

**CANNABIS ESTABLISHMENT LAND USE PLANNING REPORT
AND DRAFT ORDINANCE**



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**June 17, 2021
#86016-00**

The original document was appropriately signed and sealed in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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Executive Summary

The purpose of this Land Use Planning Report on the potential future impacts of cannabis establishments in the Township is to assist the Township Committee, Planning Board, and general public in understanding this important issue. The first part of this report provides information on the following:

1. Various medicinal, recreational, food, and fiber uses of cannabis,
2. Current status of federal laws related to medical and non-medical cannabis use,
3. Recent State laws related to decriminalization of the cultivation, manufacture, storage, distribution, sale, and use of cannabis for non-medical purposes, and
4. Impacts of those State laws on municipal land use planning and regulation,

The second part of this report contains an analysis of existing Township land use planning policies and regulations with recommendations about which types of cannabis establishment licenses may be suitable within certain zoning districts under certain conditions to protect public health, safety and welfare and enhance economic development opportunity without undue municipal controls.

The appendix of this report contains a recommended draft zoning ordinance along with maps and property listings indicating the location of a proposed Cannabis Establishment Overlay Zone in the IND and LI zoning districts where various types of cannabis establishment licenses may operate as a conditional use.

Because the State has decriminalized the recreational use of cannabis and the operation of cannabis establishments licensed by the Cannabis Regulatory Commission, the Legislature now recognizes that cultivation, manufacture, storage, distribution, sale, and use of cannabis for recreational purposes should be treated like other addictive recreational drugs, such as tobacco, caffeine, and alcohol. As such, the proposed ordinance is consistent with the Township Master Plan, which also encourages similar types of establishments for those other recreational drugs, as may be regulated by the State.

What is Cannabis?

Cannabis is a genus of flowering plants in the family Cannabaceae. The genus is widely accepted as being indigenous to and originating from Central Asia, with some researchers also including upper South Asia in its origin. The two basic recognized cannabis species are *Cannabis sativa* and *Cannabis indica*, both of which have varieties and strains developed over the millennia to maximize the plant's medicinal, recreational, food, and fiber potential. Throughout the 17th, 18th, and 19th centuries, Americans grouped both species into the English term "hemp."

Cannabis is the world's fourth most popular recreational drug, behind alcohol, caffeine, and tobacco. All cannabis plants produce a group of chemicals called cannabinoids, which generate mental and physical effects when consumed. *Cannabis indica* has a higher natural concentration of cannabinoids than *Cannabis sativa*, which has been historically used for industrial purposes. Both cannabis species have strains selectively bred to maximize the psychotropic or "intoxicating" effects of tetrahydrocannabinol (THC) cannabinoids, the strength of which are enhanced by curing the plant's fruits. Various compounds, including hashish and hash oil, are extracted from cannabis. Medical uses of cannabis include the treatment of nausea and neuropathic pain; however, common side effects include dizziness, sedation, confusion, dissociation and "feeling high." Cannabis can be ingested by smoking / vaping, by eating and drinking, or by using aerosols or lotions.

Cannabidiol (CBD), another type of cannabinoid with minimal "intoxicating" effect, is clinically used for seizures and is being tested for the treatment of neurological disorders. Although CBD is gaining popularity for its therapeutic benefits, these claims are not clinically proved and CBD remains a federally-controlled substance. The US Food and Drug Administration, has ruled that hemp seeds and seed oil, which do not naturally contain significant amount of THC or CBD, may be sold as a food, dietary supplement, or animal feed. Like grasses and legumes, cannabis plant fibers have been used as animal feed for centuries. The USDA has yet to rule on the use of cannabis leaves, which also do not naturally contain significant amount of THC or CBD, for human consumption.

Due to its long fibrous stalk strands, *Cannabis sativa* varieties has been used for centuries for rope, sails, clothing, and paper. Its fibers are longer and more resilient than cotton and flax (linen). The word "canvas," for example, originally meant a textile, such as sail cloth, made from cannabis. In the late 19th century, *Cannabis sativa* and *Cannabis indica* become popular ingredients in over-the-counter medicinal products. After the 1910 Mexican Revolution, when Mexican refugees flooded into the United States, Americans started calling cannabis varieties cultivated for drug-use as "marijuana," which is now considered by many as an ethnic slur term.

Current Status of Federal Laws on Cannabis

Cannabis, also known as marijuana, remains a Schedule I controlled substance under the federal Controlled Substances Act (CSA). Schedule I substances are those for which the federal government has made the following findings:

- The drug or other substance has a high potential for abuse;
- The drug or other substance has no currently accepted medical use in treatment in the United States; and
- There is a lack of accepted safety for use of the drug or other substance under medical supervision.

In December 2014, Congress directed the U.S. Department of Justice (DOJ) not to use any of its funding to prevent states from implementing their medical marijuana laws. On August 16, 2016, the United States Court of Appeals for the Ninth Circuit, in *United States v. McIntosh*, held that the Congress's 2014 law prevents the DOJ from spending its money on prosecuting individuals who engage in conduct associated with the use, distribution, possession and cultivation of medical marijuana, or medicinal cannabis. This was provided the individuals' conduct was specifically permitted by a state statute and the individual fully complied with the terms of said state statute. This decision is only applicable to medicinal cannabis. The Ninth Circuit's decision cautioned that the manufacture, distribution, and possession of cannabis are still federal crimes, and that while the DOJ is not presently able to prosecute individuals for these crimes, this limitation on the DOJ is temporal in nature.

More recently, United States Attorney General Jeff Sessions rescinded the so-called "Cole Memo." The Cole Memo stated that the DOJ would not use its prosecutorial resources on violations of the CSA so long as the production, processing, sale, and possession of cannabis complied with state law. After the rescission of the Cole Memo, local United States Attorneys are left with discretion to choose how they use their resources in prosecuting violations of the CSA.

