

**CITY OF ABSECON**

**ORDINANCE 10-2021**

**AN ORDINANCE AMENDING CHAPTER 224 OF THE CODE OF THE CITY OF ABSECON TO ESTABLISH CANNABIS LAND USE REGULATIONS**

**WHEREAS**, On February 22, 2021, Governor Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult-use) cannabis establishments, use and possession; and,

**WHEREAS**, the Act establishes six (6) marketplace classes of licensed cannabis businesses; and,

**WHEREAS**, the City of Absecon is seeking to establish regulations regarding cannabis establishments in the Municipality; and,

**WHEREAS**, the City's Land Use and Development Ordinance must be amended to establish regulations for the various classes of cannabis establishments in respective zoning districts; and,

**NOW THEREFORE BE IT ORDAINED**, by the Municipal Council of the City of Absecon that Chapter 224 of the Code of the City of Absecon be amended as follows:

**Section 1:**

The Cannabis Class Location Map is hereby incorporated into Chapter 224 of the Code of the City of Absecon as Attachment 5 and shall delineate the areas within the City of Absecon where specific classes of cannabis establishments are permitted as conditional uses. This amendment shall be enacted in accordance with the attached map.

The specific lots and blocks to be affected at the time of this amendment are as follows:

<b>Proposed Permitted Marketplace Classes</b>	<b>Existing Zoning</b>	<b>Block</b>	<b>Lots</b>
Class 5: Retailer Class 6: Delivery	DC	125	1
		126	1
		127	1, 2
		128	8
		129	2, 3, 4
		185	1
		186	1
<b>Proposed Permitted Marketplace Classes</b>	<b>Existing Zoning</b>	<b>Block</b>	<b>Lots</b>
Class 5: Retailer Class 6: Delivery	C1	158	1.01, 1.02, 2, 3, 4, 5, 6
		159	1, 2, 3, 4, 5.01, 5.02
		160	9, 10, 12
		162	6, 7
		170	21, 22

		212	1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15
		213	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
	HC	190	1, 2.01, 2.02, 3, 4
		189	1, 3, 5, 6, 7, 8, 9, 10, 11.01, 11.02, 12, 13
		204	8, 10
		206	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11.01, 11.02, 12, 13, 14, 15, 16
		207	1, 3, 4, 5, 6, 7.01, 7.02, 8, 9, 10, 11
		214	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17
		215	1.01, 1.02
		219	1, 2
		219.01	2, 3
All Classes		HD	224
	225		1, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19
Class 1: Cultivator Class 2: Manufacturer Class 3: Wholesaler Class 4: Distributor Class 6: Delivery	I/PI	229	1, 2
		230	1
		238	1, 2, 3, 4, 5.01, 5.02, 5.03, 6, 7, 8
		249	1
		250	1
		251	1
		252	1
		253	1, 2, 3, 4, 5
		254	1, 2, 3, 4, 5
		255	1
		258	1.02, 1.133, 2, 3
		259	1, 2, 3, 4, 5
		260	1.01, 1.02
		261	1, 2, 3, 4, 5, 6, 7.01, 7.02
		262	1, 2, 3.01, 3.02, 3.03, 4, 5, 6, 7, 8, 9, 10, 11
		263.01	1
		263.02	1
264	1.01, 1.02, 1.03, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24		
<b>Proposed Permitted Marketplace Classes</b>	<b>Existing Zoning</b>	<b>Block</b>	<b>Lots</b>
Class 1: Cultivator Class 2: Manufacturer Class 3: Wholesaler Class 4: Distributor Class 6: Delivery	I/PI	266	1
		267	1, 2, 3, 4, 5, 6
		268	1, 2, 3, 4, 5, 6, 7, 8
		269	1, 2.01, 2.02, 3, 4, 5, 6, 7, 8, 9, 10, 11.01, 11.02
		270	1.01, 1.02, 2, 3
		271	1
		272	1, 2.01, 2.02, 3
		273	1
		274	1, 2, 3, 4, 5

	275	1, 2, 3
	276	1, 2, 3, 4
	277	1, 2, 3
	278	1, 2
	279	1, 2, 3, 4, 5
	280	1, 2, 3, 4, 5, 6
	281	1, 2, 3
	282	1, 2, 3, 4, 5, 6, 7
	283	1, 2, 3, 4, 5, 6, 7, 8, 9
	284	1, 2, 3, 4, 5
	285	1, 2, 3, 4
	286	1, 2
	287	1, 2, 3, 4
	288	1, 2, 3.01, 3.02, 4, 5, 6, 7
	289	12
	1000	1

**Section 2:**

Article III Definitions and Word Usage shall be modified to include the definitions for the six (6) marketplace classes of licensed cannabis establishments as follows:

**CANNABIS MARKETPLACE CLASSES**

Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis, consistent with current State law;

Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items, consistent with current State law;

Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees, consistent with current State law;

Class 4 Cannabis Distributor 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, consistent with current State law;

Class 5 Cannabis Retailer license, for locations at which cannabis items and related supplies are sold to consumers, consistent with current State law; 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, consistent with current State law;

**Section 3:**

Article IX. C1 Central Business District is hereby modified to allow conditional uses related to cannabis establishments.

The following is added:

Section 224-44. Permitted Uses.

