

ORDINANCE OF THE TOWNSHIP OF DEPTFORD, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY, AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF DEPTFORD TO REVISE THE BUSINESS CENTER – 2 ZONING DISTRICT

WHEREAS, the Township Council of the Township of Deptford, a municipal corporation in the County of Gloucester, State of New Jersey, finds that an amendment to the Unified Development Ordinance of the Township of Deptford to revise the Business Center – 2 zoning district is appropriate and will guide the development of land in the municipality in a manner which will promote the public health, safety, morals, and general welfare pursuant to the purposes of *N.J.S.A. 40:55D-2*.

WHEREAS, the Planning Board of the Township of Deptford has adopted a Master Plan that comprehensively provides for the appropriate use, regulation and development of lands in the municipality under *N.J.S.A. 40:55D-28*; and

WHEREAS, the Municipal Land Use Law at *N.J.S.A. 40:55D-62a* requires substantial consistency of the provisions regulating zoning and land use with the adopted Master Plan; and

WHEREAS, the Planning Board has determined that the revisions and amendments to the Unified Development Ordinance in this ordinance are consistent with relevant policies in the Master Plan, represent sound land use regulation and therefore favorably recommends to the Township Council that the regulations be so amended; and

WHEREAS, during the November 3, 2020 General Election, New Jersey voters passed Public Ballot Question Number 1, amending the State Constitution to legalize the possession and use of cannabis for persons aged 21 and older, and to legalize the cultivation, processing, and sale of retail cannabis pursuant to strict statutory and regulatory licensing standards (the “Constitutional Amendment”); and

WHEREAS, pursuant to the Constitutional Amendment, the New Jersey Legislature introduced and enacted the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, P.L. 2021, c.16 (the “Marketplace Modernization Act”), which amended existing laws governing medical cannabis to establish, among other things, a framework for the licensure, regulation, taxation, and oversight of cannabis businesses; and

WHEREAS, the Marketplace Modernization Act authorized municipalities to “opt out” of allowing the various types of cannabis businesses in the Act within their boundaries within 180 days of enactment, which the Deptford Council on August 2, 2021 in Ordinance O.14.21 ordained; and

WHEREAS, opting out does not preclude a municipality from carefully considering the regulations and interpretations of the new legislation and determining at a future date to permit one or more such businesses in one or more such locations within its boundaries; and

WHEREAS, after giving such careful consideration, the Deptford Township Council has determined that a portion of the BC-2 zoning district is an appropriate location for a retail dispensary and has accordingly promulgated this ordinance; and

WHEREAS, this Ordinance, including the terms utilized herein and any interpretation of its provisions, is intended to be consistent with the terms and intent of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act P.L. 2021, c.16, and its associated regulations, *N.J.A.C. §8:64-1, et seq.*, as amended from time to time; and

WHEREAS, this Ordinance is intended only to operate in accordance with and pursuant to the Township's authority under State Law, and is not intended to authorize nor encourage any activity pertaining to the cultivation, processing, distribution, sale, or use of cannabis and cannabis products in a manner that violates State law or Federal directives; and

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Township Council of the Township of Deptford, in the County of Gloucester, State of New Jersey, as follows:

Section 1. Section 6, Definitions, of the Unified Development Ordinance of the Township of Deptford shall be revised to add or modify the following definitions:

CANNABIS RETAILER - 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 from the State of New Jersey.

MEDICAL CANNABIS DISPENSARY - An organization issued a permit by the State of New Jersey 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), as it may be amended or superseded; 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.

Section 2. Section 17.1, BC-2 Business Center 2, of the Unified Development Ordinance of the Township of Deptford shall be amended to add the following conditional uses:

- D. Conditional uses permitted. The following uses may be permitted when authorized as a conditional use by the board of jurisdiction meeting the criteria following each such use:
1. [Unchanged]
 2. [Unchanged]
 3. [Unchanged]
 4. [Unchanged]
 5. Cannabis retail store, complying with the following criteria and the criteria of §61.A.13:
 - a. The use shall be located in a shopping center containing at least 40,000 sf. and five other stores.
 - b. The use shall be located on a street classified as a major arterial or higher order street in the Circulation Element of the Master Plan.
 - c. The use shall be located within two thousand (2,000) lineal feet of the exterior edge of the Deptford Mall main building.

