

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 4-2024

AMENDING CHAPTER 180 OF THE CODE OF THE TOWNSHIP OF MOORESTOWN ENTITLED “ZONING” TO AMEND THE REGULATION OF CANNABIS BUSINESSES

WHEREAS, by the adoption of Ordinance 26-2021, the Township Council implemented the provisions of P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” by adopting regulations for the operation of, and to set zoning standards for, Cannabis Businesses in the Township of Moorestown; and

WHEREAS, the adoption of Ordinance 26-2021 was done prior to adoption of regulations by the NJ Cannabis Regulatory Commission and prior to any the opening of any Cannabis Businesses operating pursuant to the provisions of P.L. 2021, c. 16; and

WHEREAS, now that Cannabis Businesses have opened for business in surrounding municipalities and the opening of Cannabis Businesses in Moorestown is more imminent, a closer review of the original standards regulating the operation of these businesses in the Township has identified potential ambiguities with the original standards as well as concerns that the standards may not be appropriate; and

WHEREAS, the Township Council finds it is in the best interest of its residents to amend the zoning standards applicable to Cannabis Businesses to address the ambiguities that have been identified and the concerns that have been raised.

NOW THEREFORE BE IT ORDAINED, by the Township Council of the Township of Moorestown, County of Burlington, and State of New Jersey, as follows:

Section 1. Chapter 180, Article XX SRC Specially Restricted Commercial Districts, § 180-61 Q. is hereby amended as follows:

Q. No more than a combined total two (2) Class IV Cannabis Retailers Establishments when authorized as a conditional use by the Planning Board are permitted in the SRC and SRC-1 zoning district in accordance with the standards set forth are permitted as a conditional uses in these zoning districts subject to the conditions outlined in accordance with the standards set forth in § 180-96, Conditional uses E.(4).

Section 2. Chapter 180, Article XXII BP Business Park Districts § 180-67.2 C. (4) is hereby amended as follows:

(4) Cannabis Establishments when authorized as a conditional use by the Planning Board in accordance with the standards set forth are permitted as a conditional use in this zoning district subject to the conditions outlined in § 180-96, Conditional uses E.(4). However, no more than two (2) Class IV Cannabis Retailers are permitted.

Section 3. The following subsections of Chapter 180, Article XXV Miscellaneous Restrictions, Regulations and Provisions, § 180-96 E. (4) are amended as follows:

(d) The building in which a Cannabis Business is located shall be set back a minimum of 1,000 feet from any building operated as a public or private school educating children grades one (1) through twelve (12), and shall be set back 500 feet from the boundary of any lot on which a public park is located, unless there is a state highway between the public park and the cannabis business. For purposes of this subsection, the applicable measurement shall be made to the footprint of the building containing the Cannabis Business. However, in the case of a multi-unit building, the applicable measurement shall be made to the portion of the building in which the Cannabis Business is located.

(f) The hours of operation for a Cannabis Retailer shall be limited to between 108:00 a.m. and 940:00 p.m. Monday to Saturday, and between 12:00 noon and 6:00 p.m. on Sunday.

(o) The Cannabis Business use is to be considered the principal use ~~of the premises~~ and not an accessory use.

(p) Motor vehicle parking spaces shall be provided ~~in accordance with the ordinance requirements for the type of use proposed.~~ as follows:
Cannabis Retailer- 1 per every 250 square feet of gross floor area; and
All other Cannabis Businesses- 1 per every 1,000 square feet of gross floor area.

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 Township Council of the Township of Moorestown 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 20 days after adoption, transmittal to the Burlington County Planning Board, and publication according to law.

CERTIFICATION

I, Patricia L. Hunt, Township Clerk, hereby certify that the attached is a true and correct copy of Ordinance No. 4-2024 which was introduced and adopted on first reading on February 26, 2024 and heard on second reading and was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on March 11, 2024.

<u>VOTE:</u>	
GILLESPIE	ABSENT
LAW	YES
MAMMARELLA	YES
KEATING	YES
ZIPIN	YES

Patricia L. Hunt, RMC
Township Clerk