

**CHESTERFIELD TOWNSHIP
BURLINGTON COUNTY**

ORDINANCE NO. 2022-12

**ORDINANCE OF THE TOWNSHIP OF CHESTERFIELD PERMITTING THE
OPERATION OF CLASS 1, 2, & 3 CANNABIS FACILITIES AS CONDITIONAL USES
IN THE COMMERCIAL ZONING DISTRICT, THE OFFICE PARK ZONING
DISTRICT AND THE AGRICULTURAL ZONING DISTRICT AND AMENDING
CHAPTERS 87 AND 130 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of cannabis by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license, for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, on June 10, 2021, the Chesterfield Township Committee adopted Ordinance # 2021-6, in which the Township “opted out” of all classes of licensed cannabis businesses; and

WHEREAS, the Chesterfield Township Economic Development Advisory Board has met with representatives involved in the cannabis industry, and has recommended that the Township Committee consider permitting certain cannabis license classes as conditional uses; and

WHEREAS, after consideration of the Economic Development Advisory Board’s recommendation, and after consideration of the evolving marketplace and State regulations, the Township Committee desires to permit Class 1 Cannabis Cultivation, Class 2 Cannabis Manufacturing and Class 3 Cannabis Wholesaling in the “C” Commercial Zoning District, “OP” Office Park Zoning District and “AG” Agricultural Zoning District as conditional uses; and

WHEREAS, the Township Committee further desires to prohibit cannabis businesses from locating on property that is subject to farmland preservation deed restrictions, covenants and otherwise; and

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Chesterfield, Burlington County, State of New Jersey, as follows:

SECTION I.

Chapter 87 (“Cannabis”) of the Code of the Township of Chesterfield shall be amended to read as follows

§ 87-1 shall be repealed in its entirety and shall be replaced with the following:

§ 87-1 Cannabis Distributors, Retailers and Delivery Services Prohibited.

Cannabis distributors, retailers and delivery services, as said terms are defined in section 3 of P.L. 2021, c.16 (“New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”) shall be prohibited in all zones of the municipality, but the delivery of cannabis items and related supplies by a delivery service is permissible.

§ 87-2 Cannabis Cultivators, Manufacturers and Wholesalers Permitted.

A. Cannabis cultivators, manufacturers and wholesalers, as said terms are defined in the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act shall only be conditional uses as set forth in this Chapter and in Chapter 130 (“Land Development”).

B. The number of cannabis businesses in the Township shall not exceed three
(3). A single entity that holds multiple licenses at the same location (i.e. a cannabis cultivator license and a cannabis manufacturer license) shall be considered one cannabis business for purposes of this section.

§ 87-3 Definitions

CANNABIS - All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with P.L.2021, c.16 (C.24:6I- 31 et al.) for use in cannabis products, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

CANNABIS BUSINESS - Any person or entity that holds any of the six Classes of licenses established under P.L. 2021, c. 16, the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

CANNABIS CONSUMPTION AREA - a designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

CANNABIS CULTIVATOR - Any licensed person or entity that grows, cultivates, or produces cannabis, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license.

CANNABIS DELIVERY SERVICE - Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license.

CANNABIS DISTRIBUTOR - Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage

of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license.

CANNABIS ESTABLISHMENT - A cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer.

CANNABIS MANUFACTURER - Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, and packaging cannabis items, and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license.

CANNABIS PRODUCT - A product containing usable cannabis, cannabis extract, or any other cannabis resin and other ingredients intended for human consumption or use, including a product intended to be applied to the skin or hair, edible cannabis products, ointments, and tinctures. "Cannabis product" does not include: (1) usable cannabis by itself; or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

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.

CANNABIS TESTING FACILITY - An independent, third-party entity meeting accreditation requirements established by the Cannabis Regulatory Commission that is licensed to analyze and certify cannabis items and medical cannabis for compliance with applicable health, safety, and potency standards.

CANNABIS WHOLESALER - Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license.

§ 87-4 Proof Required for Local Support

- A. Any request for a resolution of local support, pursuant to N.J.S.A. 24:6I-7.2, shall include a concept plan indicating how applicant intends on complying with the Township's zoning, site plan and licensing requirements.
- B. Each Applicant shall appear before the Township Committee to present its concept plan.
- C. The Township Committee shall issue a resolution of local support if applicant is able to demonstrate intended compliance with this Chapter 87.

D. The Township Committee shall consider proposals for a resolution of local support in the order that the proposals are submitted.