Section 3. Section 61.A.13, Medical Cannabis Dispensary, of the Conditional Use section of the Unified Development Ordinance of the Township of Deptford shall be amended such that in every instance where the section states, “Medical Cannabis Dispensary”, it shall state, “Medical Cannabis Dispensary and Cannabis Retail Store”.

Section 4. Repealer. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

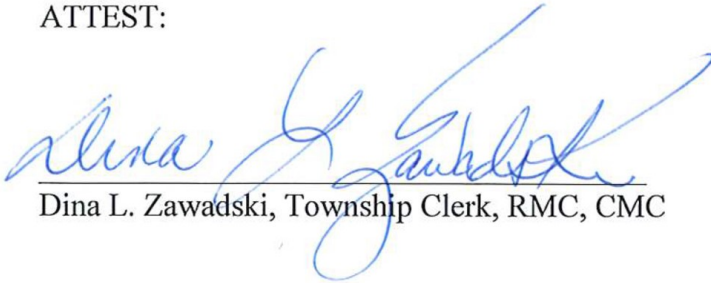
Section 5. Interpretation. If the terms of this Ordinance shall be in conflict with those of another Ordinance, the provision which imposes the greater restriction or limitation shall control.

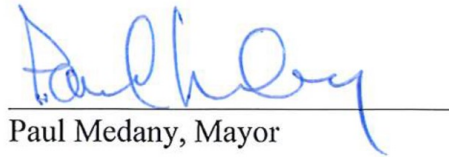
Section 6. Severability. If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The governing body of the Township of Deptford declares that it would have passed the Ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 7. Effective Date. This Ordinance shall take effect immediately upon passage, transmittal to the Gloucester County Planning Board, and publication according to law.

ATTEST:

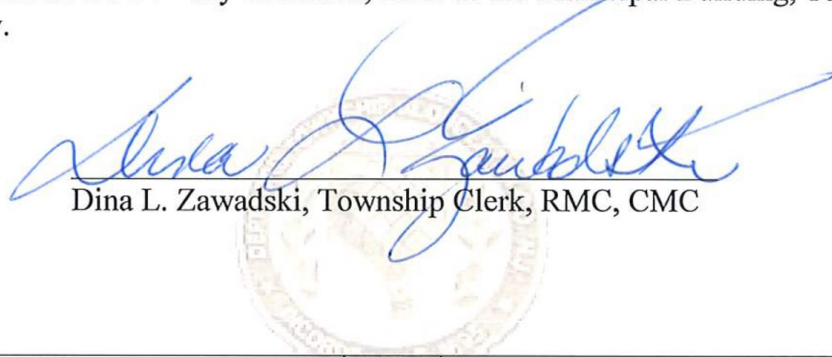
Township of Deptford


 Dina L. Zawadski, Township Clerk, RMC, CMC


 Paul Medany, Mayor

CERTIFICATION

The foregoing Ordinance was introduced at a Council Meeting of Township Council of the Township of Deptford held on the 7th day of February, 2022 and will be considered for final passage and adoption at a Council Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 14th day of March, 2022 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.


 Dina L. Zawadski, Township Clerk, RMC, CMC

RECORD OF VOTE – Introduction O.4.22					RECORD OF VOTE – Adoption O.4.22				
Council Member	Yes	No	Abstain	Absent	Council Member	Yes	No	Abstain	Absent
Medany	✓				Medany	✓			
Hufnell	✓				Hufnell	✓			
Barnshaw	✓				Barnshaw	✓			
Belling	✓				Belling	✓			
Lamb	✓				Lamb	✓			
Love	✓				Love	✓			
Schocklin	✓				Schocklin	✓			