- C. Conditional uses. The following conditional uses may be authorized by the Planning Board, provided that applications conform to the specified conditions and controls.
  - (1) Class 5 Cannabis Retailer and Class 6 Cannabis Delivery, subject to the following conditions and controls:
    - (a) The proposed use must be located within a designated area on the Cannabis Class Location Map – Attachment 5.
    - (b) The required Municipal Cannabis License(s) must be obtained from the City of Absecon.

Article XII. HC Highway Commercial District is hereby modified to allow conditional uses related to the cannabis industry.

The following is added:

Section 224-68. Permitted Uses.

- C. Conditional uses. The following conditional uses may be authorized by the Planning Board, provided that applications conform to the specified conditions and controls.
  - (3) Class 5 Cannabis Retailer and Class 6 Cannabis Delivery, subject to the following conditions and controls:
    - (a) The proposed use must be located within a designated area on the Cannabis Class Location Map – Attachment 5.
    - (b) The required Municipal Cannabis License(s) must be obtained from the City of Absecon.

Article XIII. DC Design Commercial District is hereby modified to allow conditional uses related to the cannabis industry.

The following is added:

Section 224-74. Permitted Uses.

- C. Conditional uses. The following conditional uses may be authorized by the Planning Board, provided that applications conform to the specified conditions and controls.
  - (1) Class 5 Cannabis Retailer and Class 6 Cannabis Delivery, subject to the following conditions and controls:

- (a) The proposed use must be located within a designated area on the Cannabis Class Location Map – Attachment 5.
- (b) The required Municipal Cannabis License(s) must be obtained from the City of Absecon.

Article XIV. HD Highway Development District is hereby modified to allow conditional uses related to the cannabis industry.

The following is added:

Section 224-83. Permitted Uses.

- C. Conditional uses. The following conditional uses may be authorized by the Planning Board, provided that applications conform to the specified conditions and controls.
  - (1) Class 1 Cannabis Cultivator, Class 2 Cannabis Manufacturer, Class 3 Cannabis Wholesaler, Class 4 Cannabis Distributor, Class 5 Cannabis Retailer and Class 6 Cannabis Delivery, subject to the following conditions and controls:
    - (a) The proposed use must be located within a designated area on the Cannabis Class Location Map – Attachment 5.
    - (b) The required Municipal Cannabis License(s) must be obtained from the City of Absecon.

Article XV. I/PI Industrial/Planned Industrial Area is hereby modified to allow conditional uses related to the cannabis industry.

The following is added:

Section 224-90. Permitted Uses.

- C. Conditional uses. The following conditional uses may be authorized by the Planning Board, provided that applications conform to the specified conditions and controls.
  - (1) Class 1 Cannabis Cultivator, Class 2 Cannabis Manufacturer, Class 3 Cannabis Wholesaler, Class 4 Cannabis Distributor and Class 6 Cannabis Delivery, subject to the following conditions and controls:
    - (a) The proposed use must be located within a designated area on the Cannabis Class Location Map – Attachment 5.
    - (b) The required Municipal Cannabis License(s) must be obtained from the City of Absecon.

Article XVIII Regulations Applicable to All Zoning Districts is hereby modified to prohibit on-premises consumption of cannabis in connection with any licensed cannabis establishment.

The following is added:

Section 224-107 Prohibited uses in all districts; vehicle storage restrictions.

A. The following uses are prohibited in all districts:

- (15) On-premises consumption of cannabis in connection with any licensed cannabis establishment.

**Section 4:**

Pursuant to the Municipal Land Use Law, the Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance after public hearing thereon, the Municipal Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board as required by N.J.S.A. 40:55D-16.

**Section 5:**

Pursuant to N.J.S.A. 40:55D- 62.1, notice of scheduled the hearing date and this Ordinance shall be given at least ten (10) days prior to the hearing by the Municipal Clerk by either personal service or certified mail and regular mail to the owners of all real property as shown on the current tax duplicates, located, in the case of a classification change, within the district and within the State within two hundred feet (200') in all directions of the boundaries of the district, and located in the case of a boundary change, in the State within two hundred feet (200') in all directions of the proposed new boundaries of the district.

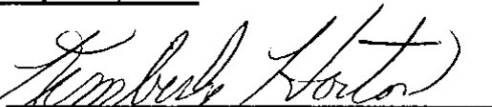
**Section 6:**

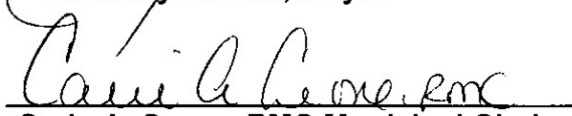
This Ordinance shall take effect upon final passage and publication as provided by law, however, subsequent to first reading, this Ordinance must be referred to the Planning Board for review, which shall be based on whether the proposal is substantially consistent with the Master Plan. The Planning Board has a period of thirty-five (35) days after referral to report on the proposed ordinance.

**BE IT FURTHER ORDAINED** that:

1. Any Ordinance or parts of ordinances, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of any such inconsistency.
2. This Ordinance shall take effect upon final adoption and publication as required by law.

**DATED: July 15<sup>th</sup>, 2021**

**SIGNED:**   
Kimberly Horton, Mayor

**ATTEST:**   
Carie A. Crone, RMC Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on June 17<sup>th</sup>, 2021. Laid over and advertised for public hearing and final adoption on July 15<sup>th</sup>, 2021. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on July 15<sup>th</sup>, 2021.