

ORDINANCE NO. 2342-21

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WOODBURY IN
GLOUCESTER COUNTY, NEW JERSEY AMENDING CHAPTER 202, ZONING, OF
THE CITY CODE TO PERMIT THE OPERATION OF CERTAIN CLASSES OF
LEGAL CANNABIS BUSINESSES WITHIN CERTAIN ZONING DISTRICTS OF THE
CITY OF WOODBURY**

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”), 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 Act establishes six marketplace classes of licensed businesses, including:

- 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 Distributer license, for businesses involved in transporting cannabis plants in bulk from on 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 purchases 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; and

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, the City Council of Woodbury desires to preserve the City’s rights under the Act and seeks to adopt policies aimed at regulating local land use standards that shall be applicable to any person or entity licensed by the State and engaging in a lawful cannabis business within the municipal boundaries of the City; and

WHEREAS, the City Council of Woodbury finds that the adoption of such land use standards is consistent with the Legislature’s findings that a controlled system of cannabis manufacturing, distribution, and sales must be designed in a way that enhances public health and minimizes harm to New Jersey communities and families.

NOW THEREFORE, BE IT ORDAINED, by the Council of the City of Woodbury, in the County of Gloucester, State of New Jersey, that the Code Book of the City of Woodbury shall be amended as following:

Section 1. Chapter 202, Zoning, Article I, General Provisions, Definitions, Section §202-4, Definitions and word usage, of the Code Book of the city of Woodbury is hereby amended to add the following definitions:

CANNABIS ESTABLISHMENT. A Cannabis Supplier or Cannabis Retailer. P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), establishes six marketplace classes of licensed businesses, including:

- 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 Distributer license, for businesses involved in transporting cannabis plants in bulk from on 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 purchases 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.

CANNABIS RETAILER. A State-regulated cannabis retailer, medical cannabis alternative treatment center, or clinical registrant, which shall possess prior to commencing operations one of the classes of permit or permit endorsement issued by the State of New Jersey that authorizes the dispensation, sale, or distribution of cannabis or cannabis-derived or infused products and/or related clinical research, provided that such facility shall not cultivate, manufacture, process, or wholesale cannabis or cannabisproducts from such facility.

CANNABIS SUPPLIER. A State-regulated cannabis grower, also referred to as a cannabis cultivation facility; a cannabis processor, also referred to as a cannabis productmanufacturing facility; a medical cannabis alternative treatment center; or a clinical registrant, all of which shall possess prior to commencing operations one of the classes of permit or permit endorsement issued by the State of New Jersey that authorizes such cannabis establishment to cultivate, manufacture, process, wholesale, and/or study or research cannabis or cannabis-derived or infused products, provided that such facility shall not dispense, sell, or distribute

cannabis or cannabis products from such facility.

Section 2. Chapter 202, Zoning, Article XI, C-1 Commercial Districts, Section §202-57, Use Regulations, Subsection C, Conditional Uses, of the Code Book of the city of Woodbury is hereby amended to add subsection §202-57(C)(4) and §202-57(C)(5):

(4) Cannabis Retail (Cannabis Establishment Class 5 License)

- (a.) Must adhere to all laws and conditions of N.J.S.A. 24:61-31 et seq.
- (b.) Cannabis Retail establishments may not be located within 1000 feet of any school, both public and private, including, but not limited to Durand Academy and Child Development Center.
- (c.) Cannabis Retail establishments may only be permitted if they have direct frontage on Broad Street.
- (d.) There shall not be any on-site consumption of any product related to Cannabis Retail establishment.
- (e.) There shall not be any drive-through associated with any Cannabis Retail establishment.
- (f.) Parking shall be provided on-site and shall be provided at a ratio of 5 spaces per 1000 gross square feet of Cannabis Retail establishment.
- (g.) Except as modified above, Cannabis Retail establishments must meet all Woodbury bulk and design standards established in Article XI.
- (h.) Cannabis Retail establishments are subject to Site Plan Approval

(5.) Cannabis Delivery (Cannabis Establishment Class 6 License)

- (a.) Must adhere to the laws and conditions of N.J.S.A. 24:61-31 et seq.
- (b.) Cannabis Delivery establishments must be on the same lot and ownership as a Cannabis Retail establishment.
- (c.) In addition to the parking requirements required for a Cannabis Retail establishment, Cannabis Delivery establishments must provide one off street parking space for every employee or every delivery vehicle on the largest shift, whichever is greater.