New Jersey's laws on medical and recreational cannabis do not, and cannot, provide immunity from federal prosecution. Consequently, state law does not protect cannabis plants from being seized or people from being prosecuted by the federal government if it chooses to take action under the CSA against those using cannabis in compliance with state law. Similarly, municipalities cannot provide immunity from federal prosecution.

Recent New Jersey Laws on Cannabis

Following the November 2020 general referendum, when more than 2/3s of the voters approved State decriminalization of the recreational use of cannabis, the New Jersey Legislature adopted three laws regarding the cultivation, manufacture, storage, distribution, delivery sale, and use of cannabis for non-medical purposes:

- P.L. 2021, c.16 “New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act”
- P.L. 2021, c.19, which decriminalized certain future marijuana and hashish offenses
- P.L. 2021, c.25, which revised laws for underage possession or consumption of marijuana, hashish, and alcohol

The legislation established the Cannabis Regulatory Commission, which will determine the date that business establishments can begin the retail sale of non-medicinal, or recreational, cannabis. It is also charged with adopting statewide rules and regulations regarding recreational cannabis, with initial rules due by August 22, 2021. These rules will:

1. Govern eligibility, application, and evaluation criteria for cannabis establishment licenses;
2. Identify the number of permissible licenses of each class of cannabis establishment licenses; and
3. Establish statewide:
 - a. Security requirements for cannabis establishment licensees;
 - b. Labeling & packaging requirements for cannabis products;
 - c. Cannabis retailer employee eligibility requirements; and
 - d. Advertisement & marketing restrictions.

The legislation created 6 state business license classifications for cannabis:

Class 1: Cultivator, which permits the growing, cultivating, or producing cannabis in New Jersey, and the selling and transport their cannabis to other licensed growers, processors, wholesalers or retailers, but not consumers.

Class 2: Manufacturer, which permits the processing of cannabis items in New Jersey by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and the selling and transporting of these items to other cannabis processors, wholesalers or retailers, but not to consumers.

Class 3: Wholesaler, which permits the purchasing or otherwise obtaining, storing, selling, or otherwise transferring and transporting of cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

Class 4: Distributor, which permits transporting cannabis items in bulk intrastate from one licensed cannabis establishment to another licensed establishment, as well as the temporarily storing these items, as necessary, to carry out transportation activities.

Class 5: Retailer, which permits purchasing or otherwise obtaining usable cannabis from licensed cannabis cultivators and cannabis items from licensed cannabis manufacturers or cannabis wholesalers, and selling these to consumers from a retail store.

Currently, retail sales of cannabis are not permitted in: grocery stores, delicatessens, indoor food markets, other stores engaging in retail food, and premises licensed for retail sales of alcoholic beverages.

Retailers may use a cannabis delivery service (**Class 6** license) or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. Retailers must accept consumer purchases to be fulfilled from its retailer store that are presented by a cannabis delivery services to be delivered to the consumer.

Class 6: Delivery Service, which permits providing courier services for consumer purchases of cannabis items fulfilled by cannabis retailer by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer. A municipality cannot prohibit the delivery of cannabis items and related supplies by a licensed delivery service.

According to the legislation, business license applicants must:

1. Have at least 1 significantly involved person who has lived in New Jersey for at least 2 years at the date of the application, and provide proof they are 21 years old or older.
2. Meet the requirements of any rule or regulations adopted the Cannabis Regulatory Commission.
3. Undergo a criminal history record background check, as required by the new regulations, and
4. Include in their applications:
 - a. Quality control & quality assurance plans,
 - b. Product recall plans,
 - c. Water management & waste disposal plans,
 - d. Odor mitigation practices,
 - e. Safety and security plans, a
 - f. Community impact, social responsibility and research statement.

Municipal Impacts of Recent State Laws

The New Jersey Legislature recognizes that the consumption of recreational consumption of cannabis by adults, under certain provisions established by statute and with additional controls Cannabis Regulatory Commission, should not be a criminal offense in New Jersey, in the same way that the consumption of alcohol, caffeine, and tobacco is not a criminal offense. Like those other recreational drugs, the Legislature has also authorized a State licensing procedure for the cultivation, manufacture, storage, distribution, delivery, wholesale and retail trade of cannabis. The legislation also permits municipalities to levy additional sales tax on the cannabis trade.

New Jersey's 2021 recreational cannabis laws rendered all municipal ordinances adopted prior to February 21, 2021 regulating or prohibiting cannabis null and void. They also gave municipalities until August 21, 2021 to take action to either:

1. Opt-out, i.e., prohibit all cannabis business licenses by ordinance. (Those municipalities may opt-in at any time in the future.), or
2. Opt-in, i.e., limit the number and type of licensed businesses, as well as the location, manner, and times of their operation by ordinance and establish civil penalties for violation of ordinances.

If municipalities do not take action by August 21, 2021, any class of cannabis business license will be permitted to operate in the municipality, and depending on the type of establishment, be considered a permitted use in certain zones. For example, Classes 1 through 4 and 6 would be permitted in any municipal industrial district and Class 5 in any retail district. Once a municipality permits cannabis business licenses by ordinance, the ordinance must remain valid for 5 years. After this 5-year period, a municipality has another 180-day window to prohibit or limit cannabis operations, but this action only applies prospectively.

A municipality "opting in" by ordinance may also enact a local recreational cannabis tax that cannot exceed 2% for cannabis cultivator, manufacturer, and/or retailer; and 1% for wholesalers. The tax percentage is based on the receipts for each sale and is paid directly to the municipality in the manner prescribed by the municipality. Any delinquencies are treated the same as delinquent property taxes. The tax cannot apply to delivery services to consumers or transfers for the purpose of bulk transportation.

