

**PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT ORDINANCE
REGARDING CANNABIS ESTABLISHMENTS AND DISTRIBUTORS
6/2/2023**

>Text to be added is shown in yellow highlight like **this**

>Text to be removed is shown in strikethrough and gray highlight like ~~this~~

>Sections or clauses NOT to be changed are omitted or listed as **NO CHANGES**

§ 345-6. Definitions.

CANNABIS CULTIVATOR — means 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. This person or entity shall hold a Class 1 Cannabis Cultivator license pursuant to Chapter 84 Article IV of the Municipal Code.

CANNABIS DISTRIBUTOR — means 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. This person or entity shall hold a Class 4 Cannabis Distributor license to operate.

CANNABIS ESTABLISHMENT — means a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer in good standing and approved by the Cannabis Control Board pursuant to Chapter 84 Article IV of the Municipal Code.

CANNABIS MANUFACTURER — means 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. This person or entity shall hold a Class 2 Cannabis Manufacturer license to operate.

CANNABIS RETAILER — means 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. This person or entity shall hold a Class 5 Cannabis Retailer license to operate.

CANNABIS WHOLESALER — means 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. This person or entity shall hold a Class 3 Cannabis Wholesaler license in good standing and approved by the Cannabis Control Board in good standing and approved by the Cannabis Control Board pursuant to Chapter 84 Article IV of the Municipal Code.

CANNABIS CONSUMPTION AREA — means, as further described in section 28 of P.L.2019, c.153 (C.24:6I - 21), a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

NO OTHER CHANGES

§ 345-60.5. Cannabis Establishment and Distributor Regulations.

1 – Purpose.

- A. Pursuant to N.J.S.A. 24:6I-45(a) (“State Law”), Jersey City may enact ordinances governing the number of cannabis establishments as well as the location, manner, and times of operation of these establishments. The purpose of this chapter is to regulate those zones and redevelopment plan districts which shall permit cannabis establishments and distributors as principal uses to promote the public health, safety, morals, and general welfare. ~~cannabis establishments in a manner that will minimize potential adverse impacts of such establishments and to promote the public health, safety, morals, and general welfare.~~

2 – Cannabis Establishments and Distributors subject to a Class 1, 2, 3, 4 licenses shall be permitted principal uses in all industrial zones, light industrial zones or industrial overlays, Commercial/Automotive (C/A) zone, Highway Commercial Zones (HC), as well as any structure in all zone districts and redevelopments plans which industrial, light industrial, warehouse, auto repair garage, or auto body shop is deemed as a pre-existing use.

3 – Cannabis Establishments subject to a Class 5 (Cannabis Retailer) license shall be permitted principal uses in Neighborhood Commercial (NC), Residential Commercial District 2 (RC-2), Commercial/Automotive (C/A), Highway Commercial (HC), Waterfront Planned Development (WPD), Neighborhood Commercial 2 (NC-2), Neighborhood Commercial 3 (NC-3), Port Industrial (PI), or Industrial (I).

4 – Cannabis Establishments subject to a Class 5 (Cannabis Retailer) license shall be permitted principal uses in any district, zone, overlay, or subdistrict of a Redevelopment Plan where retail sales of goods and services is a permitted principal use.

5 – Cannabis Consumption Areas shall be permitted accessory uses wherever Cannabis Retailers are permitted principal uses.

2 – Definitions.

- A. ~~Definitions promulgated in N.J.S.A. 24:6I-33 shall apply to this section of the Jersey City Municipal Code.~~

B. For the purposes of local restrictions, the following definitions shall supplement or give greater specificity to the terms used in this section of the Municipal Code.

1. Cannabis Establishment — means a cannabis cultivator (Class 1 license), a cannabis manufacturer (Class 2 license), a cannabis wholesaler (Class 3 license), or a cannabis retailer (Class 5 license).
2. Cannabis Distributor — means a Class 4 license.
3. Cannabis Consumption Area — means a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis takes or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption, may be consumed.
4. Microbusiness — means a person or entity licensed as a cannabis establishment that shall meet the following requirements:
 - a. 100 percent of the ownership interest in the microbusiness shall be held by current New Jersey residents who have resided in the state for at least the past two consecutive years;
 - b. At least 51 percent of the owners, directors, officers, or employees of the microbusiness shall be residents of the municipality in which the microbusiness is located, or to be located;
 - c. Concerning business operations, and capacity and quantity restrictions:
 - 1) Employ no more than 10 employees;
 - 2) Operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow above that plane not higher than 24 feet;
 - 3) Possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit;
 - 4) Acquire each month in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis;
 - 5) Acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and
 - 6) Acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof.
5. State Commission — means the Cannabis Regulatory Commission established pursuant to section 31 of P.L.2019, c.153 (C.24:61-24).

3—General Provisions.