§ 87-5 Licensing

A. No cannabis business may lawfully operate in Chesterfield Township without the issuance of a State license and full regulatory oversight of the cannabis business by the Cannabis Regulatory Commission or other state licensing authority, as well as oversight and issuance of a license by the Township in accordance with the provisions of this Chapter.

B. All cannabis businesses shall be subject to a conditional use and site plan approval in accordance with the Municipal Land Use Law.

C. A license to operate shall be granted by the Township Committee subject to the applicant's satisfaction of the below criteria:

- (1) Received the conditional use and site plan approval from the Township Planning Board;
- (2) Complies with all elements of its concept plan;
- (3) Complies with any other relevant Township Ordinance; and
- (4) Has paid the required fees pursuant to Section 87-6 of this Code.

D. Each local license shall be effective from January 1 until December 31 and shall be annually renewed upon the submission of a renewal application and renewal fee provided all conditions and requirements of applicable State law and this Chapter have been met.

E. Any conditions of land use approval may be incorporated as conditions of the local license.

§ 87-6 Fees

A. The application fee for a cannabis cultivator, cannabis manufacturer or a cannabis wholesaler shall be \$5,000. The fee shall be payable upon request for a resolution of local support. The fee shall be nonrefundable. A single cannabis business that seeks to obtain multiple licenses (i.e. a cannabis cultivator and a cannabis manufacturer license) shall remit application fees for both license types.

B. The annual registration fee for a cannabis cultivator, cannabis manufacturer or a cannabis wholesaler shall be \$5,000. A single cannabis business that maintains licenses for multiple license types (i.e. a cannabis cultivator and a cannabis manufacturer) shall remit annual registration fees for both license types.

§ 87-7 Location

A. Cannabis cultivators, manufacturers and wholesalers shall only be permitted in the “C” Commercial Zoning District, “OP” Office Park Zoning District, and “AG” Agricultural Zoning District, and in any Redevelopment Areas and Rehabilitation Areas established in the Township, as conditional uses.

B. No cannabis business shall be located on any property that is preserved using State or Federal funds, nor shall it be located on property that is subject to farmland preservation deed restrictions or covenants, including, but not limited to, methods of preservation such as a Transfer of Development Rights (TDR).

§ 87-8 Security

A. A cannabis business licensee shall maintain security on the site in accordance with the security plan that is approved by the Chief of Police. Such plan shall include appropriate non-chain link fencing, security personnel, lighting, transport of product and receipts, and site control features that prevent unauthorized entry. All growing areas shall be fully enclosed by a six-foot tall non-chain link fence of a material and strength to prevent unauthorized access and public viewing.

§ 87-9 Site Management

A. The cannabis business shall prevent and eliminate any conditions on the site that constitute a nuisance.

B. The cannabis business shall maintain the exterior of the site, including any parking lots under the control of the permittee, free of litter, debris, and trash.

C. The cannabis business shall properly store and dispose of all waste generated on the site, including chemical and organic waste, in accordance with all applicable laws and regulations. No cannabis business shall dispose of cannabis or cannabis products unless they have been made unusable and unrecognizable.

§ 87-10 Pollen and Seed Control

A. The cannabis business licensee shall implement measures to prevent cross-pollination and to prevent cannabis pollen and seeds from leaving the premises, including, but not limited to, use of pollen screens, ultraviolet light and methods to ensure that employees and other visitors do not leave the premises while carrying any cannabis pollen or seeds.

§ 87-11 Shipping Hours of Operation

Shipping/distribution for cultivation, manufacturing and wholesale uses shall be limited to 8:00 a.m. to 8:00 p.m.

§ 87-12 Penalties and Enforcement

A. Any violation of the terms of this Chapter, of any condition of the license, or of any State, or local law or regulation may result in the revocation of the license and may further subject the licensee to any applicable penalties.

B. The provisions of this Chapter shall be enforced by the Township Police Department, Township Zoning Officer and/or Township Board of Health as appropriate based on the nature of the violation

§ 87-13 Cannabis Taxation

A. It is the purpose of this Section to implement the provisions of P.L. 2021, c. 16, which authorizes the governing body of a municipality to adopt an ordinance imposing a tax at a uniform percentage rate not to exceed two percent (2%) of the receipts from each sale by a cannabis cultivator; two percent (2%) of the receipts from each sale by a cannabis manufacturer; one percent (1%) of the receipts from each sale by a cannabis wholesaler; and two percent (2%) of the receipts from each sale by a cannabis retailer, which shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon the cannabis establishment.

B. Unless otherwise defined herein, as used herein, the Township adopts by reference the terms and definitions established in Chapter 87 of this Code and in Section 40 of N.J.S.A. 24:6I-33.