The new laws also changed the definition of "controlled dangerous substance" within the Comprehensive Drug Reform Act of 1987 (CRDA) (N.J.S.A. 2C:35-1 et seq.) to preclude legalized cannabis, which may allow a licensed and authorized cannabis facility may operate within the 1,000-foot drug-free school zone, if the municipality so decides. Public consumption of cannabis is not permitted unless ingested at a state and locally licensed consumption area. The consumption of cannabis items through smoking, vaping, or aerosolizing is prohibited in all places where tobacco smoking is prohibited under the NJ Smoke-Free Air Act, and any indoor public place as that term is defined in N.J.S.A. 26:3D-57, such as bars, restaurants, and sport venues. A municipality may adopt an ordinance making it unlawful for any person 21 years of age or older to consume cannabis through other means, (i.e., edibles) in a public place, including any indoor public place as the term is defined in N.J.S.A. 26:3D-57. Because of the broad definition of public place as defined by N.J.S.A. 26:3D-57, a municipality in effect has the authority to restrict the consumption by any means, to a private residence.

Cinnaminson Township Zoning Ordinance Concerns

There are clear advantages to Cinnaminson Township's adoption of an ordinance to conditionally "opt-in" with New Jersey's cannabis establishment license program, such as local control and the ability of additional sales tax revenues. These far outweigh the disadvantages of a municipal ordinance to "opt-out" or not taking any action. The following section analyzes variance components of a recommended conditional "opt-in" cannabis establish ordinance for Cinnaminson Township. A copy of a recommended ordinance to protect public health, safety and welfare and enhance economic development opportunity without undue municipal controls may be found in the appendix, along with a map and spreadsheet indicating a proposed "Cannabis Establishment Overlay Zone".

Terminology

Clarity of terminology is essential for future public protection, economic development, and enforcement.

Recommendation: Cinnaminson's ordinance should use the same terminology as that in the State legislation, including such terms as: cannabis, cannabis cultivator, cannabis delivery service, cannabis distributor, cannabis establishment, cannabis establishment license and the State's 6 license types, cannabis manufacturer, cannabis retailer, and cannabis wholesaler.

Zoning Analysis: Permitted & Accessory Uses

The cultivation, manufacture, storage, distribution, delivery, wholesale and retail trade of cannabis are not compatibly appropriate principal or accessory uses in the Township's open space districts: the publicly-owned Park (P) zone and the Wildlife Preserve (WP) zone, and, therefore, should be prohibited there. To properly secure cannabis cultivation uses, they should be limited to indoor environments, which is contrary to the purposes of these waterfront zones.

Because most of Cinnaminson Township's residential zoning districts do not permit retail or industrial uses, the State's 6 cannabis establishment license classifications are not compatibly appropriate principal uses in the Township's PUD, R-1CL, R-2, R-2A, R-2CL, R-3, R-4, R-5, R-6, IR, and IR-2 zones and should be prohibited there. In addition, because the State-licensed cannabis establishments are not the type of use that should be encouraged as an accessory home office / home business uses in residential districts, it is recommended that cannabis establishments be prohibited as accessory residential uses, as well.

The same prohibition concerns also apply to principal and accessory uses in Cinnaminson's two mixed-use districts, such as the BD-1 zone, which promotes the development of age-restricted townhouse developments, and the MC zone, which promotes maritime commercial uses and second-story residential uses adjacent to local parks and the Delaware River waterfront.

Some industrial-type cannabis establishments may be suitable conditional uses in an overlay zone of the Township's two industrial districts: the Industrial (IND) and Light Industrial (LI) districts. such depending upon adherence to certain locational, business operation, site development, security, nuisance control, and signage requirements, in Cinnaminson's as Class 1: Cultivator,

Class 2: Manufacturer, Class 3: Wholesaler, Class 4: Distributor, and Class 6: Delivery Service, Class 5 Retailer licenses may also be appropriate as conditional accessory uses in these zones, as well, in certain circumstances. All cannabis establishment operations should occur indoors in permanent buildings for safety and security purposes.

Cinnaminson Township was spent the past two decades redeveloping retail and commercial properties in the NJ Route 73 corridor's BD and HC zones and the US Route 130 corridor's BD zone and modernizing these corridors with just the right balance of land uses and site, landscaping, and signage design standards. It is recommended that the Township prohibit Class 5 Retailer licenses in these zones for the time being until such time in the future as the impacts of retail cannabis establishments in adjacent municipalities and the region are more thoroughly understood. This concern also applies to the C zones along Cinnaminson Avenue, where State law Class 5: Retailer licenses are already prohibited in grocery stores, delicatessens, indoor food markets, other stores engaging in retail food, etc., which is the main thrust of these neighborhood commercial districts.

Recommendations:

1. Prohibit all cannabis license classifications in Cinnaminson's open space zones (P and WP), residential zones (PUD, R-1CL, R-2, R-2A, R-2CL, R-3, R-4, R-5, R-6, IR, and IR-2), mixed-use (BD-1 and MC) zones; and retail and commercial zones (BD, C, and HC).
2. Conditionally permit Class 1: Cultivator, Class 2: Manufacturer, Class 3: Wholesaler, Class 4: Distributor, and Class 6: Delivery Service licenses as principal uses in a cannabis establishment overlay zone in the Township's IND and LI zones.
3. Conditionally permit Class 5 Retailer licenses as accessory uses in the IND and LI zones with certain restrictions, such limiting it to 10% or up to 3,000 SF of the total building footprint.

Conditional Analyses

1. Business Operation Standards: The ordinance should establish minimal operational conditions for future establishments, such as those for:
 - a. Prohibition of on-site sales of alcohol or tobacco products, and on-site consumption of alcohol, tobacco, or cannabis by employees, visitors, and patrons.
 - b. Prohibition of any retail sales within 200' of residential uses, residential zones, houses of worship, schools, child care businesses, and similar uses.
 - c. Hours of public operation, perhaps like those used by State-licensed liquor stores,
 - d. Municipal licensure of establishments like other local businesses, and
 - e. Ineligibility for Right to Farm protection, property tax farmland assessment or State, County, or Township economic incentives, such as tax abatements, exemptions, or agreements, such as payments in-lieu-of taxes (PILOTs), which all require com-

pliance with Federal law.

