

## **Policy Regarding Issuance of Proof of Local Support and Zoning Approval Letter for Cannabis Business License Applicants**

The Borough of Flemington permits cannabis cultivators and retailers to operate within certain zoning districts pursuant to Ordinance 2021-14. The Ordinance permits a maximum of two each of cannabis cultivators and retailers within the Borough.

Applicants for recreational cannabis use business licenses are required to receive a letter of support and a zoning approval letter from the Borough as part of the state license application.

Below is a policy regarding the request for such items by potential applicants. Insofar as applicants for medical use cannabis business licenses require a letter of support or zoning approval, this policy shall apply. This policy shall not apply to those receiving a medical use cannabis business license prior to the adoption of this policy.

### **Letter of Support:**

Applicants for an annual license or those seeking to convert a conditional license to an annual license must provide “proof of local support” to the Cannabis Regulatory Commission pursuant to N.J.A.C. 17:30-7.8 and 7.10. A “letter of support” (N.J.A.C. 17:30-5.1(g)) “indicat[es] that the intended location is appropriately located or otherwise suitable for activities related to operations of the proposed cannabis business” and must be granted by Resolution of the Borough Council.

### *Priority of Applicants*

In accordance with applicable regulations, the Borough Council will give priority to the following types of applicants: Social Equity Businesses (N.J.A.C. 17:30-6.6): Diversity-Owned Businesses (defined in Subchapter 1); and Impact Zone Businesses (N.J.A.C. 17:30-6.5)

### *Application Fees*

There shall be an application fee in the amount of \$300.00 to cover review of the submission. This fee shall be reduced to \$50.00 for microbusinesses as defined in N.J.A.C. 17:30-6.7.

### *Submission Requirements*

Those seeking letters of support shall submit the following to the Borough Clerk for consideration by the Borough Council.

- Location of business and identification of zoning district

- Concept plan. This should include preliminary information about parking and traffic.
- 200-foot property owner list and a statement of whether the property is located within 200 feet of property zoned for residential use.
- If there is a planned consumption area, information on how it will comply with the Smoke-Free Air Act
- Financial plan
- Background information about the owners, including requisite experience
- Details of any past business experience
- Proof of whether the business will fall into one of the priority groups set forth above
- A statement of whether the business will qualify as a “microbusiness” as set forth in N.J.A.C. 17:30-6.7
- Fees

#### *Timeline to Submit Requests*

- January 3, 2022 – deadline to receive requests
- Late January – early February - Special meeting of the Borough Council for potential license applicants to make presentations to Council
- February 28, 2022 – Council awards the letters of support via resolution at its regular meeting

\* If two licenses of each permitted class are not awarded for locations in Flemington in the first round of licensing, the Borough Council can elect to establish a timeline for receipt of a second round of requests.

\*\* This timeline may be adjusted to take into account the licensing schedule of the Commission.

The Borough Council reserves the right to issue more than two letters of support for each class of permitted license and communicate to the Commission which applicants seeking to operate within the municipality it prefers be issued a license pursuant to N.J.A.C. 17:30-6.3.

#### **Zoning Approval Letters**

Applicants for an annual license or those seeking to convert a conditional license to an annual license must provide “zoning approval” to the Cannabis Regulatory Commission pursuant to N.J.A.C. 17:30-7.8 and 7.10. A zoning approval is not a zoning permit, (N.J.A.C. 17:30-5.1(f)). It is a “letter or affidavit from appropriate zoning officials of the municipality stating that the location will conform to municipal zoning requirements...and any variances concerning the operation of a cannabis business.”

Zoning approval letter requests will be accepted on a rolling basis and the Zoning Officer will issue a zoning approval letter or denial within 20 business days of receipt of a request. The Zoning Officer will review such requests in consultation with the Borough Planner and Attorney.

A zoning approval issued pursuant to N.J.A.C. 17:30-5(f) shall not be construed as a zoning permit. The applicant must meet all conditions set forth in Borough ordinances, including obtaining site plan approval. A review of a request for a “zoning approval letter” will only include whether the proposed location meets the requirements of the Borough’s cannabis zoning ordinances and the Zoning Officer will not opine as to other bulk standards.

#### *Application Fee*

There shall be an application fee in the amount of \$300.00 to cover review of the submission. This fee shall be reduced to \$50.00 for microbusinesses as defined in N.J.A.C. 17:30-6.7.

#### *Submission Requirements*

- Location of property and identification of zoning district
- 200-foot property owner list and a statement of whether the property is located within 200 feet of property zoned for residential use.
- A map showing the surrounding properties within 200 feet
- A statement as to whether a consumption area is proposed