

Gibbsboro Cannabis Ordinances

Guidance for interested businesses

October 24, 2023

This information is preliminary and provided as guidance. The final determination of conformance with zoning regulations and license requirements will be upon formal application to the Borough of Gibbsboro, the Gibbsboro Planning Board, and the Cannabis Regulatory Commission. Interested parties are encouraged to secure professional Counsel if interested in apply for business approval or licensure.

Three New State Laws

P.L. 2021, c. 16 “New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act”

P.L. 2021, c. 19, which regraded and decriminalization of certain future marijuana and hashish offenses

P.L. 2021, c. 25 “clean-up bill” underage possession or consumption of marijuana, hashish, and alcohol

Gibbsboro's Four (4) Cannabis Ordinances

2021-07 AN ORDINANCE AMENDING CHAPTER 400, ENTITLED, "ZONING", IN THE BOROUGH OF GIBBSBORO, COUNTY OF CAMDEN, NEW JERSEY

2021-08 AN ORDINANCE ESTABLISHING LICENSE REQUIREMENTS FOR CANNABIS ESTABLISHMENTS, DISTRIBUTORS, AND DELIVERY SERVICES LOCATED WITHIN THE BOROUGH

2021-09 AN ORDINANCE ESTABLISHING TRANSFER AND USER TAXES ON CANNABIS BUSINESSES WITHIN THE BOROUGH OF GIBBSBORO

2021-10 AN ORDINANCE REGULATING CONSUMPTION OF CANNABIS WITHIN THE BOROUGH OF GIBBSBORO, COUNTY OF CAMDEN, NEW JERSEY

Copies Enclosed.

Ordinance 2023-07 Amended the Cannabis License Ordinance

TABLE I – BOROUGH OF GIBBSBORO CANNABIS LICENSE SCHEDULE

License	Class	Maximum Number of Licenses to be Issued	Nonrefundable Application Fee	Annual License Renewal
Cannabis Cultivator	1	1	\$500	\$500
Cannabis Manufacturer	2	3	\$500	\$500
Cannabis Wholesaler	3	1	\$500	\$500
Cannabis Distributer	4	1	\$500	\$500
Cannabis Retailer*	5	2	\$500	\$500
Cannabis Delivery	6	1	\$500	\$500

It also removed redundant restrictions from the licensing ordinance.

NOTE: * An integrated cannabis cultivator and cannabis manufacturer is a licensed cannabis enterprise holding both licenses at the same site within the M1 Industrial Zone. Such an enterprise may also hold a cannabis retailer license (Class 5), provided that there are no on-site direct sales to the public and retail sales are made via a licensed cannabis delivery service (Class 6) which is co-located.

(2) Any license conditionally issued by the Borough is contingent upon the locally licensed entity's or individual's subsequent receipt of a state permit or license of the same class or type of regulated cannabis activity. Integrated cannabis cultivator and cannabis manufacturer may also hold a cannabis retailer license (Class 5), provided that are no on-site direct sales to the public and retail sales are made via a licensed cannabis delivery service (Class 6).

Six Classes of Licenses

- **Class 1 – Cannabis Cultivator**

- Grows, cultivates, or produces cannabis in New Jersey, and sells.
- Sells and may transport to other cannabis growers, processors, wholesalers or retailers, but not consumers.

- **Class 2 – Cannabis Manufacturer**

- Processes cannabis items in New Jersey by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling.
- Optionally transporting these items to other cannabis processors, wholesalers or retailers, but not to consumers.

- **Class 3 – Cannabis Wholesaler**

- Purchases or otherwise obtains, stores, sells, or otherwise transfers.
- 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.

Six Classes of Licenses (Continued)

- **Class 4 – Cannabis Distributor**

- Transports cannabis items in bulk intrastate from one licensed cannabis establishment to another licensed establishment.
- May engage in temporary storage as necessary to carry out transportation activities.

- **Class 5 – Cannabis Retailer**

- Purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacture or cannabis wholesalers, and sells these to consumers from a retail store.
- May use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers.
- 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 – Cannabis Delivery Service**

- Provide courier services for consumer purchases of cannabis items fulfilled by cannabis retailer.
- Make deliveries of cannabis items and related supplies to consumers.