2. Site Development Standards: The ordinance should establish minimal site development conditions for future establishments, such as those for:
 - a. All cannabis business operations should occur within a permanent building for security purposes.
 - b. Air treatment systems should be required to control odors inside and outside buildings.
 - c. Noise mitigation features should be required to operate within applicable State decibel limitations.
 - d. Cannabis establishments should comply with existing IND District design standards.
3. Security Requirements: The ordinance should establish minimal security conditions for future establishments, such as those for:
 - a. Maintaining a 24/7/365 safety and security alarm system.
 - b. Maintaining effective controls and procedures to guard against theft, tampering, and diversion of cannabis including, and requiring immediate notification of Cinnaminson Township Police Department and all other law enforcement officials required by State regulation if irregularities occur.
 - c. Maintaining security cameras covering all interior and 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, and requiring Cinnaminson Township Police Department immediate access to security camera footage.
 - d. Maintaining at least one qualified security guard (or more if required by the State) during all times the facility is open to the public.
 - e. Keep accessing from outside the premises to a minimum and ensure that access is well lit and controlled and limit entry into cannabis inventory and storage areas to authorized personnel only.
 - f. Providing neighbors within 100 feet of the establishment with the name and phone number of the establishment's security staff contact to notify in case of problems.
 - g. Preventing loitering of non-authorized individuals to limit the risk of break-ins and thefts.
4. Nuisances: The ordinance should establish minimal public nuisance controls for future establishments, such as already in the Township Code and those for:
 - a. Disturbing odors.

- b. Repeated law enforcement dispatches.
 - c. Disruption of pedestrian or vehicular traffic.
5. Signage: The ordinance should establish minimal on-site and off-site signage controls for future establishments, such as already in the Township Code and those for:
- a. Prohibiting on-site and off-site displays intended to promote excessive consumption of legal cannabis products.
 - b. Designating certain off-site signage “prohibition areas” for maintaining the public welfare.

Other Considerations

1. The ordinance should indicate that:
 1. The Township may impose additional local recreational cannabis taxes, as may be permitted by the State.
 2. All public consumption of cannabis is prohibited unless ingested at a state and locally licensed consumption area.
 3. Violations, penalties; and remedies shall be enforced in accordance with § 525-162 and 163.

Recommended Draft Ordinance

The appendix of this report contains a recommended draft zoning ordinance along with maps and property listings indicating the location of a proposed Cannabis Establishment Overlay Zone in the IND and LI zoning districts where various types of cannabis establishment licenses may operate as a conditional use.

Because the State has decriminalized the recreational use of cannabis and the operation of cannabis establishments licensed by the Cannabis Regulatory Commission, the Legislature now recognizes that cultivation, manufacture, storage, distribution, sale, and use of cannabis for recreational purposes should be treated like other addictive recreational drugs, such as tobacco, caffeine, and alcohol. As such, the proposed ordinance is consistent with the Township Master Plan, which also encourages similar types of establishments for those other recreational drugs, as may be regulated by the State.

APPENDIX

Draft Ordinance

Recommended Cannabis Establishment Overlay Zone Map

Recommended Cannabis Establishment Overlay Zone: 200' Retail Buffer Map

Properties within Overlay Zone

ORDINANCE NO.2021-##

AN ORDINANCE OF THE TOWNSHIP OF CINNAMINSON,
COUNTY OF BURLINGTON, STATE OF NEW JERSEY,
AMENDING CHAPTER 525 OF THE TOWNSHIP CODE ENTITLED "ZONING"
TO INCLUDE SECTION § 525-81D CONITIONAL USES, AND
TO INCLUDE SECTION § 525-145: 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, consisting of:

- 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 Distributor license, for businesses involved in transporting cannabis plants in bulk from one 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 3 of the Act defines a "cannabis establishment" as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer"; and

WHEREAS, Section 31a of the Act authorizes municipalities to adopt by ordinance regulations governing the number of (1) cannabis establishments, (2) cannabis distributors and (3) cannabis delivery services, except for the delivery of cannabis items and related supplies by a cannabis delivery service based and initiated from outside of the municipality; and

WHEREAS, Section 31a of the Act also authorizes municipalities to adopt by ordinance regulations governing the local licensing endorsement, location, manner and times of operation of cannabis establishments and cannabis distributors, and the location and manner of cannabis delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, Section 31b of the Act authorizes municipalities to prohibit by ordinance the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality, except for the delivery of cannabis items and related supplies by a delivery service based and initiated from outside of 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 21, 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 re-selling 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, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again, in 2026, have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating with appropriate approvals within the municipality; and

WHEREAS, in light of the foregoing, this governing body is of the opinion that the adoption of this Ordinance and its immediate implementation are in the best interest of the Township and the health, safety and welfare of its residents and visitors.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Cinnaminson, County of Burlington, State of New Jersey, as follows:

Section 1: Adding “§ 525-145 Cannabis Establishment Conditional Use Overlay Zone”, as follows”

A. Definitions: For purposes of this Chapter, the following definitions shall apply:

Act: P.L. 2016, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act".

Cannabis: All parts of the plants *Cannabis sativa* and *Cannabis indica*, whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with the Act for use in cannabis products as set forth in this act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. "Cannabis" does not include: medical cannabis dispensed to registered qualifying patients pursuant to the "Jake Honig Compassionate Use Medical Cannabis Act," P.L.2009, c.307 (C.24:61-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); marijuana as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or marihuana as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense set forth in the "New Jersey Controlled Dangerous Substances Act," P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," P.L.2019, c.238 (C.4:28-6 et al.).

Cannabis cultivator: Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells and may transport this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

Cannabis delivery service: Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer.

Cannabis distributor: Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities.

Cannabis establishment: A State-licensed cannabis cultivator, manufacturer, wholesaler, distributor, retailer, or delivery service.

Cannabis establishment license, as defined by the Act:

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 Distributor license, for businesses involved in transporting cannabis plants in bulk from one 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.

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.

Cannabis manufacturer: Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers.

