

ORDINANCE NO. 4-2025

AN ORDINANCE OF THE TOWNSHIP OF ABERDEEN, AMENDING AND SUPPLEMENTING CHAPTER 25 (LAND DEVELOPMENT) OF THE TOWNSHIP CODE TO PERMIT ONE (1) LICENSED CANNABIS RETAIL FACILITY AS A PERMITTED CONDITIONAL USE IN THE REGIONAL COMMERCIAL (RC) AND ONE (1) LICENSED CANNABIS RETAIL FACILITY AS A PERMITTED CONDITIONAL USE IN THE HIGHWAY COMMERCIAL (HC) ZONING DISTRICTS, AND AMENDING OTHER SECTIONS OF THE CHAPTER CONSISTENT THEREWITH.

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WHEREAS, the State of New Jersey, by enacting the Municipal Land Use Law (N.J.S.A. 40: 55D-1 et seq. ~ “MLUL”), permits municipalities to adopt and subsequently amend a zoning ordinance governing the nature and extent of the uses of land, buildings and structures within a municipality (N.J.S.A. 40:55D-62); and

WHEREAS, section 62 of the MLUL requires that a zoning ordinance be drawn “*with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land*”; and

WHEREAS, the Township of Aberdeen (the “Township”) maintains Chapter XXV entitled “Land Development” of the Township Code; and

WHEREAS, Chapter 25, which has been amended from time-to-time, remains the current zoning ordinance for the Township; and

WHEREAS, §25-2.1 addresses land use definitions for the Township, §25-4.6 addresses use and bulk regulations for (HC) Highway Commercial Zoning District and §25-4.7 addresses use and bulk regulations for the (RC) Regional Commercial Zoning District); and

WHEREAS, in or about January 2010, Governor Jon Corzine signed into law P.L. 2009, c. 307, known as the “New Jersey Compassionate Use Medical Marijuana Act”, which, in pertinent part, legalized the use and dispensing of marijuana for medicinal purposes; and

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 Township, nearly 70% 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 established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession. The Act has been amended from time to time; and

WHEREAS, the Act establishes six (6) marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; 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”), and the number of “cannabis distributors” and “cannabis delivery services,” that are allowed to operate within their boundaries, as well as the location, manner, and times of operation of such establishments, distributors or delivery services, and to establish civil penalties for the violation of any such regulations; and

WHEREAS, in July 2021, the Township Council of Aberdeen Township adopted Ordinance No. 11-2021, which, in pertinent part, amended the Commerce and Transportation Center Redevelopment Plan to permit Class 1 Cannabis Cultivators, Class 2 Cannabis Manufacturers, Class 3 Cannabis Wholesalers, Class 4 Cannabis Distributors and Class 6 Cannabis Delivery Service as Permitted Conditional Uses under such Redevelopment Plan, with conditions specified in such Ordinance; and

WHEREAS, the Township has carefully considered the benefits and detriments of permitting any one or more classes of cannabis establishments within the Township, and the impact upon the health, safety, and welfare of its residents; and

WHEREAS, the Act grants municipalities broad discretion in authorizing the number, location and conditions under which various classes of Cannabis operations may be permitted; and

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WHEREAS, the Mayor and Council of the Township of Aberdeen have determined that it is necessary and appropriate, and in the best interest of the health, safety and welfare of the Township’s residents and members of the public who visit, travel, or conduct business in the Township, to adopt an ordinance to amend Chapter 25 to permit the operation of Class 5 Cannabis Retailer operations in the Township’s (RC) Regional Commercial and (HC) Highway Commercial Zoning Districts in accordance with Section 31(b) of the Act; and

WHEREAS, the Mayor and Township Council have further determined that it is necessary and appropriate, and in the best interest of the health, safety and welfare of the Township’s residents and members of the public who visit, travel, or conduct business in the Township, to permit Class 5 Cannabis Retailer operations in the RC and HC Zones only under very specific Conditions as permitted under N.J.S.A. 40:55D-67 and deviation from which requires variance relief under N.J.S.A. 40:55D-70(d)(3).

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Aberdeen, in the County of Monmouth, State of New Jersey, that Chapter 25 of the Township Code is amended and supplemented as follows:

SECTION 1: §25-2.1 (Definitions) is herewith amended and supplemented to add:

CANNABIS

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., are incorporated herein and the relevant terms shall have the same meaning and definition as set forth in the Act. At time of adoption of this Ordinance:

CANNABIS LICENSE – shall mean a license issued under relevant State law including a license that is designated as either a:

- A. Class 1 Cannabis Cultivator [Grower] license
- B. Class 2 Cannabis Manufacturer [Processor] license
- C. Class 3 Cannabis Wholesaler license
- D. Class 4 Cannabis Distributor license
- E. Class 5 Cannabis Retailer license
- F. Class 6 Cannabis Delivery license

CANNABIS RETAILER – shall mean any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators [growers] and cannabis items from cannabis manufacturers [processors] 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.