C. There is hereby established a local cannabis transfer tax in the Township of Chesterfield which shall be fixed at a uniform percentage rate of two percent (2%) of the receipts from each sale by a cannabis cultivator, two percent (2%) of the receipts from each sale by a cannabis manufacturer, and one percent (1%) of the receipts from each sale by a cannabis wholesaler.

D. Any transaction for which the transfer tax or user tax is imposed, or could be imposed, pursuant to this section, other than those which generate receipts from the retail sales by cannabis retailers, shall be exempt from the tax imposed under the “Sales and Use Tax Act,” P.L.1966, c.30 (C.54:32B-1 et seq.).

E. The cannabis transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon property or cannabis establishment.

F. Collection

(1) The transfer tax or user tax imposed by this article shall be collected or paid, and remitted to Chesterfield Township by the cannabis establishment from the cannabis establishment purchasing or receiving the cannabis or cannabis item. The transfer tax or user tax shall be stated, charged, and shown separately on any sales slip, invoice, receipt, or other statement or memorandum of the price paid or payable, or equivalent value of the transfer, for the cannabis or cannabis item.

(2) Every cannabis establishment required to collect a transfer tax or user tax imposed by ordinance pursuant to this section shall be personally liable for the transfer tax or user tax imposed, collected, or required to be collected under this section. Any cannabis establishment shall have the same right with respect to collecting the transfer tax or user tax from another cannabis establishment as if the transfer tax or user tax was a part of the purchase price of the cannabis or cannabis item, or equivalent value of the transfer of the cannabis or cannabis item, and payable at the same time; provided, however, that the Chief Financial Officer of Chesterfield shall be joined as a party in any action or proceeding brought to collect the transfer tax or user tax.

(3) No cannabis establishment required to collect a transfer tax or user tax imposed by this section shall advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment, or that the transfer tax or user tax will be refunded to the cannabis establishment.

(4) All revenues collected from a transfer tax or user tax imposed by ordinance pursuant to this section shall be remitted to the Chesterfield Township Chief Financial Officer on a quarterly basis payable for the prior three month's activities and due at the same time as quarterly dates for the collection of property taxes. The revenues due on February 1 of each year shall include all transfer taxes or user taxes collected for the prior year months of October, November and December. The revenues due on May 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of January, February and March. The revenues due on August 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of April, May and June. The revenues due on November 1 of each year shall include all transfer taxes and user taxes collected for the immediate prior months of July, August and September.

G. Payment; vendor violations and penalties.

(1) The Chief Financial Officer shall collect and administer any transfer tax or user tax imposed to this section.

(2) The Township shall enforce the payment of delinquent taxes or transfer fees imposed pursuant to this section in the same manner as provided for municipal real property taxes.

(3) In the event that the transfer tax or user tax imposed by this section is not paid as and when due by a cannabis establishment, the unpaid balance, and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises in the same manner as all other unpaid municipal taxes, fees, or other charges. The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.

(4) The Township shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.

SECTION II.

Section 130-8 ("Prohibited Uses") of the Code of the Township of Chesterfield shall be amended as follows (additions are underlined and deletions are ~~struck through~~):

§ 130-8 Prohibited uses

A. All uses not expressly permitted in this chapter are prohibited. No trailer, auto trailer, trailer coach, travel trailer or camper shall be used for dwelling purposes, sleeping quarters or the permanent conduct of any business, except that they may be used for temporary residency for one year or such shorter period it takes to repair a damaged dwelling unit. They may also be used for a temporary construction office located on a construction site. Prior to their use for a temporary purpose, a temporary permit must be issued by the Construction Code Official. This section shall not be construed to prohibit the parking or storage of trailers and campers on private premises.

B. ~~All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in~~ For the purposes of Section 3 of P.L. 2021, c. 16, cannabis distributors, cannabis retailers and cannabis delivery services shall be prohibited uses in all zones in the municipality

SECTION III.

Article XI (“Conditional Uses”), Section 130-48(K) (“Cannabis Uses”) shall be added to the Township Code of the Township of Chesterfield as follows:

§ 130-48 (K) Cannabis Uses

(1) Purpose. P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), legalized the recreational use of cannabis by adults 21 years of age or older, and established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession. The Act also required municipalities to “opt in” or “opt out” of permitting cannabis businesses, and allowed municipalities choosing to opt in to develop reasonable regulations for the location and manner of operations. Section 87-7 of this Code permits cannabis cultivation, cannabis manufacturing and cannabis wholesaling facilities as conditional uses in the “C” Commercial Zoning District, “OP” Office Park Zoning District, and “AG” Agricultural Zoning District. This section sets forth the land use requirements for cannabis cultivators, cannabis manufacturers and cannabis wholesalers and is designed to protect the community from visual and other adverse impacts of the uses.