State Limitations on Locations

- Grocery stores
- Delis
- Indoor food markets
- Other stores engaging in retail food
- Premises licensed for retail sales of alcoholic beverages

Business Approval/License Process (Recommended)

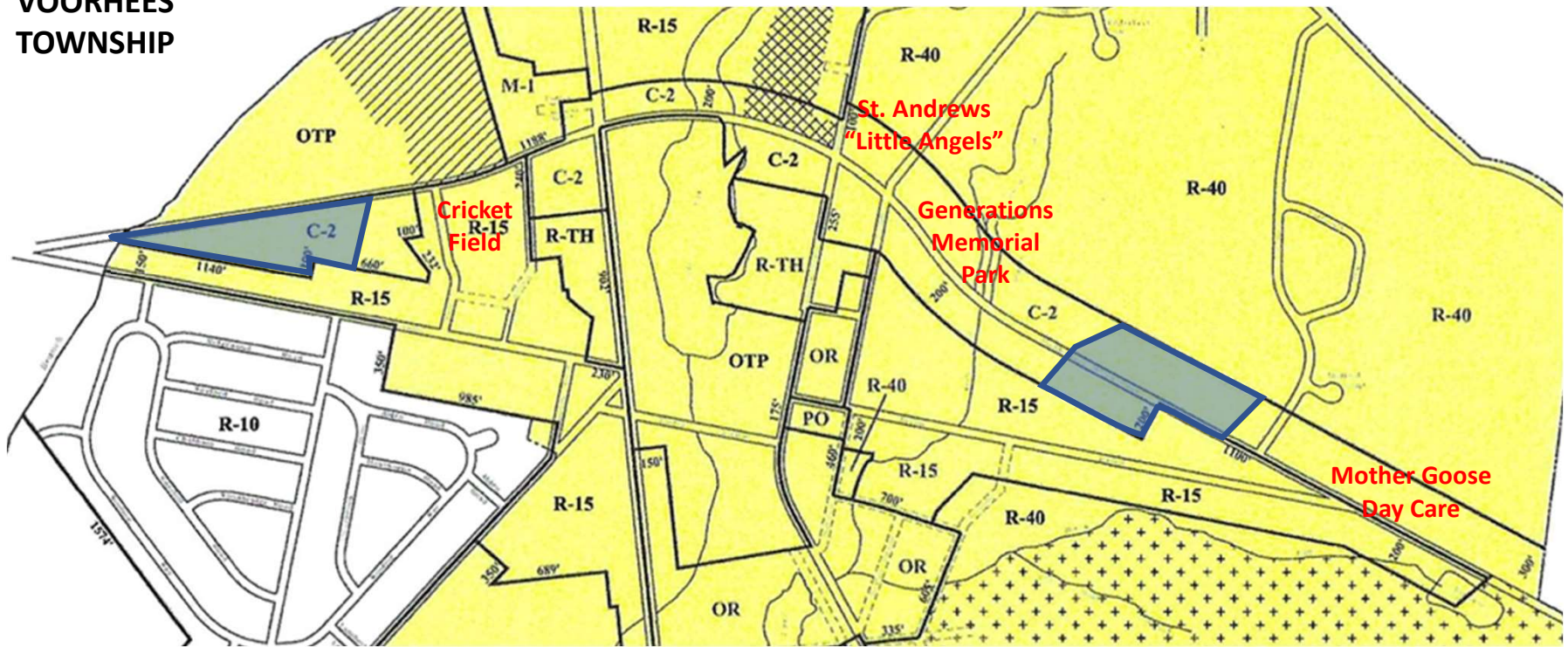
- Interested parties should determine if a local license is available for the class business proposed.
- If available, identify sites that meet the established zoning criteria. ***Interested parties are encouraged to make a Conceptual Presentation to the Planning Board to begin the process.***
- Once a suitable site is located, apply for Planning/Zoning approval that will include a condition that a state and local license is issued.
- If an annual or conditional state license has not been issued, apply for a state license for the appropriate class business(es).
 - Within 14 days the state will make an inquiry of the municipality requesting whether the application complies with local restrictions on times of operation, location, manner, and the number of cannabis businesses.
- Apply for a local license for the appropriate class business(es).

The State Cannabis Regulatory Commission must approve a license that meets the requirements of this law unless they find by clear and convincing evidence that the applicant would be manifestly unsuitable to perform the activities for the license class sought.

C-2 Commercial District

Areas that Meet
Conditional Use Criteria

VOORHEES
TOWNSHIP



Pole Hill Park

C-2 Commercial District

Specific Lots Meeting Location Condition 400-71 E(3)

E. Cannabis Retailer. Cannabis Retailers shall be permitted in the C-2 District as a conditional use, provided that the following criteria are met:

(1)

(2)

(3) No Cannabis Retailer shall be located within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, day care facility, or the following parks and playgrounds: Lauer Playground, the Cricket Field, Pole Hill Park, and Generations Memorial Park. Proximity shall be measured from the lot line to the nearest portion of the building containing a cannabis use.