Cannabis retailer: Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer.

Cannabis wholesaler: Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers.

B. Conditional Use:

1. Cannabis establishment licenses 1, 2, 3, 4, and 6 shall be conditionally permitted uses within a Cannabis Establishment Overlay Zone in LI Light Industrial and IND Industrial zoning districts identified on the attached map and property list spreadsheet. In addition, cannabis establishment licenses 1 and 2 may include a cannabis establishment license 5 as an accessory use within the same building, but not to exceed 10% or 3,000 SF, whichever is less, of the establishment's total building footprint.

2. Such uses shall be conditioned upon compliance with the following paragraphs C through K of this section, as well as those established and amended by the Cannabis Regulatory Commission.

C. Business Operation Standards

1. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of alcohol, tobacco, or cannabis by employees, visitors, and patrons.
2. Prohibition of any retail sales within 200' of residential uses, residential zones, houses of worship, schools, child care businesses, and similar uses.
3. Cannabis establishment licenses 1, 2, 3, 4, and 6 may operate 24 hours a day; however, hours of retail sales shall be limited to 9:00AM through 10:00PM.
4. In addition to those licenses and fees required by the State, the Township Committee shall issue cannabis licenses and fees in accordance with Chapter 334 and other applicable chapters of the Township Code.
5. Cannabis establishments shall not be protected by the Township's § 525-9 Right to Farm provisions.
6. Cannabis establishments shall not be eligible for property tax farmland assessment or State, County, or Township economic incentives, such as tax abatements, exemptions, or agreements, such as a payment in-lieu-of taxes (PILOT).

D. Site Development Standards

1. All cannabis establishment operations shall take place within a permanent building.
2. Cannabis establishments shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are 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.
3. Cannabis establishments 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.
4. Cannabis establishments shall comply with the IND District design standards in § 525-93.1.

E. Security Requirements: Each cannabis establishment shall:

1. Install, operate, and maintain a safety and security alarm system, including panic buttons, in good working order 24 hours a day, seven days a week.

2. Provide and maintain effective controls and procedures to guard against theft, tampering, and diversion of cannabis including, when appropriate, systems to protect against electronic records tampering. If an establishment becomes aware of any sort of loss, it must immediately notify the Cinnaminson Township Police Department and all other law enforcement officials required by State regulation.
3. Install, operate, and maintain security cameras covering all interior and 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. Establishments must provide the Cinnaminson Township Police Department with access to security footage immediately upon request by the Department,
4. Provide and maintain at least one security guard (or more if required by the State) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing.
5. Keep access from outside the premises to a minimum and ensure that access is well lit and controlled and limit entry into cannabis inventory and storage areas to authorized personnel only.
6. Provide law enforcement and any residential and non-residential neighbors within 100 feet of the establishment with the name and phone number of the establishment's security staff contact to notify in case of problems.
7. Prevent loitering of non-authorized individuals to limit the risk of break-ins and thefts.

F. Nuisances

1. With respect to the legal operation of any cannabis establishment, the following is hereby declared to be an unlawful public nuisance:
 - a. Odors which are disturbing to people of reasonable sensitivity who may be residing near or present on nearby property, including areas open to the public.
 - b. Repeated dispatches to the property by law enforcement.
 - c. Disruption to and/or obstruction of the free passage of persons and/or vehicles in the immediate vicinity of the property.
 - d. Any other condition or act which may be deemed a violation of this Chapter.

G: On-Site Signage

1. Cannabis establishment on-site signage shall otherwise comply with the requirements of § 525-115 through 118 and 121.

2. No cannabis establishment shall display signage containing text and/or images intended to promote excessive consumption of legal cannabis products.

H. Off-Site Signage

1. No cannabis establishment shall place or cause to be placed any off-site advertising signage in a Prohibited Area within the Township of Cinnaminson, as defined by this Section, which advertises the establishment and/or directs the public toward the establishment and/or promotes consumption of cannabis products.
2. No advertising signage shall be placed in a Prohibited Area within the Township of Cinnaminson, as defined by this Section, advertising and/or directing patrons to any State licensed cannabis establishment operation, and/or promoting consumption of cannabis products.
3. As used within this Section, a “Prohibited Area” includes:
 - a. Any park, planned unit development, residential, or wildlife preserve zoning district delineated on the Township’s official Zoning Map.
 - b. Any area within 1,000’ of a school, place of religious worship, park, daycare, drug rehabilitation center, or similar facility, regardless of its zoning district delineated on the Township’s official Zoning Map.
 - c. Any area in which, under State and/or Federal law, the sale of intoxicating beverages is prohibited based upon its proximity to a school, place of religious worship, park, daycare, drug rehabilitation center, or similar facility.

- I. The Township may impose additional local recreational cannabis taxes, as may be permitted by the State.

J. Cannabis Consumption

1. Public consumption of cannabis, including that prescribed by a licensed clinician in accordance with State regulation, is not permitted unless ingested at a state and locally licensed consumption area. The consumption of cannabis items through smoking, vaping, or aerosolizing is prohibited in all places where tobacco smoking is prohibited under the NJ Smoke-Free Air Act, and any indoor public place as that term is defined in N.J.S.A. 26:3D-57, such as bars, restaurants, and sport venues.
2. It shall be unlawful for any person 21 years of age or older to consume cannabis through other means, (i.e., edibles) in a public place, including any indoor public place as the term is defined in N.J.S.A. 26:3D-57.