The term includes a conditional license for a designated class, except when the context of the provisions of relevant State law otherwise intended to only apply for a license and not a conditional license.

CANNABIS MICROBUSINESS – shall mean a person or entity license by the Cannabis Regulatory Commission as a cannabis cultivator [grower], cannabis manufacturer [processor], cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery server that may only, with respect to its business operations, and capacity and quantity of product:

- A. Employ no more than 10 employees;
- B. Operate a cannabis establishment occupying an area of no more than 2,500 s.f., and in the case of a cannabis cultivator [grower], grow cannabis on an area no more than 2,500 s.f. measured on a horizontal plane and grow above that plane not higher than 24’;
- C. 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;
- D. Acquire and process each month, in the case of a cannabis manufacturer [processor], no more than 1,000 pounds of usable cannabis [in dried form];
- E. Acquire for resale each month in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis [in dried form], or the equivalent amount in any [other] form of manufactured cannabis product or cannabis resin, or any combination thereof; and
- F. Acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis [in dried form], or the equivalent amount in any [other] form of manufactured cannabis product or cannabis resin, or any combination thereof.

MEDICAL CANNABIS DISPENSARY—means an organization issued a permit by the commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries and from clinical registrants; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of subsection i. of section 27 of P.L.2019, c.153 (C.24:6I-20); and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. A medical cannabis dispensary permit shall not authorize

Commented [SW3]: Prior comment = Assume that this includes medical. Joe, you missed this on confirmation.

Commented [JD4R3]: My apologies. Cannabis Retailer does not include Medical.

We should make note and add essentially that medical cannabis dispensary is also included.

Commented [JD5R3]: Under the medical program they are referred to as permits whereas the Rec. Legislation (class 5) refers to recreation.

Commented [JD6R3]: "Medical cannabis dispensary" means an organization issued a permit by the commission that authorizes the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators; purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries and from clinical registrants; deliver, transfer, transport, distribute, supply, and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver, or institutional caregiver consistent with the requirements of subsection i. of section 27 of P.L.2019, c.153 (C.24:6I-20); and possess, display, deliver, transfer, transport, distribute, supply, sell, and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers, and institutional caregivers. A medical cannabis dispensary permit shall not authorize the permit holder to cultivate medical cannabis, to produce, manufacture, or otherwise create medical cannabis products

the permit holder to cultivate medical cannabis, to produce, manufacture, or otherwise create medical cannabis products.

Unless specifically addressed by action of the Aberdeen Township Council, the foregoing definitions shall automatically be amended to reflect and include any changes enacted by the State Legislature or by the New Jersey Cannabis Regulatory Commission.

SECTION 2: Subsection b. of §25-4.6 (“HC” Highway Commercial) is herewith amended and supplemented to add a new number 22. as follows:

One (1) Class 5 Cannabis Retail establishment as a Conditional Use (see §25-6.6), subject to the following specific Conditions:

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1. The Cannabis Retailer shall hold a Class 5 Cannabis Retailer license issued by the New Jersey Cannabis Regulatory Commission and shall maintain such license in good standing.
2. The Class 5 Cannabis Retail establishments shall have frontage on a County Road or State Highway. The provisions of this Ordinance do not substitute for or supersede any approvals required by or regulation of the State of New Jersey as applied to a State Highway or Monmouth County as applied to a County Road.
3. No Class 5 Cannabis Retail establishment shall be located on any lot wherein any portion of such lot abuts or is within an exclusion zone measured 1,000 linear feet along a County Route or State Highway from a lot that hosts another Cannabis Dispensing facility of any Class.
4. The Class 5 Cannabis Retail establishments shall comply with the bulk, area, and yard requirements of the Highway Commercial Zone at §25-4.6 d., e. and f., and the applicable sections of §25-4.6 g.
5. The Class 5 Cannabis Retail establishments shall be located in freestanding, single-use buildings and not part of a multi-use building with internal partition walls. There shall be only one building per lot.
6. Vehicular access to the lot hosting the Class 5 Cannabis Retail establishment shall not be from a residential street.
7. No Class 5 Cannabis Retail establishment shall be located on any lot where any portion of such lot is closer than 300’ from any portion of a (“CR”) Conservation / Recreation Zone.
8. No Class 5 Cannabis Retail establishment shall be located on any lot where any portion of such lot is closer than 500’, measured lot line to lot line, from any lot or portion of a lot which hosts:
 - (a) A Place of Worship or lands contiguous to a Place of Worship that is owned by

such contiguous Place of Worship;

(b) A public or parochial school, private school or child-care center, or lands contiguous to a public or parochial school, private school or child-care center.

