

**CITY OF ABSECON**

**ORDINANCE 18-2022**

**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 Land Use and Development Ordinance was amended to establish regulations for the various classes of cannabis establishments in respective zoning districts; and,

**WHEREAS**, the City of Absecon is seeking to further refine regulations regarding cannabis establishments in the Municipality; 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:**

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.

(2) Class 2 Cannabis Manufacturer, subject to the following conditions and controls:

(a) The proposed use must be associated with and located on the same site as an active Class 5 Cannabis Retailer.

(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.

(4) Class 2 Cannabis Manufacturer, subject to the following conditions and controls:

(a) The proposed use must be associated with and located on the same site as an active Class 5 Cannabis Retailer.

(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.

(2) Class 2 Cannabis Manufacturer, subject to the following conditions and controls:

(a) The proposed use must be associated with and located on the same site as an active Class 5 Cannabis Retailer.

(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 the storage or use of flammable solvents at certain cannabis establishments.

The following is added:

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

A. The following uses are prohibited in all districts:

(16) Use of flammable solvents for extraction systems at any cannabis establishment located within the same building as a cannabis retailer, or within the same building as any other use that is open to the public for the purchase of goods or services.

**Section 2:**

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 3:**

Pursuant to N.J.S.A. 40:55D- 62.1, notice of the scheduled 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.

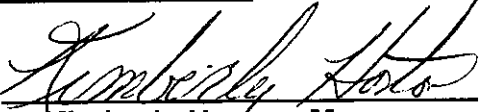
**Section 4:**

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: October 6<sup>th</sup>, 2022**

**SIGNED:**   
Kimberly Horton, Mayor

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

Passed on first reading at a regular meeting of the Municipal Council held on September 15<sup>th</sup>, 2022. Laid over and advertised for public hearing and final adoption on October 6<sup>th</sup>, 2022. 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 October 6<sup>th</sup>, 2022.