

ORDINANCE 12-2023

AN ORDINANCE OF THE BOROUGH OF WOODBURY HEIGHTS, GLOUCESTER COUNTY, AMENDING THE CODE OF THE BOROUGH OF WOODBURY HEIGHTS CHAPTER 70, LAND USE AND DEVELOPMENT RELATING TO CANNABIS ESTABLISHMENTS

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, which are, 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 Distributer license, for businesses involved in transporting cannabis plants in bulk from a 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, 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, the Borough of Woodbury Heights amended their Land Use Ordinances to permit certain classes of cannabis establishments in the Light Industrial and Highway Commercial zoning

districts and provided for standards for each use to meet as a conditional use in those zoning districts; and

WHEREAS, the Borough heretofore limited the number of Class 2 Cannabis Manufacturing Establishments to two (2) within the LI zoning district and the Borough limited the number of Class 5 Retail Cannabis Establishments to one (1) within the Highway Commercial District. The Borough also established a minimum separation of 500-feet between cannabis establishments; and

WHEREAS, The Borough approved an ordinance permitting one (1) Class 5 Retail Cannabis facility in the Highway Commercial District, however, the Borough reviewed the location and properties within the Highway Commercial District and finds it is appropriate to further restrict the location of a Class 5 Retail Cannabis Facility to the Highway Commercial District located along Route 45 and not in the Highway Commercial District located along Woodbury Glassboro Road; and

WHEREAS, the Highway Commercial District located along Route 45 (Mantua Pike) extends over one mile or 5,280 feet in length. The total land area and expanse of the HC District along Route 45 provides adequate separation between Cannabis Establishments, which can also accommodate more than one Class 5 Retail Establishment.

NOW THEREFORE, BE IT ORDAINED, by Borough of Woodbury Heights, in the County of Gloucester, State of New Jersey, as follows:

SECTION I

Amend Section 70-14 of the Code entitled “CC Community Commercial and HC Highway Commercial District” as follows:

70-14.I. Cannabis Retail (Class 5) as conditional use; number of licenses limited.

- (1) Cannabis Retail (Class 5) Licensed Facility is a permitted conditional use in the Highway Commercial District, which has frontage on Route 45 in accordance with the Standards under § 70-33G, however, the total number of retail cannabis licenses permitted in the HC-Highway Commercial District along Route 45 shall be two (2).

SECTION II

Amend the following under Article VI, Section 70-33 Conditional Uses.

G. Conditional Use and Site Standards for Cannabis Facilities.

(1)(j) No Cannabis Establishment shall be located within the following distances from the specified land uses listed below. The specified measurements shall be measured from the property line of the Cannabis Establishment to the property line of the identified land use. The distance requirement across major highways such as Route 45 and the NJ Turnpike shall be measured to

the specified land use along the path of travel a pedestrian would reasonably walk to access the site.

- [1] 1,000 feet of any elementary school, middle school, high school, college or university either public or private;
- [2] 500 feet of another cannabis business.
- [3] 500 feet of a licensed childcare facility.

(1)(u) The total number of licensed cannabis establishments permitted in the HC-Highway Commercial District along Route 45 shall be two.

SECTION III. Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

SECTION IV. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION V. This ordinance shall take effect immediately upon adoption and publication according to law.

BOROUGH OF WOODBURY HEIGHTS

By: 

WILLIAM C. PACKER, MAYOR

ATTEST:



SHANNON ELTON, BOROUGH CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Regular Meeting of Borough Council of the Borough of Woodbury Heights held on the 19th day of July 2023 and will be considered for final passage and adoption at a Regular Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on 16th day of August 2023, at the Borough Hall, 500 Elm Ave, Woodbury Heights, New Jersey.



SHANNON ELTON, BOROUGH CLERK

NOTICE

ORDINANCE 12-2023

AN ORDINANCE OF THE BOUROUGH OF WOODBURY HEIGHTS, GLOUCESTER COUNTY, PERMITTING THE OPERATION OF CERTAIN CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING THE CODE OF THE BOROUGH OF WOODBURY HEIGHTS CHAPTER 70, LAND USE AND DEVELOPMENT AND CREATING NEW CHAPTER XXX ENTITLED, "ESTABLISHMENT OF CANNABIS TRANSFER TAX AND USER TAX IN BOROUGH OF WOODBURY HEIGHTS."

NOTICE is hereby given that the foregoing Ordinance 12-2023 was finally adopted at a meeting of the Borough of Woodbury Heights Council held on the 19th day of July 2023 at 7:30 p.m. in the Borough Hall, 500 Elm Avenue, Woodbury Heights, New Jersey.



SHANNON ELTON, BOROUGH CLERK