- A. The regulations of this Section are subject to the enabling authority of the State of New Jersey and are subject to compliance with all statutes and/or regulations adopted by the State of New Jersey or its instrumentalities. If any provision of this Section is inconsistent with the statutes and/or regulations of the State of New Jersey, the State statutes and/or regulations shall prevail.
- B. Prior the operation of any cannabis establishment, a permit or license must be obtained from the State of New Jersey and from the City of Jersey City for the applicable type(s) of cannabis establishment and for cannabis consumption area endorsement. No cannabis establishment shall be permitted to operate without State and municipal permits or licenses.
- C. Permitted conditional uses shall, at all times, comply with the terms and conditions of the licensee's cannabis establishment license for permits and licenses issued by the State of New Jersey and the City of Jersey City.
- D. Odor. A cannabis establishment shall have the equipment to mitigate cannabis-related odor. The building shall be equipped with a ventilation system with carbon filters sufficient in type and capacity to eliminate cannabis odors emanating from the interior of the premises. The carbon filters are required to be replaced regularly for the best effectiveness to mitigate odor.
- E. Noise. Outside generators and other mechanical equipment used for any kind of power supply, cooling, or ventilation shall be enclosed and have appropriate baffles, mufflers, and/or other noise reduction systems to mitigate noise pollution.
- F. Security. All cannabis establishments shall be secured in accordance with State of New Jersey statutes and regulations and shall have a round-the-clock video surveillance system, 365 days a year.
- G. Compliance with all other applicable chapters of the Jersey City Municipal Code.
- H. When the state commission receives an application for initial licensing or renewal of an existing license for any cannabis establishment, distributor, or delivery service, or endorsement for a cannabis consumption area, the state commission shall provide, within 14 days, a copy of the application the City of Jersey City which shall be delivered to the Division of City Planning, Jersey City Planning Board, and the City Clerk.

4— Cannabis Establishments, classes 1 to 5, shall be permitted conditional uses, as regulated herein.

- A. Cannabis Establishments and Distributors subject to a Class 1, 2, 3 or 4 licenses shall be permitted conditional uses, as regulated herein, in all industrial zones, light industrial zones or industrial overlays as well as the Highway Commercial Zone (HC) along Tonnele Avenue.
 - 1. Cannabis Establishments shall not be collocated with any residential use in the same structure or on the same lot.
 - 2. No outdoor cultivation shall be allowed within thirty (30) feet of any property line.
 - 3. Barb wire or razor wire is prohibited.
 - 4. Compliance with the general provisions of this Section.
 - 5. Cannabis Manufacturers shall prove that proper and adequate conditions and safeguards are provided to mitigate any detrimental impacts to the public health, safety or general welfare of nearby residential uses.

6. The signage, bulk, coverage, design standards, loading, and parking regulations and standards of the zone in which the subject property is located shall apply. If standards are differentiated by use then the following land use categories shall apply:
 - a. Cannabis Establishments subject to a class 1 license shall comport with regulations related to Manufacturing uses.
 - b. Cannabis Establishments subject to a class 2 license shall comport with regulations related to Manufacturing uses.
 - c. Cannabis Establishments subject to a class 3 license shall comport with regulations related to Warehousing uses.
 - d. Cannabis Distributors subject to a class 4 license shall comport with regulations related to Warehousing uses.
 - e. If a Zone does not include the land use categories listed above, the most restrictive or least intense regulations or standards of that particular zone shall apply to that cannabis establishment.

7. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment or Distributor shall include the following, as it relates to the manner of operation:

- a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
- b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
- c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
- d. Submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
- e. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.

B. Cannabis Establishments and Distributors subject to a Class 1, 2, 3, 4 licenses and certified as a microbusiness shall be permitted conditional uses, as regulated herein, in all industrial zones, light industrial zones or industrial overlays, Commercial/Automotive (C/A) zone, Highway Commercial Zones (HC), as well as any structure in all zone districts and redevelopment plans which industrial, light industrial, warehouse, auto repair garage, or auto body shop is deemed as a pre-existing use.

1. Cannabis Establishments and Distributors shall not be collocated with any residential use in the same structure or on the same lot.
2. Outdoor cultivation is prohibited.
3. Barb wire or razor wire is prohibited.
4. Compliance with the general provisions of this Section.

