

**ORDINANCE OF THE CITY OF GLOUCESTER CITY
COUNTY OF CAMDEN, STATE OF NEW JERSEY
#O 01 - 2023**

**ORDINANCE OF THE CITY OF GLOUCESTER CITY, COUNTY OF CAMDEN AND STATE
OF NEW JERSEY AMENDING THE GLOUCESTER CITY LAND DEVELOPMENT
ORDINANCE §____ TO PROVIDE FOR A CANNABIS ESTABLISHMENT AS
CONDITIONALLY PERMITTED USE OVERLAY ZONE**

WHEREAS, the City of Gloucester City ("City") is a municipal entity organized and existing under the laws of State of New Jersey and located in Camden County; and

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" ("CREAMMA"), 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 law establishes six specific types of cannabis related businesses that may be licensed by the state and allows each municipality to determine whether or not each of these types of businesses shall be permitted within their municipal boundaries

WHEREAS, CREAMMA Act authorizes municipalities to adopt by ordinance regulations governing the number of Cannabis Establishments, Cannabis distributors and Cannabis Delivery services, except for the delivery of Cannabis items and related supplies by a Cannabis delivery service based and initiated from outside of the municipality; and

WHEREAS, the law establishes six specific types of cannabis related businesses that may be licensed by the state and allows each municipality to determine whether or not each of these types of businesses shall be permitted within their jurisdictional boundaries as follows:

- 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.

WHEREAS, the Mayor and Council of the City of Gloucester has determined that in light of the foregoing it is in the best interest of the City to adopt and implement this Ordinance that is in keeping with goals of the Master Plan and is in best interest of the Borough and health, safety and welfare of its residents and visitors.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Gloucester City, County of Camden and State of New Jersey as follows:

Section 1: Cannabis licensed businesses in Class 1 – 6 shall be conditionally permitted in the Business Industrial, Port Cargo Handling and Planned Port Industrial Development zones of Gloucester City. These businesses may include Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler, Cannabis Distributor, Cannabis Retailer and Cannabis Delivery as set forth and incorporated on the Zoning Maps attached hereto and made a part hereof. Furthermore, only cannabis licensed businesses in Class 5 shall be conditionally permitted in the RC & S – Retail Commercial and Service zone.

SECTION 2: Article III, §_____, entitled Definitions are amended to add the following:

Amend Section 3 – Definitions to include:

C-_: Cannabis - All parts of the plant *Cannabis saliva* and *Cannabis indica*, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:61-31 et al.) for use in cannabis products, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

C-_: Cannabis Business - Any person or entity that holds any of the six Classes of licenses established under P.L. 2021, c. 16, the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act." (CREAMMA)

C-_: Cannabis Cultivator - Any licensed person or entity that grows, cultivates, or produces cannabis, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

C-_: Cannabis Delivery Service - Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a 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 the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

C-_: Cannabis Distributor - Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate 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. This person or entity shall hold a Class 4 Cannabis Distributor license.

C-_: Cannabis Establishment - A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

C-_: Cannabis Establishment License - An establishment with one (1) or many of the licenses to operate as defined by the CREAMMA Act:

- 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.

C__ : Cannabis Manufacturer - Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

C- : Cannabis Product - A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

C- : Cannabis Retailer - Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of 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 that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license.

C- : Cannabis Wholesaler - Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

SECTION 3: Article IV, District Regulations, § _____, is hereby amended to include the following:

C. The Area and Bulk requirements specified in Article IV Section 1 for the Business Industrial, Retail Commercial and Service zone, Port Cargo Handling and Planned Port Industrial Development zones of Gloucester City shall apply to all new construction for licensed Cannabis Businesses (Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler, Cannabis Distributor, Cannabis Retailer and Cannabis Delivery) located in that zone.

The minimum square footage for structures for Cannabis Retailers located in the RCS zone shall be 2,500 square feet. Pre-existing, non-conforming lots for area and bulk requirements in these zones shall be evaluated on a case-by-case basis. The evaluation process requires site plan approval by the Gloucester City Planning Board. During the evaluation process, the Planning Board will consider the suitability of the site for class of the licensed cannabis business, as well as, the prerequisite site requirements to ensure that the location of the facility does not adversely impact surrounding properties. Due consideration shall be given to buffering and landscaping techniques as a means to accomplish this task.

No Cannabis Business shall be permitted within 250 feet of any church, school or day care facility, or recreation facility.

No Cannabis Business shall be permitted out the following locations:

- In the Retail Commercial and Service Zone: From the jurisdictional line of Gloucester City and Camden City, south, to a point to the northly right-of-way line of Essex Avenue, a distance of approximately two thousand six hundred feet (2,600') in a southerly direction.

- In the Retail Commercial and Service Zone: From the jurisdictional line of Gloucester City and the Borough of Brooklawn, north, to a point to the southern right-of-way line of George Street, a distance of approximately two thousand two hundred feet (2,200') in a northerly direction.