Block 7.01 Lots 1.01, 1.02 (part) 1.03 (part), 1.10, 3 (part), 4 (part)

Block 7.02 Lots 1 (part), 2, 3.02 (part), 4

Block 18.02 Lot 2.01 (part – unit c400)

Block 18.05 Lots 2.01 (part), 26, 26.01, 27, 28, 29, 30

Block 18.07 Lot 12 (part)

Final determination of compliance with the Zoning Ordinance will be made by the Planning or Zoning Board upon application. All applicants must file for and be granted Site Plan approval from the board prior to conducting business.

C-2 District General Requirements

C. Area, yard and building requirements. Except as modified in Article IX, the following standards shall apply to all structures in a C-2 District:

- (1) Minimum lot size: 1/2 acre.
- (2) Minimum lot frontage at street line: 100 feet.
- (3) Minimum lot frontage at building line: 80 feet.
- (4) Maximum building coverage: 30%.
- (5) Maximum lot coverage: 75%.
- (6) Maximum height: 25 feet.
- (7) Minimum front yard: 30 feet.
- (8) Minimum side yards: 20 feet each.
- (9) Minimum rear yard: 20 feet each.
- (10) All lots in a C-2 District which are adjacent to a residential district or which abut a residential use in another zoning district shall provide a planted buffer as described in § 400-18E(2).

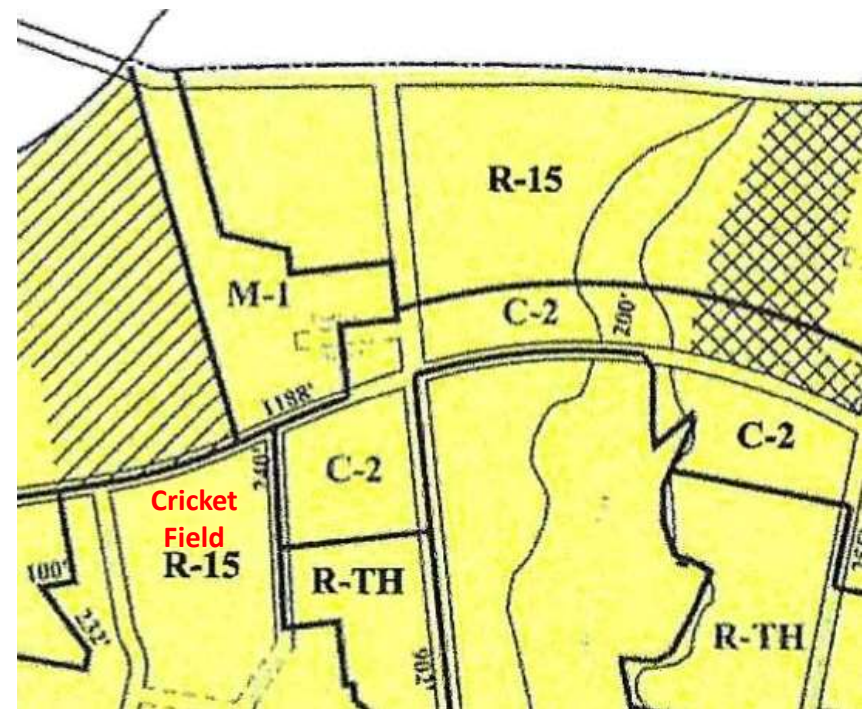
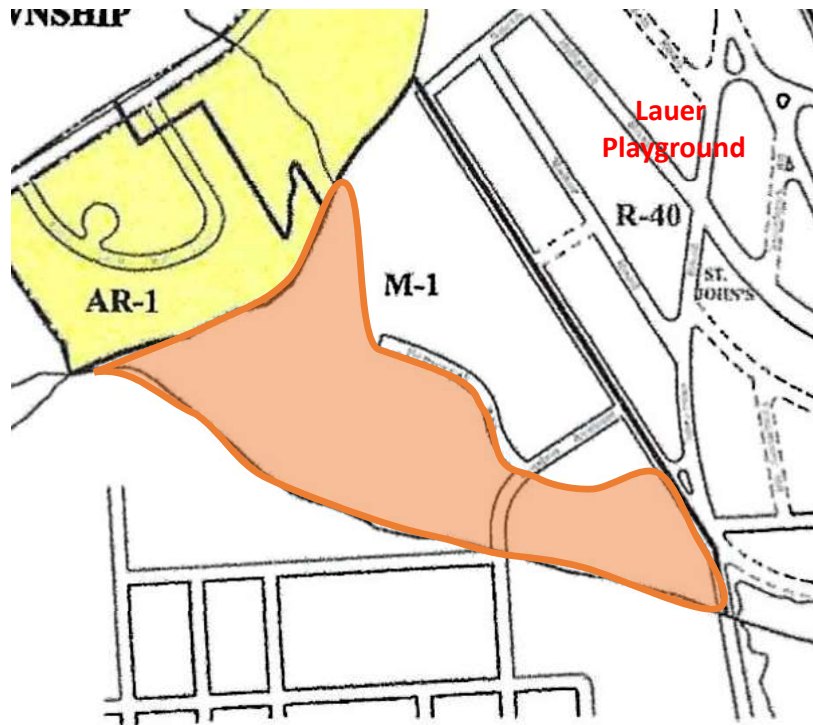
C-2 Cannabis Retailer Conditions

