

O-06-2024

**ORDINANCE OF THE BOROUGH OF SWEDESBORO
AMENDING CHAPTER 340 ENTITLED ZONING, TO AMEND ARTICLE VIII THE HC HIGHWAY
COMMERCE DISTRICT, TO PERMIT CANNABIS RETAILERS WITH A CLASS V LICENSE AS A
CONDITIONAL USE; AND TO ADD ARTICLE XI CONDITIONAL USE STANDARDS AND SECTION 340-
47 TO PROVIDE SPECIFIC REQUIREMENTS FOR THE CONDITIONALLY PERMITTED CANNABIS
RETAIL USE**

WHEREAS, the Borough of Swedesboro strives to adopt and implement land use regulations that advance the Borough’s policies, goals, and objectives as set forth in the Master Plan and Master Plan Reexamination reports; 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 Mayor and Borough Council of the Borough of Swedesboro have determined that it is in the best interest of the Borough and the health, safety and welfare of its residents and visitors to adopt zoning standards to regulate the location and development of Class V Cannabis Retail establishments.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Borough Council of the Borough of Swedesboro, County of Gloucester, State of New Jersey that the following sections of the Borough Code shall be amended as follows:

Section I. Amend Article VIII “HC Highway Commerce District”, Section 340-15 “Use and Area Regulation” to add section 340-15A(4) “Conditionally Permitted Uses” as follows:

340-15A(4) Conditionally Permitted Uses. The following uses are permitted subject to the additional requirements set forth in Article XI.

(a) Cannabis Retail Businesses with a Class V license under N.J.S.A. 24:6I-31

Section II. Amend Chapter 340 Zoning to Add Article XI “Conditional Uses” as follows:

Article XI Conditional Uses

340-47 Procedure

- A. A conditional use is a use that is permitted in a particular zoning district only upon a showing that such use in the specific location will comply with the conditions and standards for the location or operation of such use set forth below, and upon the issuance of an authorization therefor by the planning board.
- B. Prior to the issuance of a zoning permit, building permit, or certificate of occupancy for any conditional use as permitted by this Article, application shall be made to the Planning Board. The Planning Board shall grant or deny the application within 95 days of the certification of a complete application by an applicant to the administrative officer of the Planning Board or within such further time as may be consented to by the applicant.
- C. The Planning Board's review of a conditionally permitted use shall include any required site plan or subdivision review pursuant to this Chapter. The Planning Board has jurisdiction to grant "C" variances from requirements generally applicable to the zone but may not grant variances from conditions solely applicable to the conditional use.
- D. The applicant has the burden of demonstrating compliance with the conditional use standards.

340-48 Conditionally Permitted Uses

- A. Cannabis Retail Businesses with a Class V license under N.J.S.A. 24:6I-31
 - 1. The facility shall meet the requirements for licensure by the Cannabis Regulatory Commission and the requirements of Ordinance 05-2024 adopting a Chapter for "Cannabis Licensing, Registration and Business Regulations".
 - 2. The site shall have frontage and access from a county collector or arterial roadway.
 - 3. The following minimum separation distances shall be provided such that no public entrance to a cannabis retail store may be located any closer than the following specified distances from the specified land use:
 - a. 300 feet from a residential property line.
 - b. 500 feet from a public school, private school, or childcare center.
 - c. 500 feet from a public park with facilities for children.
 - d. 300 feet from the property line of a place of worship.
 - e. 500 feet from any behavioral healthcare facility or residential medical detoxification center.
 - 4. The site may not contain any offsite signage or billboards.
 - 5. Sidewalks must be installed along the frontage of the site.
 - 6. The parking area serving the site shall be paved in accordance with Borough standards and shall be separated from the right-of-way by a landscaped area a minimum of ten feet wide.
 - 7. Signage for the site shall not contain any visual representation of cannabis or any associated paraphernalia.
 - 8. Adequate security shall be demonstrated, including a statement outlining security measures.

9. The applicant shall submit an odor control and mitigation plan to control, neutralize, or eliminate odors from cannabis products and ensure that any odors generated inside the facility are not detectable outside the facility.

Section III. Repealer

Any and all ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all such ordinances or part of ordinances now existing or in effect unless the same are in conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section IV. Severability

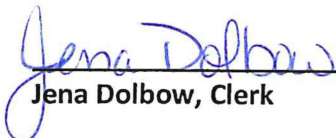
The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section V. Effective Date

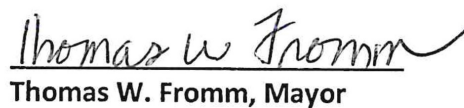
This Ordinance shall take effect upon passage and publication as provided by law.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Swedesboro in the County of Gloucester, and State of New Jersey, this ordinance shall become effective upon final passage and publication as provided by law.

ATTEST:

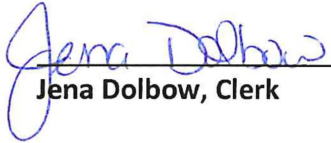

Jena Dolbow, Clerk

BOROUGH OF SWEDESBORO


Thomas W. Fromm, Mayor

CERTIFICATION

I, Jena Dolbow, Borough Clerk of the Borough of Swedesboro, in the County of Gloucester, and State of New Jersey, do hereby certify the foregoing to be a true and correct copy of the Ordinance O-06-2024 approved on the 1st reading on April 15, 2024 and adopted after a public hearing and 2nd reading on May 20,2024.


 Jena Dolbow, Clerk

Roll Call Vote 1st Reading/Introduction April 15, 2024

ROLL CALL VOTE

COUNCILMEMBER	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Mr. Booker			X			
Mr. Casella			X			
Mr. Flaherty		X	X			
Ms. Gahrs			X			
Ms. Hale			X			
Mr. Weeks	X		X			
TALLY			6			

Roll Call Vote 2nd Reading/Public Hearing/Adoption: May 20, 2024

ROLL CALL VOTE

COUNCILMEMBER	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT
Mr. Booker		X	X			
Mr. Casella			X			
Mr. Flaherty						X
Ms. Gahrs						X
Ms. Hale			X			
Mr. Weeks	X		X			
TALLY			4			2

Publication of Public Hearing: April 23, 2024