SECTION 4: Article IV, District Regulations. "BI - Business Industrial", §_____; Article V, NOTE 11, Planned Port Industrial Development District, §_____, and Article V, NOTE 12, Port Cargo Handling Zone, §_____ are hereby amended to include all Cannabis Businesses as a Conditional Use in the aforesaid zones, including all license types, subject to specific terms and conditions. The RC & S - Retail Commercial and Service District is hereby amended to include all Cannabis Retail Businesses as a Conditional Use in the aforesaid zone subject to specific terms and conditions.

SECTION 5: Article IV §_____, District Regulations of the Land Use Ordinance of the City of Gloucester City is amended to add the following:

A. Purpose and Intent

The purpose and intent of the conditionally permitted cannabis businesses is to provide appropriate type of facility in appropriate location within the City while promoting economic growth that will preserve and maintain health, safety and welfare of the City and its residents.

B. Conditions of Operation for Cannabis Businesses:

- (1) All Cannabis Businesses Class 1 through 6, located within Gloucester City 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 Business shall permit on-site consumption of Cannabis or Cannabis related products including no on-site sales and consumption of alcohol or tobacco products.
- (3) No outside storage of any Cannabis, Cannabis products or Cannabis related materials shall be permitted.
- (4) Hours of operation of any Cannabis Retail Facility shall be limited from 10:00 am to 7:00 pm, seven days a week.
- (5) No Drive Thru Facilities shall be permitted.
- (6) No outside exchange of product between the seller and the purchaser.
- (7) For each Cannabis Business located within Gloucester City a security plan to be approved by Gloucester City Police Department shall be provided to 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 cameras covering all interior and exterior parking lots, loading areas and other such areas of the business
 - 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.

(8) No more than two (2) licenses shall be issued for each of the six (6) individual cannabis category.

C. Conditions of Performance Standards:

- (1) All Cannabis Businesses, Class 1, 2, 3, 4, 5 & 6, shall provide detail information on Odor Control from these sites. This shall include air treatment systems with sufficient odor absorbing ventilation at 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.
- (2) All Cannabis Businesses 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.
- (3) Loitering, disruption to and or obstruction of the free passage of persons or vehicles in immediate vicinity of the property shall be considered unlawful.

D. Conditions of Site Development Standards

- (1) All Cannabis Business operations such cultivation, manufacturing, wholesale packaging and retail shall be conducted within a building. No operations shall be conducted outside.
- (2) Class 1, Class 2, Class 3 & Class 4 shall have minimum lot area of 2.5 acres and shall be limited to two (2) licenses for each category.
- (3) No Cannabis Business shall be located within 250 feet of a house of worship, school, or day care.
- (4) Other than the minimum lot area requirements for Class 1, Class 2, Class 3 & Class 4 cannabis operations as required under this Section, all lot and bulk regulations shall comply with Article IV §_____, except that all lots in the RCS district must have a minimum 2,500 square foot structure along with the required on-site parking.
- (5) Parking: Each Cannabis Business shall comply with the following parking schedule which 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 up to the nearest whole number.
 - a. Cannabis Cultivator - one per every 1,000 square feet of gross floor area or one per two employees at maximum shift, except that there shall be no fewer than four spaces.

- b. Cannabis Delivery Service - 1 per every 1,000 square feet of gross floor area, plus 1 parking space for every delivery driver or fleet vehicle, except that there shall be no fewer than four spaces.
 - c. Cannabis Distributor - 1 per every 1,000 square feet of gross floor area, except that there shall be no fewer than four spaces.
 - d. Cannabis Manufacturer - 1 per every 1,000 square feet of gross floor area or 1 per 2 employees at maximum shift, except that there shall be no fewer than four spaces.
 - e. Cannabis Retailer - 6 per every 1000 square feet of gross floor area plus one space for each employee. No on-street parking will be considered for the cannabis retail operations in the RC & S District.
 - f. Cannabis Wholesaler - 1 per every 1,000 square feet of gross floor area, except that there shall be no fewer than four spaces.
- (6) Pre-existing, non-conforming lots for area and bulk requirements in zones other than the RCS zone shall be evaluated on a case-by-case basis. The evaluation process requires site plan approval by the Gloucester City Planning Board. During the evaluation process, the Planning Board will consider the suitability of the site for class of the licensed cannabis business, as well as, the prerequisite site requirements to ensure that the location of the facility does not adversely impact surrounding properties. Due consideration shall be given to buffering and landscaping techniques as a means to accomplish this task.

SECTION 6: The attached zoning maps shall be filed in accordance with the Municipal Law Use Law including the Camden County Planning Board. The zoning map of the City of Gloucester shall likewise be amended consistent with the maps attached hereto.

SECTION 7: Any article, section, paragraph, subsection, clause, or other provision of the Code of the City of Gloucester City inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

SECTION 8: 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 9: This ordinance shall take effect upon its passage and publication as provided for by law.

Dayl R. Baile, Mayor

Passed on First Reading: January 23, 2023

Adopted by the Mayor and Common Council of Gloucester City this 15th day of May, 2023.

Vanessa L. Little, RMC,
Certified Municipal Registrar