5. Cannabis Manufacturers shall prove that proper and adequate conditions and safeguards are provided to mitigate any detrimental impacts to the public health, safety or general welfare of nearby residential uses.
 6. The signage, bulk, coverage, and design regulations and standards of the zone in which the subject property is located shall apply. For the purposes of this Section, in instances where signage, bulk, coverage, and design regulations and standards are regulated by use or differentiated by use, the standards and regulations that are most restrictive or least intense shall apply to cannabis establishments.
 7. Parking Requirements: Excluding the first 5,000 square feet, one off-street parking space is required for 500 square feet of gross floor area.
 8. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional-use application for a Cannabis Establishment or Distributor shall include the following, as it relates to the manner of operation:
 - a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
 - b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
 - c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
 - d. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.
- C. Microbusiness subject to a Class 5 (Cannabis Retailer) license shall be a permitted conditional use, as regulated herein.
1. The microbusiness shall be located wholly or partially within one or more of the following zoning districts:
 - a. Neighborhood Commercial (NC), Residential Commercial District 2 (RC-2), Commercial/Automotive (C/A), Highway Commercial (HC), Waterfront Planned Development (WPD), Neighborhood Commercial 2 (NC-2), Neighborhood Commercial 3 (NC-3), Port Industrial (PI), and Industrial (I).
 - b. Any district, zone, overlay, or subdistrict of a Redevelopment Plan where retail sales of goods and services is a permitted principal use.
 2. Separation Distances and Location Maximums.
 - a. The main entry door of any Microbusiness subject to a class 5 license shall be at least 200 feet from any school identified on the City's Official Drug Free School and Park Zones Map, pursuant to Section 151-1 of the Jersey City Municipal Code and pursuant to regulations and definitions in N.J.S.A. 2C:35-7 et seq., and N.J.S.A. 2C:35-7.1 et seq.. A copy of said map may be made available by the Division of Engineering or City Clerk. Distance is measured from the parcel boundary on which the School is located.

- b. Exception to school distance requirement: If a business was operation prior to February 21, 2021 and can prove a majority of sales were cannabis or hemp products, they may remain at their current location and are rendered exempt from the 200-foot school distance requirement.
 - c. For lots wholly or partially within a Neighborhood Commercial (NC) zone, there shall not be more than two (2) cannabis establishments on the same block. A block includes all lots fronting on both sides of a right-of-way between intersections. Corner lots are on two blocks.
 - d. For lots wholly or partially within 800 feet of a PATH Station in Jersey City, there shall not be more than two (2) cannabis establishments on the same block. A block includes all lots fronting on both sides of a right-of-way between intersections. Corner lots are on two blocks.
 - e. For areas where clause c and d above overlap, there shall be no more than two (2) cannabis establishments on the same block and at least one (1) of the two (2) shall be a certified microbusiness.
 - f. For lots 800 feet or more from a PATH Station in Jersey City or outside of a Neighborhood Commercial (NC) zone, the main entry door of any Microbusinesses subject to a Class 5 license shall be separated from one another by a distance of at least 600 feet.
 - g. The official location of a Station is determined by the NJ Office of Information Technology, Office of GIS (NJOGIS) and published under the title "NJ TRANSIT, PATH, PATCO and SEPTA Passenger Rail Station points, 2018 (NAD83, NJSP feet)" and available for download at <https://njogis-newjersey.opendata.arcgis.com/>.
3. Compliance with the general provisions of this Section.
4. The signage, bulk, coverage, design standards, loading, and parking regulations and standards of the zone in which the subject property is located shall apply. For the purposes of this Section, Cannabis Establishments subject to a class 5 license shall comport with regulations related to Retail Sales of Goods and Services.
5. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional use application for a Cannabis Establishment shall include the following, as it relates to the manner of operation:
- a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.
 - b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.
 - c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made available for employees; any relevant certifications, and an optional diversity plan.
 - d. Submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.

e. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.

D. Cannabis Establishments subject to a Class 5 (Cannabis Retailer) license, which do not classify as a Microbusiness, shall be a permitted conditional use, as regulated herein.

1. The Cannabis Establishment shall be located wholly or partially within one or more of the following zoning districts:

a. Neighborhood Commercial (NC), Residential Commercial District 2 (RC-2), Commercial/Automotive (C/A), Highway Commercial (HC), Waterfront Planned Development (WPD), Neighborhood Commercial 2 (NC-2), Neighborhood Commercial 3 (NC-3), Port Industrial (PI), and Industrial (I).

b. Any district, zone, overlay, or subdistrict of a Redevelopment Plan where retail sales of goods and services is a permitted principal use.

2. Separation Distances.

a. The main entry door of any Cannabis Establishment subject to a class 5 license shall be at least 200 feet from any school identified on the City's Official Drug Free School and Park Zones Map, pursuant to Section 151-1 of the Jersey City Municipal Code and pursuant to regulations and definitions in N.J.S.A. 2C:35-7 et seq., and N.J.S.A. 2C:35-7.1 et seq.. A copy of said map may be made available by the Division of Engineering or City Clerk. Distance is measured from the parcel boundary on which the School is located.

b. Exception to school distance requirement: If a business was operation prior to February 21, 2021 and can prove a majority of sales were cannabis or hemp products, they may remain at their current location and are rendered exempt from the 200-foot school distance requirement.

c. The main entry door of any Cannabis Establishment subject to a Class 5 license (including microbusinesses) shall be separated from one another by a distance of at least 600 feet.

