

ORDINANCE NO. 2023-06

ORDINANCE OF THE BOROUGH OF MOUNT EPHRAIM, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE BOROUGH OF MOUNT EPHRAIM CODE AT PART II, GENERAL LEGISLATION, CHAPTER 86, "CANNABIS" TO REPEAL AND REPLACE THE CANNABIS "OPT OUT" PROVISIONS OF SECTION 86-1 TO AUTHORIZE CLASS V CANNABIS RETAIL LICENSURE FOR ONE RETAIL DISPENSARY AS A CONDITIONAL USE IN THE C-COMMERCIAL ZONING DISTRICT

WHEREAS the Borough of Mount Ephraim, ("Borough") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

WHEREAS the Borough desires to repeal and replace its Cannabis "opt out" ordinance (Ordinance No. 2021-07), codified at Part II, General Legislation Section 86-1 in order to allow for one Class V cannabis license for retail sales as a conditional use within the C-Commercial Zoning District to promote commerce within the Borough; and

WHEREAS the Mount Ephraim Combined Land Use Board held a hearing in December 2022 and favorably recommended the adoption of a Zoning Ordinance Amendment to allow for Class V licensed cannabis retail sales as a conditional use, subject to certain restrictions, including a limitation on the number of Class V cannabis retail dispensaries to one within the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Borough of Mount Ephraim, County of Camden, and State of New Jersey that the Code of the Borough of Mount Ephraim be amended as follows:

SECTION 1. Part II, General Legislation, Chapter 86-1 "Cannabis" is hereby repealed and replaced with the following:

§ 86-1 Cannabis.

A. Class V licensed retail cannabis dispensaries shall be permitted as a conditional use in the C-Commercial Zone, subject to the following conditions.

(1) No more than one Class V retail cannabis dispensary shall be permitted in the Borough as approved by the Mount Ephraim Combined Land Use Board.

(2) Compliance with the area and yard requirements of the C-Commercial Zone as Section 526-16.E.(1), (2) and (3) of the Borough Code.

(3) Cannabis retail parking requirements shall be six (6) spaces per 1,000 square feet of gross building area, plus one (1) parking space per employee.

(4) Separate 10' X 20' spaces must be provided for loading and unloading with deliveries restricted to small trucks and sprinter vans, which loading/unloading area shall be sited to provide for a secure operation and not at the patron entrance or within a street or public right-of-way.

(5) No cannabis dispensary shall be located on property 250 feet of any private or public school property boundary.

(6) Drive through features shall be prohibited.

(7) All buildings and accessory structures shall be dedicated exclusively to the business operations of the cannabis dispensary.

(8) Hours of operation shall be limited from 10 AM to 10 PM.

(9) A security plan shall be submitted for review and approval by the Mount Ephraim Borough Police Department.

(10) Area lighting at a cannabis dispensary shall be at a minimum of one (1) footcandle illumination over all areas utilized by pedestrians or motorists with residential shields utilized at all property lines.

(11) No on-site consumption shall be permitted.

(12) Applicant shall obtain either a conditional or annual licensure from the New Jersey Cannabis Regulatory Commission for a Class V retail cannabis dispensary.

SECTION 2. Nothing in this Ordinance shall in any way limit, modify, reduce or eliminate any other tax obligation otherwise imposed by law upon the cannabis license holder, the property owner or any other person or entity as a result of this Cannabis Municipal Tax.

SECTION 3. All Ordinances contrary to the provisions of this section of the Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 4. This ordinance shall take effect immediately.

SECTION 5: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION 6: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

SECTION 7: This ordinance shall take effect immediately upon final passage and publication according to law.

BOROUGH OF MOUNT EPHRAIM

Date of Introduction: March 2, 2023

Date of Adoption: April 6, 2023

Approved: _____ **Attest:** _____
Mayor Michael Tovinsky **Terry Shannon, Clerk/RMC**