(c) A Public park or recreation center, or lands contiguous to a public park or recreation center.

9. On-site sales of food or beverages, alcohol or tobacco products are prohibited at any Class 5 Cannabis Retail establishment.

10. On-site consumption of food, alcohol, tobacco, or cannabis products is prohibited at any Class 5 Cannabis Retail establishment.

11. No Cannabis products or paraphernalia shall be displayed or visible from the exterior of any Class 5 Cannabis Retail establishment.

12. Hours of public operation for any Class 5 Cannabis Retail establishment shall be limited to 8:00 AM through 10:00 PM daily. No Class 5 Cannabis Retail establishment shall be open to the public between the hours of 10:01 PM and 7:59 AM on any day.

13. Minimum Off-Street Parking Requirements:

Class 5 Cannabis Retail establishments shall conform to the requirements of §25-5.12 (Off-Street Parking, Loading and Driveways), including, but not limited to, a minimum off-street parking requirement of 1 space for every one 1,000 s.f. of gross floor area.

14. Signage

Class 5 Cannabis Retail establishments shall conform to the requirements of §25-5.18 (Signs), and the following:

(a) No sign shall contain any visual representation of cannabis or associated paraphernalia.

(b) No Class 5 Cannabis Retail establishment shall display on the exterior of the facility advertisements for marijuana or cannabis or any analog thereof, marijuana or cannabis paraphernalia or any analog thereof, or any brand name except for the purposes of identifying the building by the permitted name.

(c) Sandwich Board signs are prohibited.

15. Safety & Security Plan

Prior to obtaining a final Certificate of Occupancy, all Class 5 Cannabis Retail establishments shall submit to the Township's Chief of Police for review and approval, a detailed Safety & Security Plan, which shall address measures and procedures designed to protect both the operators and patrons of the establishment from criminal activity, unsafe conditions and incidents of nuisance / harassment. Any

approval granted may be rescinded at any time if such actual operations fail to comply with the approved procedures of the Security Plan, or if such Plan fails to provide adequate security and safety for operators and patrons. The proposed Security Plan shall include, at a minimum:

- (a) 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;
- (b) 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;
- (c) procedures for maintaining records of regular audits to ensure that the Security Plan is current and that procedures are being followed.
- (d) procedures to ensure that patrons do not congregate, loiter or wait in line outside of a Class 5 Cannabis Retail establishment while waiting to be serviced. The Safety & Security Plan shall include a call system should interior capacity be exceeded.

SECTION 3: Subsection b. of §25-4.7 (“RC” Regional Commercial) is herewith amended and supplemented to add a new number 11. as follows:

One (1) Class 5 Cannabis Retail or Medical Cannabis Dispensary establishment as a Conditional Use (see §25-6.6), subject to the following specific Conditions:

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NOTE: For the Purposes of this section a Class 5 Retail license establishment and Medical Cannabis Dispensary are subject to all applicable local regulations and the following specific conditions.

1. The Cannabis Retailer shall hold a Class 5 Cannabis Retailer license issued by the New Jersey Cannabis Regulatory Commission and shall maintain such license in good standing.
2. The Class 5 Cannabis Retail establishments shall have frontage on a County Road or State Highway. The provisions of this Ordinance do not substitute for or supersede any approvals required by or regulation of the State of New Jersey as applied to a State Highway or Monmouth County as applied to a County Road.
3. No Class 5 Cannabis Retail establishment shall be located on any lot wherein any portion of such lot abuts or is within an exclusion zone measured 1,000 linear feet along a County Route or State Highway from a lot that hosts another Cannabis Dispensing facility of any Class.