E. Cannabis Retailer. **Cannabis Retailers shall be permitted in the C-2 District as a conditional use, provided that the following criteria are met:**

- (1) The facility shall meet all of the requirements for licensure by the New Jersey Cannabis Regulatory Commission and/or the New Jersey Department of Health.
- (2) If the number of cannabis licenses is limited by the Borough Council, a Class 5 Cannabis Retailer license is available for the proposed cannabis establishment(s) in the Borough of Gibbsboro.
- (3) No Cannabis Retailer shall be located within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, day care facility, or the following parks and playgrounds: Lauer Playground, the Cricket Field, Pole Hill Park, and Generations Memorial Park. Proximity shall be measured from the lot line to the nearest portion of the building containing a cannabis use. The subsequent approval of a school or any other facility in proximity to the cannabis use shall not render any existing cannabis business a nonconforming use.
- (4) No drive-through sales shall be permitted.
- (5) No curbside or parking lot pick-up is permitted.
- (6) Consumption. No cannabis or cannabis product shall be smoked, eaten or otherwise consumed on the premises.
- (7) Security. All structures shall be designed, using safety and security barriers, to prevent the unlawful and unauthorized entry into the structures as prescribed by State law.
 - (a) There shall be controlled access to the site, with 24/7 on-site video monitoring of the exterior and interior of the facility, which video shall be retained and stored for the period prescribed by State law, but in no case shall such video be retained and stored for less than 30 days.
 - (b) Plans and reports depicting or describing access and security details information concerning the facility shall be deemed and protected as confidential security documents, exempt from disclosure as public records.
- (8) Emergency power. Cannabis cultivation and manufacturing operations shall have a backup generator, capable of maintaining, at a minimum, all electronic security systems in the event of a power failure for at least 48 hours.

M-1 Industrial District

Areas that Meet
Conditional Use Criteria



M-1 Industrial District

Specific Lots Meeting Location Condition 400-71 F(7)

F. Cannabis Retailer. Cannabis Retailers shall be permitted in the C-2 District as a conditional use, provided that the following criteria are met:

(7) No Cannabis Retailer shall be located within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, day care facility, or the following parks and playgrounds: Lauer Playground, the Cricket Field, Pole Hill Park, and Generations Memorial Park. Proximity shall be measured from the lot line to the nearest portion of the building containing a cannabis use.

- Block 59.01 Lot 3.01
- Block 59.02 Lot 1
- Block 59.03 Lots 1, 2, & 3
- Block 69.02 Lots 8, 9, 17.01, 17.02, 18, 19
- Block 90.01 Lot 1

Final determination of compliance with the Zoning Ordinance will be made by the Planning or Zoning Board upon application. All applicants must file for and be granted Site Plan approval from the board prior to conducting business.

M-1 Industrial District General Requirements

D. Area, yard and building requirements. Except as modified by Article [V](#), the following standards shall apply to all structures in an M-1 District:

- [\(1\)](#) Minimum district area: five acres.
- [\(2\)](#) Minimum lot area: one acre.
- [\(3\)](#) Minimum lot frontage at street line: 150 feet.
- [\(4\)](#) Minimum lot frontage at building line: 100 feet.
- [\(5\)](#) Maximum building coverage: 30%.
- [\(6\)](#) Maximum lot coverage: 80%.
- [\(7\)](#) Maximum height: 50 feet.
- [\(8\)](#) Minimum front yard: 30 feet.
- [\(9\)](#) Minimum side yards: 25 feet each; if adjacent to a residential use, twice the height of the main building or 25 feet, whichever is greater.
- [\(10\)](#) Minimum rear yard: 30 feet; if adjacent to a residential use, twice the height of the main building or 30 feet, whichever is greater.