K. Violations; penalties; and remedies

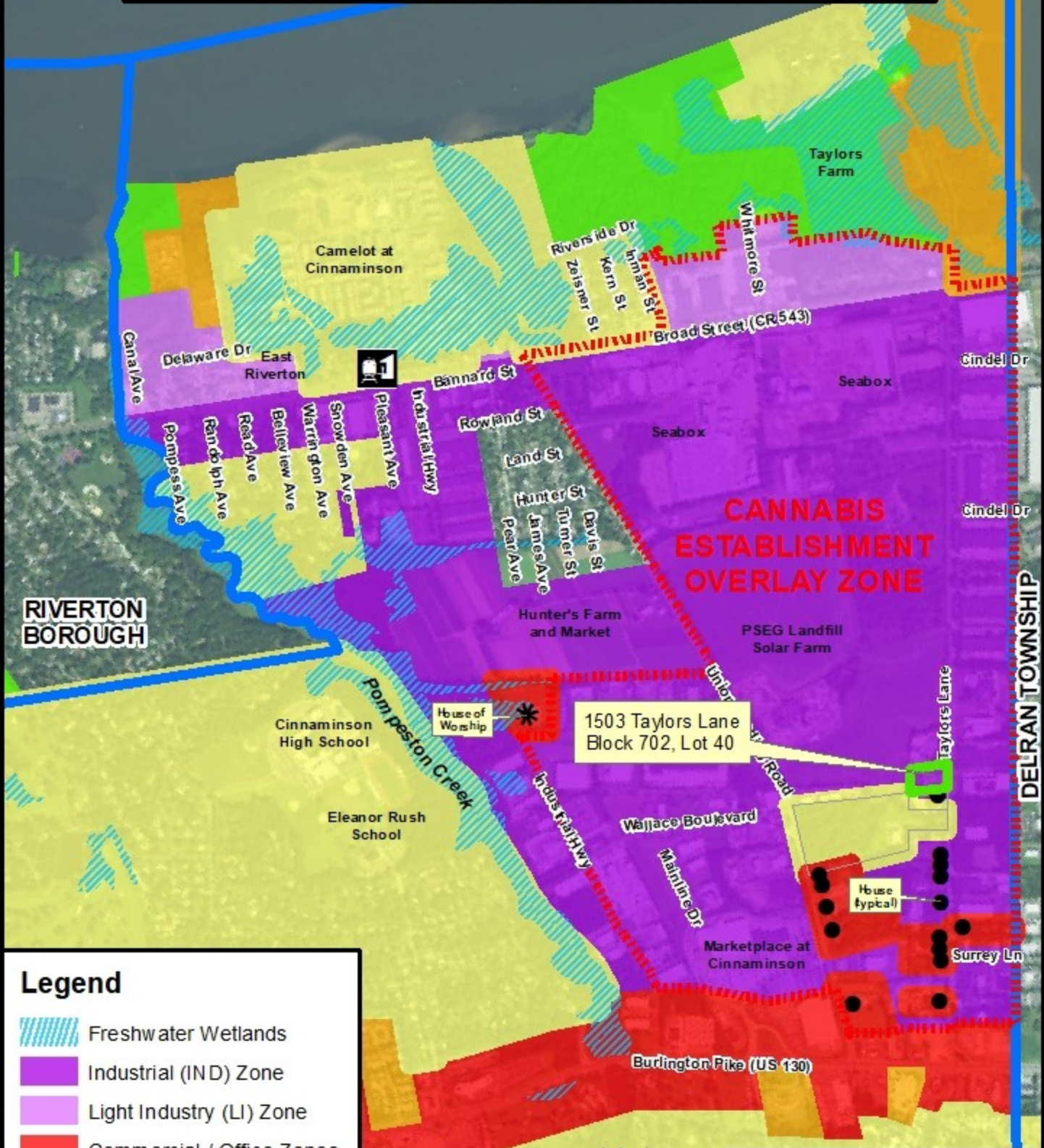
1. This section shall be enforced in accordance with § 525-162 and 163.
2. Each day a cannabis establishment remains or continues to operate in violation of this Chapter shall constitute a separate violation, subject to cumulative fines and penalties.
3. Any person or entity violating this Chapter shall be subject to the maximum fines and penalties as provided by N.J.S.A. 40:49-5 and any subsequent amendments to that statute.

SECTION 3: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provisions, and such holding shall not affect the validity of the remaining portions hereof.


SECTION 5: This Ordinance shall take effect after second reading and publication as required by law.

Recommended Cannabis Establishment Overlay Zone Cinnaminson Township, New Jersey




Legend

- Freshwater Wetlands
- Industrial (IND) Zone
- Light Industry (LI) Zone
- Commercial / Office Zones
- Mixed Use Zones
- Residential Zones
- Park / Preserve Zones

