

Ordinance #1-2025

AMENDING THE REDEVELOPMENT PLAN FOR THE 801 PHILADELPHIA AVENUE REHABILITATION AREA TO PERMIT CERTAIN CANNABIS USES

WHEREAS, on November 3, 2020, the Marijuana Legalization Amendment was approved by voters in New Jersey, which legalized the possession and use of cannabis for residents twenty-one years of age or older; and

WHEREAS, on February 22, 2021, Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (“CREAMM Act”), which established the personal-use cannabis program in the State of New Jersey; and

WHEREAS, the City of Egg Harbor supports the safe and appropriate siting of cannabis businesses where such facilities are permitted pursuant to Egg Harbor City Ordinance No. 102021, adopted on August 12, 2021, to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances; and

WHEREAS, Egg Harbor City Ordinance No. 10-2021 (the “Ordinance”) permitted Cannabis Licensed Businesses as conditional uses in certain zones;

WHEREAS, Redevelopment Plan for the 801 Philadelphia Avenue Rehabilitation Area permitted a marijuana production facility as a conditional use; and

WHEREAS, the Mayor and Council of the City of Egg Harbor wish to amend the Redevelopment Plan to permit, under the same conditions, recreational cannabis cultivation and manufacture as authorized by the CREAMM Act; and

WHEREAS, pursuant to N.J.S.A. 40: 48-2, a municipality may amend an ordinance as it deems necessary and proper for good government, order and protection of persons and property and for the presentation of the public health, safety and welfare of its inhabitants.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Egg Harbor, County of Atlantic and State of New Jersey as follows:

Section 1. Section 6.3.4.E, entitled “Conditional uses for the 801 Philadelphia Avenue Rehabilitation Area” of the Redevelopment Plan for the 801 Philadelphia Avenue Rehabilitation Area is hereby repealed and replaced as follows:

E. Conditional uses for the 801 Philadelphia Avenue Rehabilitation Areas are as follows:

1. Medical Cannabis Cultivator and/or Medical Cannabis Manufacturer as defined in N.J.S.A. 24:61-1.
2. Class 1, Cannabis Cultivators as defined in § 170-81.5.1.
3. Class 2, Cannabis Manufacturers as defined in § 170-81.5.1..

There are no proximity requirements established to separate a cultivation and/or manufacturer facility from other residential, public, commercial or any other use. The conditional use standards contained herein are intended to promote compatibility of land uses. To the extent that cannabis cultivation and/or manufacturer facility may be inconsistent with state laws requiring separation of uses, the Redevelopment Parcel may be subdivided and if the subdivided parcel is undersized it may be improved with decorative landscaping and/or hardscaping.

The use will be allowed subject to the following additional minimum conditional use requirements.

- a. The area devoted to the cultivation or manufacturer facility shall be totally independent of any other use on the site by way of access, parking, loading and production. If a common wall is shared between uses, it shall have no openings, doorways, windows or other means of physical access between the uses.
- b. Minimum acreage devoted to the use: 2 acres
- c. Frontage: 300 feet
- d. Building coverage: 35%
- e. Setbacks: 60 feet to any street line. No setback shall be required between buildings that share a common wall.
- f. Parking must be located on private property and located a minimum of 40' from the edge of adjoining street
- g. Height: 35 feet
- h. Access: driveway access from a County Highway.
- i. Demonstrated compliance with the terms and conditions of the City of Egg Harbor license requirements and New Jersey state licensing requirements per N.J.A.C. 24:61-31 et seq. and N.J.A.C. 17:30-1 et seq. etc.
- j. All operations shall be conducted indoors within a secured structure. All equipment and storage shall be located within a secured structure and be entirely screened from public view.
- k. The site shall be surrounded by a chain link security fence having a minimum height of 10 feet, and setback 10 feet from any property line. The fence shall be screened along all street frontages and also where the site is adjacent to occupied properties. Screening shall consist of a double alternating row of 8' tall arborvitae evergreen trees planted 5' on center. Alternate planting may be proposed by the developer if approved by the Land Use Board.
- l. All licensed facilities shall submit a detailed security plan, which shall be subject to the review and approval/denial of the City 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:

- 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.
- o. Multiple principal uses within a single building shall be allowed, provided that each such use is a permitted or conditional use within the Rehabilitation Area, and further provided that each such use is located within a separately identifiable and fully securable space (it being the intention to prohibit an entity from subleasing a small portion of a larger, single floor area). Within this context, multiple corporate entities may operate out of a single space, provided that such entities are subsidiaries or related companies. Multiple uses must be shown on a site plan at the time of application to the Land Use Board. Bonding will be required to ensure complete Rehabilitation of a site as required by the Land Use Board and Governing Body. [AJ1]
- p. The name and emergency contact phone number of an operator or manager shall be posted outside the facility in a location visible to the public from the public right-of-way in character size at least 2 inches in height. The contact information shall be provided to the Egg Harbor City Police Department. The operator or manager shall be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities.
- q. A cultivation and/or manufacturer facility may operate Monday through Sunday. The hours operation shall be approved by the Land Use Board and the Governing Body. [AJ2]
- r. A cultivation and/or manufacturer facility 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 City, odor from the facility shall be monitored by a qualified contractor chosen, on an annual basis, by the City. Subject to the review of City and Land Use Board professionals and State Department of Health approval, the Applicant shall provide standard operating procedures (including maintenance) for the odor mitigation and control system as well as a shutdown of the cannabis cultivation facility should the odor mitigation and control system fail. In the event the odor mitigation and control system in the facility fails, no additional cannabis plants, material or products shall be brought to the site and if the mitigation and control system remains shut down for a period of 72 hours, all cannabis plants, material or products shall be removed immediately.
- s. Emergency power. All licensed cannabis establishments services shall have a backup generator, capable of maintaining, at a minimum, all electronic security systems and odor control systems in the event of a power failure for a period of at least forty-eight (48) hours.
- t. Mechanical equipment used for any kind of power supply, cooling, or ventilation shall have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.

- p. Storage and disposal of fertilizers, pesticides, herbicides, and any other hazardous chemicals associated with cultivation shall comply with all local, state and federal laws. The storage of such chemicals shall be subject to review and approval by the fire official.
- q. Building entrances shall be clearly and legibly posted with a notice indicating that smoking, ingesting or consuming product on the premises or in the vicinity of the facility is prohibited.
- r. No sign associated with a cultivation and/or manufacturer facility shall use the word "marijuana", "cannabis" or any other word or phrase commonly understood to refer to marijuana, nor shall any images of the marijuana plant be used in the signage.
- s. Bench marks during the development will be created and agreed by the parties.
- t. Compliance with § 170-81.5 Note 33 and any other City ordinances.

Section 2. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. In the event that any section, paragraph, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 4. This Ordinance shall take effect after final passage and publication as provided by law.

Introduced: March 13, 2025
Publication: March 19, 2025
Public Hearing: April 10, 2025
Adoption:

ATTEST:

Meg Steeb, City Clerk, RMC

APPROVED BY THE MAYOR OF THE CITY OF EGG HARBOR this day of , 2025.

Lisa Jiampetti, Mayor
4897-1037-8024, v. 1