E. Other provisions.

- [\(1\)](#) Parking areas may be located in any of the required yard areas, provided that they are at least 50 feet from a street line or the boundary of a residence zone. Ingress and egress shall be provided by not more than two driveways, each not less than 20 nor more than 30 feet in width. No driveways shall be located within 200 feet of the intersection of two public streets or within 100 feet of an existing driveway or private street.
- [\(2\)](#) Industrial uses established in this zone shall set aside 20% of the tract devoted to such use for seeding and landscaping and use this area for no other purpose.
- [\(3\)](#) All industrial activities or processes shall take place within an enclosed building. Incidental storage out of doors shall be shielded from any public street or adjacent residence zones by fencing, landscaping or other appropriate measure.
- [\(4\)](#) Wherever the property line of a lot in this zone abuts or is across a street from a residential zone, a buffer area of 25 feet in width shall be established which shall conform to all other conditions and requirements set forth in the C-1 Zone as specified in § [400-18E](#).

M-1 Industrial District Cannabis Conditions

- F. Cannabis Cultivator, Cannabis Manufacturer, Cannabis Wholesaler, Cannabis Distributors, Cannabis Retailers, and Cannabis Delivery Services shall be permitted in the M-1 Industrial District as a conditional use provided the following conditions, to the extent not inconsistent with State law or regulation, are met:**
- (1) The facility shall meet all of the requirements for licensure by the New Jersey Cannabis Regulatory Commission and/or the New Jersey Department of Health.
 - (2) If the number of cannabis licenses is limited by the Borough Council, a license or licenses are available for the proposed cannabis establishment(s) in the Borough of Gibbsboro.
 - (3) Enclosed building. All cultivation, manufacturing, storage and distribution activities shall take place within enclosed building or greenhouse structures. The facility shall be the sole occupant of its building.
 - (4) Fencing. All structures utilized for any cultivation, manufacturing, storage or distribution of cannabis shall be enclosed by a fence at least six (6) feet high.
 - (5) Noise. Cannabis cultivation and manufacturing facilities shall operate in compliance with state, county, and local noise laws and regulations, except in emergency situations requiring the use of a backup generator.
 - (6) Odor. Cannabis cultivation and manufacturing operations shall utilize available technology to filter and recirculate air, so that odors are not discernable by a reasonable person beyond the property line.
 - (7) Location. No facility shall be located within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, day care facility, or the following parks and playgrounds: Lauer Playground, the Cricket Field, Pole Hill Park, and Generations Memorial Park. Proximity shall be measured from the lot line to the nearest portion of the building containing a cannabis use. The subsequent approval of a school or any other facility in proximity to the cannabis use shall not render any existing cannabis business a nonconforming use.

M-1 Industrial District Cannabis Conditions - Continued

- (8) Signs. All cannabis facilities shall be in full compliance with the Borough's sign ordinance.
- (9) Lighting. No light generated by any cannabis activities shall result in measurable light changes at the nearest property boundary to each structure.
- (10) Consumption. No cannabis or cannabis product shall be smoked, eaten or otherwise consumed on the premises.
- (11) Security. All structures shall be designed, using safety and security barriers, to prevent the unlawful and unauthorized entry into the structures as prescribed by State law.
 - (a) There shall be controlled access to the site, with 24/7 on-site video monitoring of the exterior and interior of the facility, which video shall be retained and stored for the period prescribed by State law, but in no case shall such video be retained and stored for less than 30 days.
 - (b) Plans and reports depicting or describing access and security details information concerning the facility shall be deemed and protected as confidential security documents, exempt from disclosure as public records.
 - (c) Emergency power. Cannabis cultivation and manufacturing operations shall have a backup generator, capable of maintaining, at a minimum, all electronic security systems in the event of a power failure for at least 48 hours.
- (12) Provided that all the other conditions are met, Cannabis Retailers are permitted in the M-1 Industrial District provided that provided that state and Gibbsboro Cannabis Retailer licenses are available and there shall be no direct sales to the public from the property. Retail sales must be transacted using a licensed Cannabis Delivery Service. Nothing herein shall permit the retail sale of cannabis or marijuana products, the dispensing of cannabis or marijuana product, or the direct point sale or distribution of marijuana products except to other cannabis businesses licensed by the State, including a Vertically Integrated Cannabis business.

Local Cannabis Tax

- Imposed by municipal ordinance
- Cannot exceed:
 - 2% cannabis cultivator
 - 2% cannabis manufacture
 - 1% cannabis wholesaler
 - 2% cannabis retailer
- Percentage based on receipts on each sale
- Paid directly to municipality (CFO) in manner prescribe by municipality.
- Delinquencies same as property taxes.
- Does not apply:
 - Transfers involving distributors for purpose of bulk transportation.
 - Delivery services to consumers.