

**BOROUGH OF COLLINGSWOOD
CAMDEN COUNTY, NEW JERSEY
ORDINANCE NO. 1714**

**ADOPTING AN AMENDMENT TO THE REDEVELOPMENT
PLAN FOR THE BOROUGH OF COLLINGSWOOD, COUNTY OF CAMDEN,
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 Borough of Collingswood (the “Borough”), 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, the Board of Commissioners of the Borough of Collingswood (the “Commissioners”), adopted Resolution No. 06-186 which designated the entirety of the Borough as an “Area in Need of Rehabilitation” 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, pursuant to Ordinance No. 1417 the Commissioners adopted a redevelopment plan for the entirety of the Borough entitled “Plan for Rehabilitation, November

2006” (the “Redevelopment Plan”), which adopted the underlying zoning then in effect throughout the Borough of Collingswood, subject to certain exceptions; and

WHEREAS, pursuant to Ordinance No. 1664, adopted on June 3, 2019 the Commissioners the Borough amended and replaced the original Redevelopment Plan in its entirety; and

WHEREAS, the Commissioners wish to amend the Redevelopment Plan to provide for development regulations for classes of cannabis establishments, cannabis distributors, and cannabis delivery services throughout the Borough; and

WHEREAS, the Commissioners have carefully considered the benefits and detriments of permitting any one or more classes of cannabis establishments, cannabis distributors, or cannabis delivery services within the Borough and the impact upon the health, safety, and welfare of its residents as well as the vote of the Borough’s registered voters in response to Public Question No. 1 on November 3, 2020; and

WHEREAS, the Commissioners have determined that it is necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough’s residents and members of the public who visit, travel, or conduct business in the Borough to adopt an ordinance regulating the operation of any one or more classes of cannabis establishments, cannabis distributors, or cannabis delivery services within the Borough in accordance with the Act; and

WHEREAS, the Mayor and Commissioners have determined to amend the Redevelopment Plan to provide for the regulation of any cannabis marketplace classes of licensed businesses as authorized under the Act.

NOW THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Borough of Collingswood, in the County of Camden, State of New Jersey, as follows:

Section XVI of the Redevelopment Plan entitled “Amendments to Approved Redevelopment Plan” is hereby amended to add the following subsection entitled “Proposed Land Uses and Building Requirements”:

The existing use, bulk, design, performance standards, and all other standards, as currently set forth in the Borough’s Development Regulation Ordinances, and any duly adopted Redevelopment Plan, shall apply to the Rehabilitation Area. The following conditional uses, restrictions and special requirements shall be applicable within the Rehabilitation Area, only to an applicant, property owner, developer or redeveloper that has an executed Redeveloper Agreement with the Borough. An executed Redeveloper Agreement with the Borough shall be required (as a checklist item) as part of an application submission to the Borough’s Joint Land Use Board or as part of any other application for land use approvals 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.

Permitted conditional uses of cannabis marketplace classes of licensed business shall be restricted to properties located within the HBD and HID zoning districts within the Borough and as more specifically identified on the map attached hereto as Exhibit A.

A. The following are permitted conditional uses :

1. Class 1, Cannabis cultivators, Class 2, Cannabis manufacturers, Class 3, Cannabis wholesalers Class 4, Cannabis distributors, Class 5, Retailer facilities and Class 6, Delivery Service, subject to the requirements set forth in Section B below. The term “Cannabis Establishments or Cannabis Establishment” shall be used to collectively describe the above six identified cannabis licensees.

B. The permitted conditional uses identified above shall be subject to the following requirements:

1. The Cannabis Establishments, shall be duly licensed by the State of New Jersey and shall maintain such licenses in good standing at all times of its operation of any Cannabis Establishment that involves any transportation or delivery services shall also maintain in good standing all applicable motor vehicle licenses
2. The Cannabis Establishments shall comply with the bulk, area, and yard requirements of the established zone as set forth in the Borough’s development regulations.
3. No vehicular access to any Cannabis Establishment shall be permitted from any residential street.
4. No Cannabis Establishment shall be located within 100 feet of a residential zone, church, public or parochial school, private school, child-care center, or public park.
5. Cannabis paraphernalia shall not be displayed or visible from the building’s exterior.
6. Minimum Off-street parking requirements:
 - i. Class 5 – One (1) parking space per 100 square feet of gross floor are.
 - ii. Classes 1,2,3,4, and 6 – One (1) parking space per 800 square feet of gross floor area.

7. On-site sales of alcohol or tobacco products are prohibited.
8. On-site consumption of food, alcohol, tobacco, or cannabis products is prohibited.
9. Signage shall comply with Article IX (Signs) (§141-92 through 101) of the Code of the Borough of Collingswood and the following requirements:
 - i. No sign shall contain any visual representation of cannabis or associated paraphernalia.
 - ii. No Cannabis Establishment shall display on the exterior of its facility or building any advertisements for marijuana, marijuana paraphernalia or a brand name except for the purposes of identifying the building by the permitted name.
10. All Cannabis Establishments shall submit a detailed security plan to the Borough, which shall be subject to the review and approval/denial of the Borough's Chief of Police and the Commissioner of Public Safety. Such plan should include measures and procedures designed to protect all customers, employees, vendors and any other visitors of the Cannabis Establishment from criminal activity, unsafe conditions and incidents of nuisance or harassment. Any approval granted to a security plan may be rescinded at any time if , in the opinion of the Chief of Police and Commissioner of Public Safety , the plan fails to comply with the approved procedures of the security plan or fails to provide adequate security and safety for customer , employees vendors and other visitors. The proposed security plan shall include at a minimum:
 - i. 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;
 - ii. 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;
 - iii. procedures for maintaining records of regular audits to ensure that the security plan is current and that procedures are being followed.
11. The Cannabis Establishments shall provide for air treatment systems with sufficient odor absorbing ventilation and exhaust systems such that any odor generated inside the facility is not detectable by a person situated within 25 feet of any of the exterior walls of the building of the Cannabis Establishment or anywhere on an adjacent property, within public rights of way, or within any other unit located within the same building as the Cannabis Establishment. if the use only occupies a portion of its building. The air

treatment system shall be inspected annually to ensure compliance with the requirements of this subsection. The contractor shall be subject to approval by the Borough. A copy of the inspection report shall be filed with the Borough.

Section 2. The Commissioners have determined that the amendment to the Redevelopment Plan satisfies the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for redevelopment of the Rehabilitation Area and is otherwise conforms with N.J.S.A. 40A:12A-1, et seq.

Section 3. The Commissioners also have determined the amendment to the Redevelopment Plan is consistent with the Borough's Master Plan.


Section 4. The amendment to the Redevelopment Plan shall constitute an overlay zone to the extent set forth therein.


Section 5. This Ordinance shall take effect after final adoption and publication according to law.


ATTEST:


K. Holly Mannel, Municipal Clerk

BOROUGH OF COLLINGSWOOD


M. James Maley, Jr. Mayor


Robert Lewandowski, Commissioner


Morgan Robinson, Commissioner

1st read: July 6 2021
1st publ: July 16 2021
2nd read: August 2 2021
2nd publ: August 6, 2021

ADOPTED: August 6, 2021