

**TOWNSHIP OF WOOLWICH
GLOUCESTER COUNTY, NEW JERSEY
ORDINANCE NO. 2021-15**

**ORDINANCE OF THE TOWNSHIP OF WOOLWICH ADOPTING AN AMENDMENT
TO THE KINGS LANDING AT WOOLWICH REDEVELOPMENT PLAN FOR THE
ENTIRETY OF THE TOWNSHIP OF WOOLWICH, COUNTY OF GLOUCESTER,
STATE OF NEW JERSEY TO PERMIT CANNABIS ESTABLISHMENTS,
DISTRIBUTORS AND DELIVERY SERVICES**

WHEREAS, on November 3, 2020, more than two-thirds of the registered voters in New Jersey voted to approve 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 21 years of age and older; and

WHEREAS, in the Township of Woolwich (the “Township”), nearly 83% of registered voters voted in favor of Public Question No. 1; 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 legalized the recreational use of marijuana by adults 21 years of age or older; and

WHEREAS, the Act establishes a comprehensive regulatory and licensing scheme for commercial, recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six (6) marketplace classes of licensed businesses to cultivate, manufacture, wholesale, distribute, sell and deliver cannabis and cannabis related products; and

WHEREAS, Section 31(a) 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 of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

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

WHEREAS, Section 31(b) 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 21, 2021); and

Commented [AJ1]: Hamilton Township includes permit fees in its ordinance. I have not done that in any of my drafts for other municipalities, but John Alice should give consideration to if he thinks that is important.

WHEREAS, on October 20, 2014, the Mayor and Committee of the Township of Woolwich (the “Township Committee”), by way of Resolution No. 2014-20, designated an area “Regional Center East”, along US Route 322 as an “Area in Need of Redevelopment” pursuant to the Local Redevelopment and Housing Law (the “Redevelopment Law”), N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, on April 17, 2017, the Mayor and Committee of the Township of Woolwich (the “Township Committee”), by way of Resolution No. 2017-15, designated an area “Regional Center West”, along US Route 322 as an “Area in Need of Redevelopment” pursuant to the Local Redevelopment and Housing Law (the “Redevelopment Law”), N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan; and

WHEREAS, by way of Ordinance No. 2017-12 adopted on July 17, 2017, the Township adopted a redevelopment plan entitled “Kings Landing at Woolwich Township” (the “Redevelopment Plan”) which combined these two areas in need of redevelopment; and

WHEREAS, on August 5, 2019, the Mayor and Committee of the Township of Woolwich (the “Township Committee”), by way of Resolution No. 2019-194, added additional parcels to the “Area in Need of Redevelopment” pursuant to the Local Redevelopment and Housing Law (the “Redevelopment Law”), N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, by way of Ordinance No. 2019-25 adopted on December 30, 2019, the Township adopted an amendment to the redevelopment plan entitled “Kings Landing at Woolwich Township” (the “Redevelopment Plan”) which added the additional parcels to the redevelopment plan; and

WHEREAS, the Township of Woolwich is desirous to amend the Redevelopment Plan to impose development regulations on any one or more classes of cannabis establishments, cannabis distributors, or cannabis delivery services throughout the Township; and

WHEREAS, the Township of Woolwich has carefully considered the benefits and detriments of permitting any one or more classes of cannabis establishments, cannabis distributors, or cannabis delivery services within the Township of Woolwich and the impact upon the health, safety, and welfare of its residents; and

WHEREAS, the Mayor and Committee has determined that it is necessary and appropriate, and in the best interest of the health, safety and welfare of the Township of Woolwich’s residents and members of the public who visit, travel, or conduct business in the Township of Woolwich, to adopt an ordinance prohibiting the operation of any one or more classes of cannabis establishments, cannabis distributors, or cannabis delivery services within the Township of Woolwich in accordance with Section 31(b) of the Act; and

WHEREAS, the Mayor and Committee has determined that an amendment to the Redevelopment Plan is the most prudent course of action to address the six (6) cannabis marketplace classes of licensed businesses and the adoption of such an ordinance satisfies Section 31(b) of the Act.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Woolwich, in the County of Gloucester, State of New Jersey, as follows:

IX. Redevelopment Plan, Section B. Permitted Uses, Area and Bulk Requirements: Commercial Development (CD) District: D. Conditional uses, is hereby amended to add Marijuana Establishment as follows:

(2) Marijuana Establishment Class 1, Cannabis cultivators; Class 2, Cannabis manufacturers; **Class 3, Cannabis wholesalers Class 4**; Cannabis distributors; and Class 6, Delivery Service; only to an applicant, property owner, developer or redeveloper that has an executed Redevelopment Agreement with the Township. An executed Redevelopment Agreement with the Township shall be required (as a checklist item) as part of an application submission to the Township’s Planning Board or as part of any other application for land use approvals utilizing zoning under this amendment. The definitions set forth in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-1 et seq. (the “Act”), are incorporated herein and the relevant terms shall have the same meaning and definition as set forth in the Act.