Section 3. Chapter 202, Zoning, Article XII, C-2 and C-3 Commercial Districts, Section §202-61, Use Regulations, Subsection C, Conditional Uses, of the Code Book of the city of Woodbury is hereby amended to add subsection §202-61(C)(9) and §202-61(C)(10):

- (9.) In C-2 districts only, Cannabis Retail (Cannabis Establishment Class 5 License)
- (a.) Must adhere to all laws and conditions of N.J.S.A. 24:6I-31 et seq.
 - (b.) Cannabis Retail establishments may not be located within 1000 feet of any school, both public and private, including, but not limited to Durand Academy and Child Development Center.
 - (c.) Cannabis Retail establishments may only be permitted if they have direct frontage on: Salem Ave; Mantua Pk; North Evergreen Ave or South Evergreen Ave.
 - (d.) There shall not be any on-site consumption of any product related to Cannabis Retail establishment.
 - (e.) There shall not be any drive-through associated with any Cannabis Retail establishment.
 - (f.) Parking shall be provided on-site and shall be provided at a ratio of 5 spaces per 1000 gross square feet of Cannabis Retail establishment.
 - (g.) Except as modified above, Cannabis Retail establishments must meet all Woodbury bulk and design standards established in Article XII.
 - (h.) Cannabis Retail establishments are subject to Site Plan Approval
- (10.) Cannabis Delivery (Cannabis Establishment Class 6 License)
- (a.) Must adhere to the laws and conditions of N.J.S.A. 24:6I-31 et seq.
 - (b.) Cannabis Delivery establishments must be on the same lot and ownership as a Cannabis Retail establishment.
 - (c.) In addition to the parking requirements required for a Cannabis Retail establishment, Cannabis Delivery establishments must provide one off street parking space for every employee or every delivery vehicle on the largest shift, whichever is greater.

Section 4. Chapter 202, Zoning, Article XIII, I Industrial Districts, Section §202-65, Use Regulations, Subsection C, Conditional Uses, of the Code Book of the city of Woodbury is hereby amended to add subsection §202-65(C)(10), §202-65(C)(11), and 202-65(C)(12):

- (10) Cannabis Retail (Cannabis Establishment Class 5 License)

- (a.) Must adhere to all laws and conditions of N.J.S.A. 24:6I-31 et seq.
- (b.) Cannabis Retail establishments may not be located within 1000 feet of any school, both public and private, including, but not limited to Durand Academy and Child Development Center.
- (c.) Cannabis Retail establishments may only be permitted if they have direct access on: South Barber St; South Evergreen Ave or Deptford Rd.
- (d.) There shall not be any on-site consumption of any product related to Cannabis Retail establishment.
- (e.) There shall not be any drive-through associated with any Cannabis Retail establishment.
- (f.) Parking shall be provided on-site and shall be provided at a ratio of 5 spaces per 1000 gross square feet of Cannabis Retail establishment.
- (g.) Except as modified above, Cannabis Retail establishments must meet all Woodbury bulk and design standards established in Article XIII.
- (h.) Cannabis Retail establishments are subject to Site Plan Approval

(11.) Cannabis Delivery (Cannabis Establishment Class 6 License)

- (a.) Must adhere to the laws and conditions of N.J.S.A. 24:6I-31 et seq.
- (b.) Cannabis Delivery establishments must be on the same lot and ownership as a Cannabis Retail establishment.
- (c.) In addition to the parking requirements required for a Cannabis Retail establishment, Cannabis Delivery establishments must provide one off street parking space for every employee or every delivery vehicle on the largest shift, whichever is greater.

(12.) Cannabis Establishments of Class 1, Class 2, Class 3, Class 4 are Conditional Uses subject to:

- (a.) Class 1, Class 2, Class 3 may be combined on the same site or within the same building.
- (b.) May not locate within 1,000 feet of the property line of a public, private, or parochial school or day-care center.
- (c.) Not permitted on any site that abuts a residential district. A minimum fifty-foot planted buffer is required along all other property lines.
- (d.) Area, setback, and coverage requirements:

