditional uses are permitted in the AP Agricultural Production District.

- (1) Class 1 Cannabis Cultivator shall comply with the following requirements as set forth in § 190-56.I.
- (2) Class 2 Cannabis Manufacturer shall comply with the following requirements as set forth in § 190-56.I.
- (3) Class 3 Cannabis Wholesaler shall comply with the following requirements as set forth in § 190-56.I. The Pinelands Commission presently deems Class 3 Cannabis Wholesaler uses and the issuances of licenses for such facilities to be inconsistent with its Comprehensive Management Plan (“CMP”). The Township shall not allow a Class 3 Cannabis Wholesaler use or issue a license to a Class 3 Cannabis Wholesaler in the AP zoning district under the Pinelands Commission jurisdiction until said use and the issuance of cannabis licenses for such use are deemed to be consistent with the CMP.
- (4) Class 4 Cannabis Distributor shall comply with the following requirements as set forth in § 190-56.I. The Pinelands Commission presently deems Class 4 Cannabis Distributor uses and the issuances of licenses for such facilities to be inconsistent with its Comprehensive Management Plan (“CMP”). The Township shall not allow Class 4 Cannabis Distributor use or issue a license to a Class 4 Cannabis Distributor in the AP zoning district under the Pinelands Commission jurisdiction until said use and the issuance of cannabis licenses for such use are deemed to be consistent with the CMP.

CONDITIONAL USE AMENDMENTS

§ 190-56.G. CANNABIS RETAIL ESTABLISHMENT

- (a) The cannabis retail establishment shall comply with § 190-23.1 E.(1) the area and dimensional regulations of the underlying zoning district.
- (b) No changes.
- (c) The cannabis retail establishment shall be located in the following manner:
 - [1] In a stand-alone, single use building ~~as permitted in the NC District,~~ or
 - [2] On the first floor of a commercial building the contains other commercial businesses permitted in the NC District underlying zoning district, or
 - [3] No changes.
- (d)-(j) No changes.

190-56.I.

The following class cannabis establishments are permitted as conditional uses in the AR and AP Districts:

<u>Class</u>	<u>Description</u>
1	Cannabis Cultivator
2	Cannabis Manufacturer
3	Cannabis Wholesaler

The foregoing class cannabis establishments shall comply with the following requirements:

- (a) Class 1, 2, 3, and 4 cannabis establishments shall be located on a single-use site that shall be devoid of other principal uses. Only one cannabis establishment shall be permitted on the single-use site.
- (b) Cannabis establishments shall comply with the following bulk, area, and yard requirements:

<u>Description</u>	<u>AR Requirement</u>	<u>AP Requirement</u>
Minimum Lot Area	6 acres	10 acres
Minimum Lot Frontage	200 feet	250 feet
Minimum Lot Width	200 feet	250 feet
Minimum Lot Depth	400 feet	600 feet
Principal Building Yard Setbacks		
Front	100 feet	100 feet
Side	50 feet	50 feet
Rear	100 feet	100 feet
Maximum Building Coverage	10%	10%
Maximum Site Coverage	30%	30%
Maximum Building Height	40 35 feet	40 35feet

1. Notwithstanding the minimum, no such minimum lot area shall be less than that needed to meet the water quality standards of §190-50H(2)(d), whether or not the lot may be served by a centralized sewer treatment or collection system.
 - (c) No changes.
 - (d) A Class 1, 2, 3, and 4 cannabis establishment shall not be located within a distance of one thousand feet from the boundaries of the property on which the cannabis establishment is located to the boundaries of the property on which the following land uses are located: a public or private school including elementary, vocational, or secondary schools, colleges, and universities; a state-licensed childcare center; a house of worship; and a state-licensed addiction recovery facility.
 - (e) A Class 1, 2, 3, and 4 cannabis establishment shall not be located property on which the cannabis establishment is located to the boundaries of the property on which another Class 1, 2, 3, and 4 cannabis establishment is located.
 - (f) The days and hours of operation for Class 1, 2, 3, and 4 cannabis establishment shall comply with the following limitations:
 - [1] Class 1 Cannabis Cultivator – Sunday through Saturday, 7 a.m. to 7 p.m.
 - [2] Class 2 Cannabis Manufacturer, Class 3 Cannabis Wholesaler and Class 4 Cannabis Distributor – Monday through Saturday, 7 a.m. to 7 p.m.
 - (g) The cannabis establishment shall be duly licensed by the State of New Jersey with its license maintained in good standing.
 - (h) On-site sales of alcohol or tobacco products are prohibited.
 - (i) On-site consumption of food, alcohol, tobacco, or cannabis products by patrons is prohibited.
 - (j) Security Requirements for Class 1, 2, 3, and 4 cannabis establishments:

[1]-[8] No changes.

