

**ORDINANCE OF THE BOROUGH OF BROOKLAWN,
COUNTY OF CAMDEN, STATE OF NEW JERSEY
AMENDING ARTICLE II OF CHAPTER 150, ZONING, IN
THE CODE OF THE BOROUGH OF BROOKLAWN**

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Brooklawn, that Article II of Chapter 150, Zoning, in the Code of the Borough of Brooklawn, are hereby amended, as follows:

ARTICLE I. ARTICLE II SECTION 150-11.1. Conditional Uses.

A. Permitted, conditional and prohibited use regulations in the Redevelopment Area Overlay Zone:

2. Conditional uses.

a. Alternative Treatment Centers which are authorized to grow and provide registered qualifying patients with usable marijuana and related paraphernalia (including cultivation, manufacturing, and/or dispensing of medical marijuana), in accordance with the provisions of the New Jersey Compassionate Use Marijuana Act, N.J.S.A. 24:6I-1 et seq., provided the following conditions are met:

(1) No Alternate Treatment Center shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;

(2) No Alternate Treatment Center shall be located within 50 feet of any residential zoning district or an adjacent community's residential-only zoning district;

(3) No Alternate Treatment Center shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility).

(4) Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;

(5) A site plan application has been made for the lot, and the Planning/Zoning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.

(6) The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).

(7) In addition to the above:

(a) The location, size, activity, site layout, street access, pedestrian and vehicular movement, with compliant, off-street parking facilities being harmonious with surrounding land uses;

(b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.

(8) Hours of Operation shall be restricted to 10:00 a.m. to 9:00 p.m. Mondays through Saturdays, and 12:00 noon to 5:00 p.m. on Sundays.

(9) Use or consumption in any manner of marijuana is not permitted on the premises of any medical marijuana dispensary at any time. No outside purchases may be consumed on the premises, nor shall consumption be permitted in any public place, including Borough Parks, organized sports recreation facilities and any other municipal facility or Borough-owned property.

(10) Persons under the age of twenty-one (21) years of age are not permitted to be on the premises of any medical marijuana dispensary at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

(11) Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

(12) Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

(13) There shall be no more than a total of two (2) Alternative Treatment Centers and/or Authorized Recreational Marijuana Retail Facility in the Borough of Brooklawn.

b. Authorized Recreational Marijuana Retail Facility, involving the sale of marijuana and related paraphernalia for recreational purposes to members of the general public, pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31 et seq., provided the following conditions are met:

(1) No Authorized Recreational Marijuana Facility shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;

(2) No Authorized Recreational Marijuana Facility shall be located within 50 feet of any residential zoning district or an adjacent community's residential-only zoning district;

(3) No Authorized Recreational Marijuana Facility shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility).

(4) Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;

(5) A site plan application has been made for the lot, and the Planning/Zoning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.

(6) The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).

(7) In addition to the above:

(a) The location, size, activity, site layout, street access, pedestrian and vehicular movement, with compliant, off-street parking facilities being harmonious with surrounding land uses;

(b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.

(8) Hours of Operation shall be restricted to 10:00 a.m. to 9:00 p.m. Mondays through Saturdays, and 12:00 noon to 5:00 p.m. on Sundays.

(9) Use or consumption of marijuana is not permitted on the premises of an authorized recreational marijuana retail facility at any time. No consumption of marijuana shall be permitted in any public place, including Borough Parks, organized sports recreation facilities and any other municipal facility or Borough-owned property.

(10) Persons under the age of twenty-one (21) years of age are not permitted to be on the premises of any authorized recreational marijuana retail facility at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

(11) Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

(12) Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

(13) There shall be no more than a total of two (2) Alternative Treatment Centers and/or Authorized Recreational Marijuana Retail facilities in the Borough of Brooklawn.

c. Authorized Cannabis Cultivation and/or Manufacturing Facilities, involved in the growing and cultivating cannabis, and/or involved in the manufacturing, preparation, and packaging of cannabis items, pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31 et seq., provided the following conditions are met:

(1) No Authorized Cannabis Cultivation and/or Manufacturing Facility shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;

(2) No Authorized Cannabis Cultivation and/or Manufacturing Facility shall be located within 50 feet of any residential zoning district or an adjacent community's residential-only zoning district;

(3) No Authorized Cannabis Cultivation and/or Manufacturing Facility shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility).

(4) Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;

(5) A site plan application has been made for the lot, and the Planning/Zoning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.

(6) The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).

(7) In addition to the above:

(a) The location, size, activity, site layout, street access, pedestrian and vehicular movement, with compliant, off-street parking facilities being harmonious with surrounding land uses;

(b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.

(8) Hours of Operation shall be restricted to 10:00 a.m. to 9:00 p.m. Mondays through Saturdays, and 12:00 noon to 5:00 p.m. on Sundays.

(9) Use or consumption of marijuana is not permitted on the premises of an Authorized Cannabis Cultivation and/or Manufacturing Facility.

(10) Persons under the age of twenty-one (21) years of age are not permitted to be on the premises of any Authorized Cannabis Cultivation and/or

Manufacturing Facility at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

(11) Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

(12) Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

(13) There shall be no more than one (1) Authorized Cannabis Cultivation and/or Manufacturing Facility in the Borough of Brooklawn.

ARTICLE II.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE III.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF BROOKLAWN

BY: _____
JULIE A. McCLEARY, MAYOR

ATTEST:

RYAN GILES, BOROUGH CLERK

The foregoing ordinance was introduced by Mayor and Council at its meeting held on February 21, 2023. This Ordinance will be considered for adoption on final reading and public hearing to be held on March 21, 2023 at 6:30 p.m. in the Council Chambers, 301 Christiana Street, Brooklawn, New Jersey.

The purpose of this Ordinance is to amend Ordinance # _____ and Ordinance # _____, permitting as conditional uses, in the Redevelopment Area Overlay Zone, certain uses consistent with the New Jersey Compassionate Use Marijuana Act, N.J.S.A. 24:6I-1 et seq., and the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31 et seq., within the Borough of Brooklawn. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Thursday (Legal Holidays excluded), at the Office of the Borough Clerk, Brooklawn Borough Hall, 301 Christiana Street, Brooklawn, New Jersey.