3. Compliance with the general provisions of this Section.

4. The signage, bulk, coverage, design standards, loading, and parking regulations and standards of the zone in which the subject property is located shall apply. For the purposes of this Section, Cannabis Establishments subject to a class 5 license shall comport with regulations related to Retail Sales of Goods and Services.

5. Submittal requirements. Above and beyond the General Development Application Checklist items, a conditional-use application for a Cannabis Establishment shall include the following, as it relates to the manner of operation:

a. A community impact plan summarizing how the applicant intends to have a positive impact on the community in which the proposed cannabis establishment is to be located; which shall include an economic impact plan and a description of outreach activities.

b. A written description of the applicant's record of social responsibility, philanthropy, and ties to the proposed host community.

c. A workforce development and job creation plan, which may include information on the applicant's history of job creation and planned job creation at the proposed cannabis establishment; education, training and resources to be made

available for employees; any relevant certifications, and an optional diversity plan.

- d. Submit attestation signed by a bona fide labor organization stating that the applicant has entered into a labor peace agreement. This requirement shall not apply to applicants for a conditional permit or for an entity that is a certified microbusiness.
- e. Applicant shall provide a map of nearby cannabis establishments. Applicant shall indicate compliance with maximum number or separation distance requirements. A list of cannabis establishments shall be made available by the State Commission or City of Jersey City, Division of City Planning.

E. Standards and Endorsement Requirements for Cannabis Consumption Areas.

1. Cannabis Consumption Areas are permitted conditional uses, as regulated herein:

- a. Compliance with applicable conditional use requirements, of this section, for a microbusiness subject to a Class 5 license or for a Cannabis Establishment subject to a Class 5 license, except that the following conditions shall supplement or supersede.
- b. An applicant already has a Class 5 license approved by the City of Jersey City and State Commission, or is concurrently seeking conditional use approval as Cannabis Establishment subject to a Class 5 license.
- c. Standards for indoor Cannabis Consumption Areas:

- 1) An indoor Cannabis Consumption Area shall be a structurally enclosed area within a cannabis retailer that is separated by solid walls or windows from the area in which retail sales of cannabis items occur, shall only be accessible through an interior door after first entering the retailer, and shall comply with all ventilation requirements applicable to cigar lounges, as that term is defined in section 3 of P.L.2005, c.383 (C.26:3D-57), in order to permit indoor smoking, vaping, or aerosolizing that is the equivalent of smoking tobacco not in violation of the "New Jersey Smoke-Free Air Act," P.L.2005, c.383 (C.26:3D-55 et seq.).
- 2) Hours of operation in compliance with licensing laws of the City.

d. Standards for outdoor Cannabis Consumption Areas:

- 1) An outdoor Cannabis Consumption Area shall be an exterior structure on the same premises as the medical cannabis dispensary, clinical registrant facility, or cannabis retailer, that is either separate from or connected to the dispensary, facility, or retailer, and that is not required to be completely enclosed, but shall have sufficient walls, fences, or other barrier to prevent any view of patients consuming medical cannabis or person consuming personal use cannabis items within the consumption area from any sidewalk or other pedestrian or non-motorist right-of-way, as the case may be. Operators of an outdoor consumption area shall ensure that any smoking, vaping, or aerosolizing of medical cannabis or personal use cannabis times that occurs in an outdoor Cannabis Consumption Area does not result in migration, seepage, or recirculation of smoke or other exhaled material to any indoor public place or workplace as those terms are defined in section 3 of P.L.2005, c.383 (C.26:3D-57). The Board may require an outdoor

consumption area to include any ventilation features as the Board deems necessary and appropriate.

- 2) An outdoor Cannabis Consumption Area shall not be collocated with any residential use in the same structure or on the same lot.
- 3) Hours of operation. Outdoor consumption areas shall not operate later than 10:00 PM.
- 4) Additional standards for outdoor Consumption Areas on rooftops:
 - i. Buffer. The roof or rooftop deck where an outdoor Cannabis Consumption Area is proposed shall be at least fifty (50) feet from any window on an adjacent structure. Distance is measured from the extents of the outdoor Cannabis Consumption Area to adjacent windows.
- 5) Additional standards for outdoor Consumption Areas in yards:
 - i. Separation Distance. Outdoor Cannabis Consumption Areas located in yards shall be at least 200 feet from any school, park, or residential use. Distance is measured from the parcel boundary on which the school, park, or residential use is located to the extents of the outdoor Cannabis Consumption Area.
 - ii. Buffer. An outdoor Cannabis Consumption Area located in yards shall be setback from any property line by a minimum of fifteen (15) feet. In addition to walls or fences, the setback area shall include a landscaped buffer.