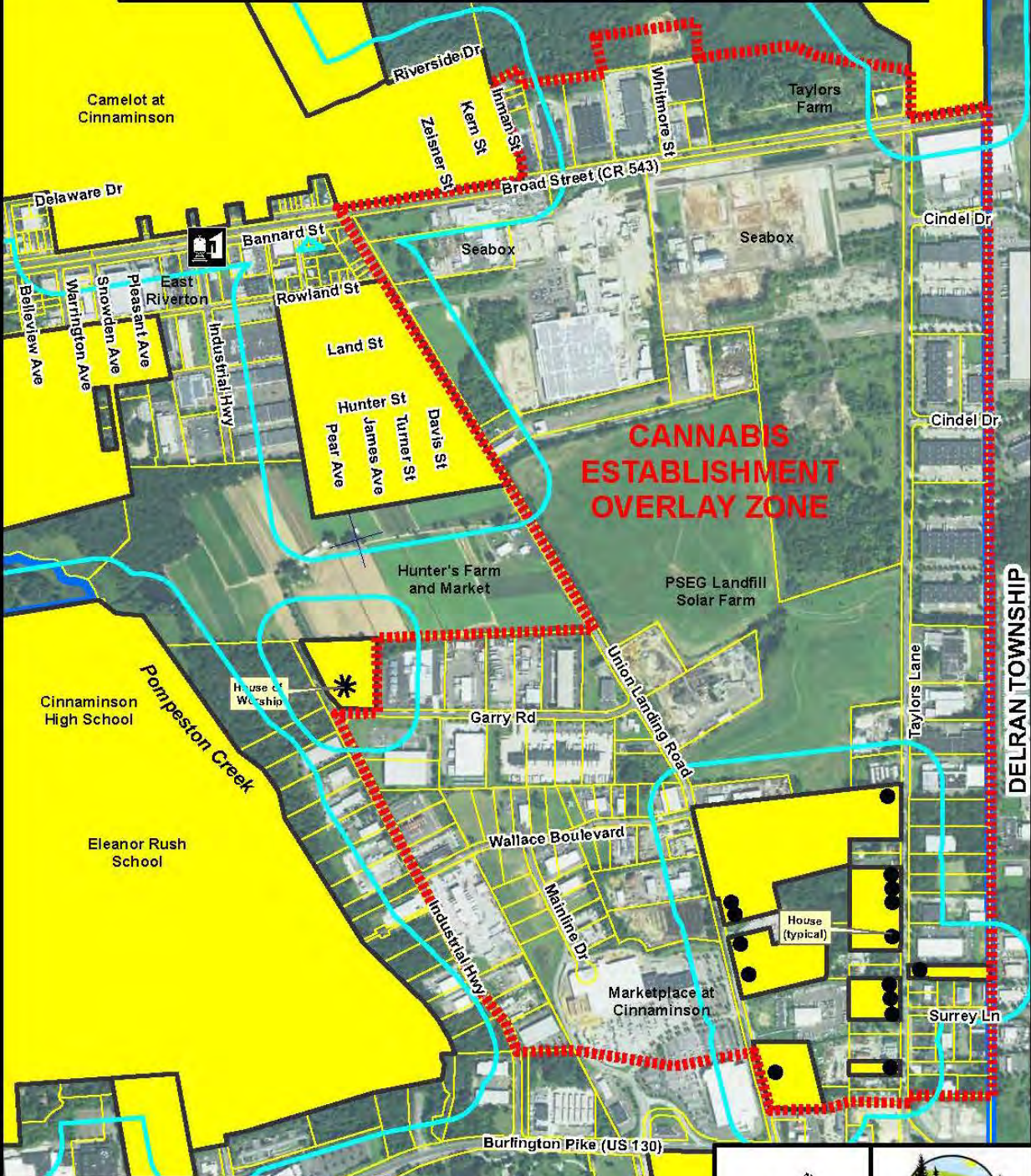


0 250 500 1,000
Feet



**ENVIRONMENTAL
RESOLUTIONS, INC.**
810 EAST GARDEN DRIVE SUITE 405
MOUNT LAUREL, NEW JERSEY 08054
TEL: 856-232-7100 FAX: 856-232-9000

Recommended Cannabis Establishment Overlay Zone 200' Retail Buffer



Legend

Retail Buffer Parcels



012040 480
Feet



ENVIRONMENTAL RESOLUTIONS, INC.
Engineers • Planners • Scientists • Surveyors
 615 EAST GATE DR. SUITE 103
 MOUNT LAUREL, NEW JERSEY 08054
 TEL: 856-238-7170 FAX: 856-273-9239

DELRAN TOWNSHIP

Block	Lot	Property Location	Zone	Existing Use	Acreage
201	1.01	16/18 Taylors Lane	LI	Farm	21.65
201	1.02	599 Taylors Lane	LI	Commercial	1.07
201	7	2701 Broad Street	LI	Commercial	1.21
201	8	2703 Broad Street	LI	Industrial	1.22
201	9	510 Whitmore Street	LI	Industrial	2.08
202	1	2605-07 Broad Street	LI	Industrial	4.17
202	2	2609-11 Broad Street	LI	Industrial	4.36
202	5	2615 River Road	LI	Industrial	4.79
301	1	424-426 Inman Street	LI	Commercial	0.27
302	1	500 Inman Street	LI	Vacant	0.42
302	2	2601 Broad Street	LI	Industrial	1.69
610	1	1000 Union Landing Road	IND	Industrial	6.21
610	2.01	Union Landing Road	IND	Industrial	6.44
610	2.02	1 Sea Box Drive	IND	Industrial	50.95
610	2.03	602 Union Landing Road	IND	Industrial	7.25
610	3.01	985 Taylors Lane	IND	Vacant	82.15
610	3.02	1001 Taylors Lane	IND	Commercial	13.00
611	1.01	Taylors Lane	IND	Industrial	5.48
611	1.02	1200 Taylors Lane	IND	Industrial	13.57
611.01	1	Taylors Lane	IND	Industrial	4.91
611.01	2	2701 Cindel Drive	IND	Industrial	2.98
611.01	3	1000 Taylors Lane	IND	Industrial	10.69
611.02	1	Taylors Lane	IND	Industrial	8.12
701	1	1300 Taylors Lane	IND	Industrial	5.65
701	4	1350 Taylors Lane	IND	Industrial	3.16
701	5	1400 Taylors Lane	IND	Industrial	3.50
701	6	1450 Taylors Lane	IND	Commercial	4.00
701	11	Taylors Lane	IND	Vacant	2.64
701	13.01	1600 Taylors Lane	IND	Industrial	2.63
701	13.02	1604 Taylors Lane	IND	Vacant	1.97
701	14	1608 Taylors Lane	IND	Vacant	1.71
701	15	1700/02 Taylors Lane	IND	Industrial	2.89
701	17	1704/1800 Taylors Lane	IND	Industrial	3.95
701	20	1800 Taylors Lane	IND	Dwelling	1.32
701	24.01	1 Surry Lane	IND	Commercial	0.57
701	24.03	3 Surry Lane	IND	Commercial	1.14
701	24.07	1808 Taylors Lane	IND	Commercial	0.99
702	1	1505 Taylors Lane	IND	Dwelling	1.53
702	3	1603 Taylors Lane	IND	Commercial	0.85
702	4	1605 Taylors Lane	IND	Commercial	0.85
702	5	1607 Taylors Lane	IND	Dwelling	0.85
702	6	1609 Taylors Lane	IND	Dwelling	0.85
702	7	1701 Taylors Lane	IND	Dwelling	0.85
702	8	1703 Taylors Lane	IND	Commercial	0.85
702	9	1705 Taylors Lane	IND	Dwelling	1.70
702	10.01	2603 Route 130	IND	Commercial	0.65
702	10.02	1707 Taylors Lane	IND	Commercial	2.37
702	10.03	1704 Union Landing Road	IND	Commercial	6.15
702	11	1801 Taylors Lane	IND	Commercial	0.85
702	12	1803 Taylors Lane	IND	Dwelling	0.85
702	13	1805 Taylors Lane	IND	Dwelling	0.85

