

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN, STATE OF NEW JERSEY
AMENDING ARTICLES VIII AND VIIIA OF CHAPTER 94,
ZONING, IN THE CODE OF THE BOROUGH OF
MERCHANTVILLE**

BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Merchantville, that Article VIII and Article VIIIA of Chapter 94, Zoning, in the Code of the Borough of Merchantville, are hereby amended, as follows:

ARTICLE I. ARTICLE VIII SECTION 94-33.1. Conditional Uses.

The purpose of this section is to set forth the requirements and procedures applicable to conditional uses, in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved for any site unless the use is specifically approved as a conditional use in the zone for which it is proposed by the Planning/ Zoning Board. The following conditional uses shall be permitted in the B-1 Central Business Zoning District as follows:

- A. Retained in its entirety.
- B. Retained in its entirety.
- C. Retained in its entirety.
- D. Alternative Treatment Centers which are authorized to grow and provide registered qualifying patients with usable marijuana and related paraphernalia (including cultivation, manufacturing, and/or dispensing of medical marijuana), in accordance with the

provisions of the New Jersey Compassionate Use Marijuana Act, N.J.S.A. 24:6I-1 et seq., provided the following conditions are met:

(1) No Alternate Treatment Center shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;

(2) No Alternate Treatment Center shall be located within 50 feet of any R-1, R-2, R-3, R-4 residential zoning district or an adjacent community's residential-only zoning district;

(3) No Alternate Treatment Center shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility).

(4) Notice of the application has been given, and publication made, pursuant to NJSA 40:55D-12;

(5) A site plan application has been made for the lot, and the Planning/Zoning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.

(6) The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).

(7) In addition to the above:

(a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with surrounding land uses;

(b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.

(8) Hours of Operation shall be restricted to 9 a.m. to 7 p.m.

(9) Use or consumption in any manner of marijuana is not permitted on the premises of any medical marijuana dispensary at any time.

(10) Persons under the age of eighteen years of age are not permitted to be on the premises of any medical marijuana dispensary at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

(11) Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

(12) Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

E. Authorized Recreational Marijuana Retail Facility, involving the sale of marijuana and related paraphernalia for recreational purposes to members of the general public, pursuant to

the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31 et seq., provided the following conditions are met:

(1) No Authorized Recreational Marijuana Facility shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;

(2) No Authorized Recreational Marijuana Facility shall be located within 50 feet of any R-1, R-2, R-3, R-4 residential zoning district or an adjacent community's residential-only zoning district;

(3) No Authorized Recreational Marijuana Facility shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility).

(4) Notice of the application has been given, and publication made, pursuant to NJS 40:55D-12;

(5) A site plan application has been made for the lot, and the Planning/Zoning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.

(6) The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).

(7) In addition to the above:

(a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with surrounding land uses;

(b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.

(8) Hours of Operation shall be restricted to 12 p.m. to 9 p.m.

(9) Use or consumption of marijuana is permitted on the premises of an authorized recreational marijuana retail facility only if it is used or consumed indoors and only if the product is purchased at that retail facility. No outside purchases may be consumed on the premises.

(10) Persons under the age of eighteen years of age are not permitted to be on the premises of any authorized recreational marijuana retail facility at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

(11) Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

(12) Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

ARTICLE II. ARTICLE VIII A SECTION 94-37.1. Conditional Uses.

The purpose of this section is to set forth the requirements and procedures applicable to conditional uses in the B-2 district in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved for any site unless the use is specifically approved as a conditional use in the zone for which it is proposed by the Planning/Zoning Board. Conditional uses shall be permitted in the B-2 Neighborhood Business Zoning District as follows:

- A. Retained in its entirety;
- B. Retained in its entirety.
- C. Retained in its entirety.
- D Retained in its entirety.
- E. Retained in its entirety.
- F. Retained in its entirety.
- G. Retained in its entirety.

H. Alternative Treatment Centers which are authorized to grow and provide registered qualifying patients with usable marijuana and related paraphernalia (including cultivation, manufacturing, and/or dispensing of medical marijuana), in accordance with the provisions of the New Jersey Compassionate Use Marijuana Act, N.J.S.A. 24:6I-1 et seq., provided the following conditions are met:

(1) No Alternate Treatment Center shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;

(2) No Alternate Treatment Center shall be located within 50 feet of any R-1, R-2, R-3, R-4 residential zoning district or an adjacent community's residential-only zoning district;

(3) No Alternate Treatment Center shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility).

(4) Notice of the application has been given, and publication made, pursuant to NJSA 40:55D-12;

(5) A site plan application has been made for the lot, and the Planning/Zoning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.

(6) The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).

(7) In addition to the above:

(a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with surrounding land uses;

(b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.

(8) Hours of Operation shall be restricted to 9 a.m. to 7 p.m.

(9) Use or consumption in any manner of marijuana is not permitted on the premises of any medical marijuana dispensary at any time.

(10) Persons under the age of eighteen years of age are not permitted to be on the premises of any medical marijuana dispensary at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

(11) Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

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I. Authorized Recreational Marijuana Retail Facility, involving the sale of marijuana and related paraphernalia for recreational purposes to members of the general public, pursuant to

the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31 et seq., provided the following conditions are met:

(1) No Authorized Recreational Marijuana Facility shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;

(2) No Authorized Recreational Marijuana Facility shall be located within 50 feet of any R-1, R-2, R-3, R-4 residential zoning district or an adjacent community's residential-only zoning district;

(3) No Authorized Recreational Marijuana Facility shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility).

(4) Notice of the application has been given, and publication made, pursuant to NJSA 40:55D-12;

(5) A site plan application has been made for the lot, and the Planning/Zoning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.

(6) The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).

(7) In addition to the above:

(a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with surrounding land uses;

(b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.

(8) Hours of Operation shall be restricted to 12 p.m. to 9 p.m.

(9) Use or consumption of marijuana is permitted on the premises of an authorized recreational marijuana retail facility only if it is used or consumed indoors and only if the product is purchased at that retail facility. No outside purchases may be consumed on the premises.

(10) Persons under the age of eighteen years of age are not permitted to be on the premises of any authorized recreational marijuana retail facility at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.

(11) Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.

(12) Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

ARTICLE III.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE IV.

This Ordinance shall take effect upon passage and publication according to law.

THE BOROUGH OF MERCHANTVILLE

BY: _____
EDWARD F. BRENNAN, MAYOR

ATTEST:

DENISE BROUSE, BOROUGH CLERK

The foregoing ordinance was introduced by Mayor and Council at the regular meeting held on _____, 2021. This Ordinance will be considered for adoption on final reading and public hearing to be held on _____, 2021 at 7:30 p.m. in the Council Chambers, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to permit as conditional uses, in the B-1 Central Business Zoning District and in the B-1 Central Business and the B-2 Neighborhood Business Zoning District, certain uses consistent with the New Jersey Compassionate Use Marijuana Act, N.J.S.A. 24:6I-1 et seq., and the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31 et seq., within the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.