(a) The permitted conditional uses shall be subject to the following special requirements:

- [1] The cannabis establishment, cannabis distributor or cannabis delivery services shall be duly licensed by the State of New Jersey with its license maintained in good standing.
- [2] **Classes 1, 2, 3, 4 and 6** shall comply with all standards indicated under the Commercial Development Zone and shall be treated as either a warehouse or distribution/warehouse facility.
- [3] No vehicular access is permitted from a residential street.
- [4] No cannabis establishment, cannabis distributor or cannabis delivery services shall be located closer than 1,000 feet from a public or parochial school and no closer than 500 ft. from residential zone, church, private school, child-care center, or public park.
- [5] Cannabis paraphernalia shall not be displayed or visible from the building’s exterior.
- [6] On-site sales of alcohol or tobacco products are prohibited.

- [7] On-site consumption of food, alcohol, tobacco, or cannabis products is prohibited.
- [8] Signage shall follow the standards prescribed in the Township's Comprehensive Sign Plan for the Woolwich Regional Center for freestanding office buildings (§203-151) and the following requirements:
 - [A] No sign shall contain any visual representation of cannabis or associated paraphernalia.
 - [B] Cannabis establishment, cannabis distributor or cannabis delivery services shall not display on the exterior of the facility advertisements for marijuana, marijuana paraphernalia or a brand name except for the purposes of identifying the building by the permitted name.
- [9] All licensed facilities shall submit a detailed security plan, which shall be subject to the review and approval of the Township's Chief of Police. Such plan should include measures and procedures designed to protect both tenants and the visitors from criminal activity, unsafe conditions and incidents of nuisance/harassment. Any approval granted may be rescinded at any time such plan fails to comply with the approved procedures of the security plan or which fails to provide adequate security and safety for tenants and visitors. The proposed security plan shall include at a minimum:
 - [A] a map of all points of public entry and a description of all security measures (e.g., locks, alarms, access keypads, security cameras, foot patrols) to restrict access by unauthorized persons;
 - [B] procedures for maintaining records which shall include the date and a detailed description of all incidents of suspected criminal activity/unlawful behavior, unauthorized access, assaults, threatening conduct or harassment and a detailed description of the action taken in response to each complaint;
 - [C] procedures for maintaining records of regular audits to ensure that the security plan is current and that procedures are being followed.
- [10] Classes 1, 2, 3, and 4 shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of a building. At no cost to the Township, odor from the facility shall be monitored by a qualified contractor chosen, on an annual basis, by the Township.

[11] All licensed facilities shall be subject to the maximum local cannabis transfer tax and user tax, as authorized by the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16).

It is intended and expressly understood that with respect to any issue of relevant land use and building requirements not specifically addressed in this Redevelopment Plan, those issues are subject to the Woolwich Township Zoning Ordinance and all other ordinances and regulations of the Township of Woolwich not contravened in this Redevelopment Plan.

Section 2. The Township Committee declares and determines that said Redevelopment Plan Amendment meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for redevelopment of the Redevelopment Area and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.

Section 3. The Township Committee further declares and determines that said Redevelopment Plan Amendment is consistent with the Township Master Plan.

Section 4. The Township Committee of the Township of Woolwich, Gloucester County, State of New Jersey shall have, be entitled to, and is hereby vested all power and authority.

Section 5. The Redevelopment Plan Amendment shall constitute an overlay zone to the extent set forth therein.

Section 6. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Township Committee that the balance of the Ordinance remains in full force and effect to the extent it allows the Township to meet the goals of the Ordinance.

Section 8. This Ordinance shall take effect after final adoption and publication according to law.

ATTEST:

TOWNSHIP OF WOOLWICH

Jane DiBella, Municipal Clerk

Vernon Marino, Mayor