- [1] Minimum setback from a tract perimeter: 75 feet.
- [2] Minimum parking or paved area setback from all property lines: 25 feet.
- [3] Maximum building coverage shall not exceed 50%.
- [4] Maximum impervious coverage shall not exceed 80%.
- (e.) Parking, loading, and access requirements shall conform to § 202-74 Off-street parking.
- (f.) Academic clinical research centers shall be permitted on the condition that they comply with all New Jersey state laws regulating the research of medical marijuana.
- (g.) May only grow medical marijuana in an indoor, enclosed, and secure building which includes electronic locking systems, electronic surveillance, and other features.
- (h.) Shall be legally registered in the State of New Jersey and possess a current valid medical marijuana permit from the Department of Health.
- (i.) Class 4 Cannabis Distributor shall be a maximum of 5,000 square feet, of which no more than 20% may be used for secure storage of product.
- (j.) Shall be a minimum distance of 1,000 feet from the next nearest Cannabis Establishment within the same jurisdiction. This separation of distance does not apply to the distance between the Cannabis Establishment and complementing or supporting businesses.
- (k.) Facilities for cultivation or production must be in indoor, enclosed, and secure buildings, which include electronic locking systems, electronic surveillance and other features required. Cultivation or production facilities shall not be located in a trailer, cargo container, mobile unit, mobile home, recreational vehicle, or other motor vehicle.
- (l.) The maximum floor area for cultivation or production shall be limited to 20,000 square feet, of which sufficient space must be set aside for secure storage of marijuana seeds, related finished product, and marijuana-related materials used in production or for required laboratory testing.
- (m.) There shall be no emission of dust, fumes, vapors, odors, or waste into the environment from any facility where medical marijuana growing, processing, or testing occurs.
- (n.) Facilities that grow, process, or store cannabis shall meet industry best practices for odor control.

- (o.) Byproducts from indoor cultivation or production facilities shall be secured and properly disposed of and shall not be placed within any unsecure exterior refuse containers.
- (p.) Class 3 Cannabis Wholesalers shall provide only wholesale products to other Cannabis Establishments. Retail sales and dispensing of medical marijuana and related products is prohibited at cultivation and production facilities. This shall not be interpreted as prohibiting retail sales from a licensed medical marijuana dispensary that is on the same site or within the same building as an indoor cultivation or processing facility.
- (q.) Green building design techniques are required to reduce the energy consumption and heat generation associated with cultivation and production facilities, which are using systems such as hydroponics. These techniques may include, but are not limited to, solar screening, green or vegetative roofs, highly reflective and emissive roofing material, greywater or condensate reclamation systems, and light emitting diode (LED) lighting. These techniques shall be designed to the satisfaction of the Planning Board.
- (r.) Cultivation and production facilities are required to use renewable energy sources, such as solar or wind, to offset the substantial energy production requirements of systems such as hydroponics. The renewable energy source does not need to be located on-site.
- (s.) A traffic impact study is required.
- (t.) All accesses must secure the appropriate highway occupancy permit (state, county and/or Township).

Section 5. Repealer: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

Section 6. Severability: Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law

CITY OF WOODBURY, NEW JERSEY

[SEAL]

By: *Philip D. Hagerty*
PHILIP HAGERTY, Council President

ATTEST:

Kay Crawford
Kay L. Crawford, Deputy Clerk

APPROVED:

By: *Maryn Ley Sichel*
PEG SICKEL, Mayor

		Ayes	Nays	Abstain	Absent
Councilwoman	Carter	✓			
Councilman	Fleming	✓			
Councilman	Merinuk	✓			
Councilwoman	Miller	✓			
Councilman	Miller	✓			
Councilwoman	Moore	✓			
Councilwoman	O'Connor	✓			
Councilwoman	Parker				✓
Council President	Hagerty	✓			
Mayor	Sichel				

CERTIFICATION OF INTRODUCTION

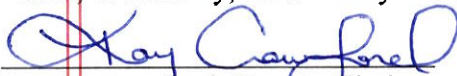
I, Kay L. Crawford hereby certify that the foregoing Ordinance 2342-21 was introduced to the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **July 21, 2021** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.


 Kay L. Crawford, Deputy Clerk

		Ayes	Nays	Abstain	Absent
Councilwoman	Carter	✓			
Councilman	Fleming	✓			
Councilman	Merinuk	✓			
Councilwoman	Miller	✓			
Councilman	Miller	✓			
Councilwoman	Moore	✓			
Councilwoman	O'Connor	✓			
Councilwoman	Parker	✓			
Council President	Hagerty	✓			
Mayor	Sickel				

CERTIFICATION OF ADOPTION

I, Kay L. Crawford hereby certify that the foregoing Ordinance 2342-21 was adopted after public hearing by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a regular business meeting held on **August 11, 2021** at City Hall 33 Delaware Street, Woodbury, New Jersey 08096.


 Kay L. Crawford, Deputy Clerk