

Egg Harbor Township

Ordinance No. 31

2021

An ordinance to amend the Code of the Township of Egg Harbor, Chapter 225, entitled “Zoning” to conditionally permit certain marketplace classes of Licensed Cannabis Businesses and designate the Zoning Districts for Legal Cannabis Businesses, as amended

BE IT ORDAINED, by the Township Committee of the Township of Egg Harbor, in the County of Atlantic, New Jersey as follows:

PURPOSE: The purpose of this Ordinance is to amend Chapter §225, Zoning, of the Code of the Township of Egg Harbor to establish the location of legal cannabis businesses.

SECTION 1. Chapter 225, Zoning, Article I, General Provisions, §225-3, Definitions, is hereby amended by adding to subsection B the following definition:

LICENSED CANNABIS BUSINESS: A license, as defined in Chapter §87-2, that is issued in accordance with the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c.16) (“the Act”) The term includes a conditional or microbusiness license for a designated class, except when the context of the provisions of relevant State law otherwise intend to only apply for a license and not a conditional license.

SECTION 2. Chapter 225, Zoning, Article V District Regulations, §225-37 HB Highway Business District, is hereby amended by revising subsection D as follows:

(5) All Class 5 (Cannabis Retailer) and Class 6 (Cannabis Delivery) licensed cannabis businesses subject to the following special requirements:

- (a) No boundary perimeter of the business shall be located within 1000 feet of a school, school facility, park and/or recreational facility.
- (b) All facilities shall be located within enclosed heated and air-conditioned buildings and shall not be permitted in greenhouses, hoop houses, or outdoors.
- (c) Drive-through facilities are prohibited.
- (d) All facilities 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. Odor from the facility shall be monitored on an annual basis at the discretion of the Township by a licensed, qualified contractor chosen by the Township at a cost that shall be paid for by the licensed business.
- (e) To the extent not already required by the entity’s State license, all sites must be equipped with security cameras covering all exterior parking and

loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of Cannabis products. Footage must be maintained for the duration required under State law. All licensed facilities must provide the Egg Harbor Township Police Department with access to security footage immediately upon request by the Department.

- (f) Off-street parking shall be provided in accordance with the Egg Harbor Township Zoning Ordinance, as deemed sufficient by the members and professionals of the Township Planning/Zoning Board.

SECTION 3. Chapter 225, Zoning, Article V District Regulations, §225-37.1 SHD Special Highway Development District, is hereby amended by revising subsection D as follows:

(1) All Class 5 (Cannabis Retailer) and Class 6 (Cannabis Delivery) licensed cannabis businesses subject to the following special requirements as specified in §225-37D(5).

SECTION 4. Chapter 225, Zoning, Article V District Regulations, §225-40 M-1 Light Industrial District, is hereby amended by revising subsection D as follows:

(7) All licensed cannabis businesses, Classes 1 through 6, are subject to the following special requirements:

- (a) As specified in §225-37D(5).
- (b) For any licensed cultivation, processing, manufacturing, or similar operation, the facility 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 limitations.

SECTION 5. Chapter 225, Zoning, Article V District Regulations, §225-41 General Commercial, is hereby amended by revising subsection D as follows:

(4) All licensed cannabis businesses, Classes 1 through 6, are subject to the special requirements as specified in §225-40D(7).

SECTION 6. All ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 8. This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EGG HARBOR, IN THE COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, HELD JUNE 23, 2021, AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON JULY 21, 2021, AT 5:30 P.M.

Dated: June 21, 2021

Eileen M. Tedesco, RMC
Township Clerk