Block	Lot	Property Location	Zone	Existing Use	Acreage
702	14	1807 Taylors Lane	IND	Dwelling	0.85
702	15	1809 Taylors Lane	IND	Vacant	0.85
702	16	1903 Taylors Lane	IND	Commercial	3.72
702	17	1905 Taylors Lane	IND	Dwelling	0.85
702	18	1907 Taylors Lane	IND	Commercial	0.85
702	19	1909 Taylors Lane	IND	Commercial	0.85
702	24	1900 Union Landing Road	IND	Dwelling	4.56
702	25	1850 Union Landing Road	IND	Industrial	6.85
702	26	1800 Union Landing Road	IND	Dwelling	4.81
702	27	1708 Union Landing Road	IND	Dwelling	0.40
702	28	1700 Union Landing Road	IND	Dwelling	1.02
702	29	1618 Union Landing Road	IND	Dwelling	1.02
702	30	1400 Union Landing Road	IND	Industrial	2.44
702	31	1501 Taylors Lane	IND	Industrial	3.05
702	32	1300 Union Landing Road	IND	Industrial	8.98
702	33	1300 Union Landing Road	IND	Vacant	4.74
702	34	1601 Taylors Lane	IND	Landfill	97.75
702	36	1002 Union Landing Road	IND	Commercial	0.63
702	37	1000 Union Landing Road	IND	Industrial	3.31
702	38	1004 Union Landing Road	IND	Industrial	2.98
702	39	1 Sea Box Drive	IND	Vacant	0.62
702	40	1503 Taylors Lane	IND	Industrial	1.93
703	24.02	2 Surry Lane	IND	Commercial	1.81
703	24.06	4 Surry Lane	IND	Industrial	1.00
703	24.09-26	1902 Taylors Lane	IND	Commercial	1.52
703	27	Taylors Lane	IND	Fire Co. #2	1.32
703	28	1906 Taylors Lane	IND	NJ Am Water	1.21
802	2	2305 Garry Road	IND	Industrial	2.81
802	3	2303 Garry Road	IND	Industrial	3.93
802	4	2301 Garry Road	IND	Industrial	5.06
802	6	2203 Garry Road	IND	Industrial	3.68
802	7	2201 Garry Road	IND	Industrial	5.87
803	1	1401 Union Landing Road	IND	Industrial	1.31
803	3	2311 Wallace Boulevard	IND	Vacant	0.55
803	4	2309 Wallace Boulevard	IND	Vacant	0.55
803	5	2307 Wallace Boulevard	IND	Commercial	0.55
803	6	2303 Wallace Boulevard	IND	Industrial	0.65
803	7	2303 Wallace Boulevard	IND	Industrial	0.78
803	8	Wallace Boulevard	IND	Vacant	0.70
803	9	1303 Union Landing Road	IND	Vacant	2.11
803	10.01	1301 Union Landing Road	IND	Industrial	1.08
803	10.02	1303 Union Landing Road	IND	Industrial	0.74
803	11-13	2304 Garry Road	IND	Industrial	7.29
803	14	2304 Garry Road	IND	Vacant	3.34
803	15	2200 Garry Road	IND	Industrial	4.14
803	17	2100 Garry Road	IND	Industrial	4.40
803	18	1302 Industrial Highway	IND	Vacant	2.70
803	19-20	1402 Industrial Highway	IND	Industrial	3.44
803	21	1404 Industrial Highway	IND	Industrial	1.83
803	22	2101 Wallace Boulevard	IND	Vacant	1.72
803	23	1503 Wallace Boulevard	IND	Vacant	1.11

Block	Lot	Property Location	Zone	Existing Use	Acreage
803	24	2105 Wallace Boulevard	IND	Vacant	1.00
803	25	2201 Wallace Boulevard	IND	Industrial	1.00
803	26	2203 Wallace Boulevard	IND	Vacant	1.00
803	27	2205 Wallace Boulevard	IND	Vacant	1.00
804	1	1501 Union Landing Road	IND	Industrial	0.89
804	2.01	Union Landing Road	IND	Commercial	1.96
804	5	2306 Wallace Boulevard	IND	Industrial	1.39
804	7	Wallace Boulevard	IND	Vacant	0.91
804	8	Wallace Boulevard	IND	Vacant	0.64
804	10	2301 Route 130	IND	Commercial	25.68
804	13.02	Union Landing Road	IND	Vacant Twp	4.99
804	14	Union Landing Road	IND	Vacant Twp	5.53
804	15	2202 Wallace Boulevard	IND	Industrial	1.04
804	16	2200 Wallace Boulevard	IND	Vacant	0.82
804	17	1500 Mainline Drive	IND	Commercial	1.00
804	18	1502 Mainline Drive	IND	Vacant	1.00
804	19-20	1504 Mainline Drive	IND	Industrial	2.00
804	27	1505 Mainline Drive	IND	Vacant	1.00
804	28	1503 Mainline Drive	IND	Vacant	1.00
804	29	1501 Mainline Drive	IND	Vacant	1.00
804	30	2102 Wallace Boulevard	IND	Vacant	1.10
804	31	2100 Wallace Boulevard	IND	Vacant	1.00
805	3	1702 Industrial Highway	IND	Commercial	3.08
805	4	1700 Industrial Highway	IND	Industrial	1.56
805	5	1604 Industrial Highway	IND	Industrial	1.72
805	6	1500/1600 Industrial Highway	IND	Industrial	7.32