- (k) 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 §190-5.
- (l) 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 §190-5.

190-56.J.

The following class cannabis establishments are permitted as conditional uses in the NC, NCP and GCLI Districts:

<u>Class</u>	<u>Description</u>
2	Cannabis Manufacturer
3	Cannabis Wholesaler
4	Cannabis Distributor

The foregoing class cannabis establishments shall comply with the following requirements:

- (a) Class 2, 3, and 4 cannabis establishments shall be located on a single-use site that shall be devoid of other principal uses. Only one cannabis establishment shall be permitted on the single-use site.
- (b) Cannabis establishments shall comply with the following bulk, area, and yard requirements:

<u>Description</u>	<u>NC Requirement</u>	<u>NCP Requirement</u>	<u>GCLI Requirement</u>
Minimum Lot Area	2 acres	2 acres	2 acres ¹
Minimum Lot Frontage	200 feet	200 feet	200 feet
Minimum Lot Width	200 feet	200 feet	200 feet
Minimum Lot Depth	400 feet	400 feet	400 feet
Principal Building Yard Setbacks			
Front	100 feet	100 feet	100 feet
Side	50 feet	50 feet	50 feet
Rear	100 feet	100 feet	100 feet
Maximum Building Coverage	25%	25%	25%
Maximum Site Coverage	65%	65%	70%
Maximum Building Height	40 feet	40 feet	40 feet ²

- 1 Notwithstanding the minimum lot areas set forth, no such minimum lot area for a nonresidential use within the Agricultural Production Area portion of the ~~NCP District~~ or the GCLI District shall be less than that needed to meet the water quality standards of § 190-50H(2)(d), whether or not the lot may be served by a centralized sewer treatment or collection system.
- 2 In the Pinelands Agricultural Area portion of the GCLI district, the maximum height of a Class 2, 3, or 4 cannabis establishment shall not exceed 35 feet.

(c)- (j) No changes.

Section 2. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Township of Pemberton inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

Section 3. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 4. This ordinance shall take effect upon its passage and publication in accordance with applicable law.

TOWNSHIP OF PEMBERTON
ORDINANCE NO. 10-2022

NOTICE OF PUBLIC HEARING

**AN ORDINANCE AMENDING CHAPTER 190 OF THE CODE OF THE
TOWNSHIP OF PEMBERTON IMPLEMENTING CHANGES TO THE CANNABIS
ZONING REQUIREMENTS TO ENSURE CONSISTENCY WITH THE PINELANDS
COMMISSION COMPREHENSIVE MANAGEMENT PLAN**

The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on April 6, 2022 and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on May 18, 2022 at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, New Jersey, at 6:00 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting for further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:



AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

TOWNSHIP OF PEMBERTON
ORDINANCE NO. 10-2022

NOTICE OF FINAL PASSAGE

**AN ORDINANCE AMENDING CHAPTER 190 OF THE CODE OF THE
TOWNSHIP OF PEMBERTON ENTITLED "ZONING" TO ALLOW THE
OPERATION OF CERTAIN CANNABIS LICENSES WITHIN THE
GEOGRAPHICAL LIMITS OF THE TOWNSHIP OF PEMBERTON AND TO
CREATE A NEW SECTION, CHAPTER 65, ENTITLED "CANNABIS"**

Notice is hereby given that Ordinance No. 10-2022 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township on June 1, 2022, after a public hearing, at a meeting held on May 18, 2022. Said Ordinance shall take effect in accordance with law.

ATTEST:



AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR



DAVID A. PATRIARCA

DATE: June 2, 2022

ATTEST:



AMY P. COSNOSKI, RMC, TOWNSHIP CLERK