4. The Class 5 Cannabis Retail establishments shall comply with the bulk, area, and yard requirements of the Regional Commercial Zone at §25-4.7 d., e. and f., and the applicable sections of §25-4.7 g.
5. The Class 5 Cannabis Retail establishments shall be located in freestanding, single-use buildings and not part of a multi-use building with internal partition walls. There shall be only one building per lot.
6. Vehicular access to the lot hosting the Class 5 Cannabis Retail establishment shall not be from a residential street.
7. No Class 5 Cannabis Retail establishment shall be located on any lot where any portion of such lot is closer than 300' from any portion of a ("CR") Conservation / Recreation Zone.
8. No Class 5 Cannabis Retail establishment shall be located on any lot where any portion of such lot is closer than 500', measured lot line to lot line, from any lot or portion of a lot which hosts:
 - (a) A Place of Worship or lands contiguous to a Place of Worship that is owned by such contiguous Place of Worship;
 - (b) A public or parochial school, private school or child-care center, or lands contiguous to a public or parochial school, private school or child-care center.
 - (c) A Public park or recreation center, or lands contiguous to a public park or recreation center.
9. On-site sales of food or beverages, alcohol or tobacco products are prohibited at any Class 5 Cannabis Retail establishment.
10. On-site consumption of food, alcohol, tobacco, or cannabis products is prohibited at any Class 5 Cannabis Retail establishment.
11. No Cannabis products or paraphernalia shall be displayed or visible from the exterior of any Class 5 Cannabis Retail establishment.
12. Hours of public operation for any Class 5 Cannabis Retail establishment shall be limited to 8:00 AM through 10:00 PM daily. No Class 5 Cannabis Retail establishment shall be open to the public between the hours of 10:01 PM and 7:59 AM on any day.
13. Minimum Off-Street Parking Requirements:

Class 5 Cannabis Retail establishments shall conform to the requirements of §25-5.12 (Off-Street Parking, Loading and Driveways), including, but not limited to, a minimum off-street parking requirement of 1 space for everyone 1,000 s.f. of gross floor area.
14. Signage

Class 5 Cannabis Retail establishments shall conform to the requirements of §25-5.18 (Signs), and the following:

- (d) No sign shall contain any visual representation of cannabis or associated paraphernalia.
- (e) No Class 5 Cannabis Retail establishment shall display on the exterior of the facility advertisements for marijuana or cannabis or any analog thereof, marijuana or cannabis paraphernalia or any analog thereof, or any brand name except for the purposes of identifying the building by the permitted name.

15. Safety & Security Plan

Prior to obtaining a final Certificate of Occupancy, all Class 5 Cannabis Retail establishments shall submit to the Township's Chief of Police for review and approval, a detailed Safety & Security Plan, which shall address measures and procedures designed to protect both the operators and patrons of the establishment from criminal activity, unsafe conditions and incidents of nuisance / harassment. Any approval granted may be rescinded at any time if such actual operations fail to comply with the approved procedures of the Security Plan, or if such Plan fails to provide adequate security and safety for operators and patrons. The proposed Security Plan shall include, at a minimum:

- (a) 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;
- (b) 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;
- (c) procedures for maintaining records of regular audits to ensure that the Security Plan is current and that procedures are being followed.
- (d) procedures to ensure that patrons do not congregate, loiter or wait in line outside of a Class 5 Cannabis Retail establishment while waiting to be serviced. The Safety & Security Plan shall include a call system should interior capacity be exceeded.

SECTION 4: All Class 5 Cannabis Retail establishments shall be subject to the maximum local cannabis transfer tax and user tax, as authorized by the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16).

SECTION 5: Any applicant, property owner, developer or redeveloper that proposes a Class 5 Cannabis Retail establishment shall enter into a Development Agreement (by whatever name) with the Township.

A fully executed Development Agreement with the Township shall be required as a Submission Checklist / Completeness item as a part of any application for land use (i.e., Site Plan, Subdivision or Variance) approval to the Township's Planning Board or Zoning Board of Adjustment for a Class 5 Cannabis Retail establishment.

SECTION 6: The regulations set forth herein are in addition to and not in lieu of any other ordinances or provisions of ordinances governing Aberdeen Township. Any item not specifically addressed under this Ordinance shall be governed by Chapter 25 (Land Development), the New Jersey Municipal Land Use Law (*N.J.S.A. 40:55D-1, et. seq.*), the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) and any other applicable local ordinance, State or federal laws.

Within this context, any land use and building requirement not specifically addressed herein remains subject to the provisions of Chapter 25 and all other ordinances and regulations of the Township of Aberdeen not contravened by this Ordinance.

SECTION 7: Prior to the final adoption of this Ordinance, the Township Council shall refer this this Ordinance to the Planning Board for review pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board shall, within 35 days after referral by the Township Council, transmit to the Township Council, a report containing its recommendation concerning the contents of this Ordinance, including any provisions which are inconsistent with the master plan and any recommendations concerning those inconsistencies.

SECTION 8: Upon receipt of the Planning Board's recommendation, or if the Planning Board fails to transmit a recommendation within 35 days after referral, the Township Council shall act upon this Ordinance pursuant to Law.

Introduced: February 20, 2025

Adopted: March 6, 2025

Fred Tagliarini, Mayor

Melissa Pfeifer, Township Clerk