(2) Lighting. Greenhouse interior lighting will likely extend beyond sunset and light trespass at night should be prevented through the use of blackout shades with side tracking or other comparable technologies, activated dusk to dawn. All outdoor lighting shall comply with Township Ordinance.

(3) Noise. Noise generated on site shall be in compliance with all applicable State and Township noise regulations.

(4) Odor Control. A cannabis business licensee shall prevent all odors generated from the cultivation and storage of cannabis from escaping from the buildings on the site, such that the odor cannot be detected by a reasonable person of normal sensitivity outside the buildings. All cannabis facilities shall have an air treatment system to mitigate cannabis-related odor. The air treatment system shall have sufficient odor absorbing filtration systems utilizing carbon filters or other odor removal and elimination technology effective in the cannabis industry. All ventilation and exhaust systems shall function together to eliminate cannabis odors coming from the interior of the premises, such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity at the subject property line.

(5) Water use. In addition to meeting all other Township requirements, the

Applicant shall provide a water conservation plan, which describes how rainwater will be captured and reused and how irrigation water shall be recirculated, with zero waste. Additionally, the water conservation plan shall include other features, including, but not limited to:

- (a) Evaporative barriers on exposed soils and pots;
- (b) Timed drip irrigation;
- (c) Soil moisture monitors; and
- (d) Use of recycled water.

(6) Stormwater management. Stormwater management shall be provided sufficient to satisfy all New Jersey Department of Environmental Protection and Township stormwater control standards, except that Applicant shall recharge 100 percent of the average annual pre-construction groundwater recharge volume for the site.

(7) Buffering. Densely planted vegetated buffering of at least 50 feet shall be installed along all property lines, except for driveways or other access points. Buffering shall be consistent with Section 130-80(F) of this Code.

(8) Building Design. Cannabis cultivators must design the growing facilities within greenhouses or other fully-enclosed buildings that are designed to maximize solar energy use and minimize the use of other energy sources. The applicant shall maintain the design of the buildings on the site in accordance with the approved plans (e.g., floor plans and site plans).

(9) Energy conservation. Recognizing that the operation is energy intensive, the installation and operation of solar PV generators is required for a portion of the energy usage on site for all cannabis businesses.

(10) Farmland Soil Preservations. Every cannabis cultivator shall:

- (a) Identify all prime agricultural soils, soils of statewide importance, and soils of local importance on the site plan.
- (b) Design the site to avoid these soils to the maximum extent practical in the siting of impervious cover;
- (c) To the extent impervious cover cannot avoid these soils, the Applicant shall consult with the USDA-NRCS and shall follow the USDA-NRCS recommendations for protecting the soils to the extent possible; and
- (d) Prepare and submit to the Township a soils management and restoration plan to restore the agricultural land in the event that the facility ceases to operate.

(11) The minimum lot size requirement for cannabis businesses shall be 10 acres.

(12) No cannabis business shall be located within 1,000 feet of a school or daycare center.

SECTION IV.

Section 130-14 (Conditional Uses in AG Agricultural District) of the Township Code of the Township of Chesterfield shall be amended as follows (additions are underlined and deletions are ~~struck through~~):

§ 130-14 Conditional Uses.

A. Home occupations as a use subordinate and incidental to the primary residential use, after site plan approval, located on lots conforming to the residential requirements of this chapter and conforming to the requirements of § 130-48A, except that no commercial vehicles with a gross vehicle weight in excess of 10,000 pounds shall be parked on the lot unless the lot is 3.3 acres or larger in size, in which case, no more than two commercial vehicles with a gross vehicle weight in excess of 10,000 pounds shall be parked on the lot and these vehicles shall be parked in an area screened from public streets and adjoining properties by buildings, plantings or both. No construction vehicles shall be permitted to be parked on a property as part of a home occupation.

B. Veterinary hospital.

C. Cemetery.

D. Retail nursery outlets and sale of farm products primarily grown or produced on the farm site as an accessory use on the site of the nursery, farm or agricultural use, provided that the requirements of the schedule for the AG District are met, the facility is located on a farm, each parking space is located at least 20 feet from the edge of the street right-of-way and each parking space has access to an on-site driveway or aisle, but does not have direct access to the public street.

E. Nursery school or child-care or day-care facility in accordance with § 130-48E.

F. Telecommunications towers and associated facilities, as defined in this chapter shall be permitted as a conditional use in the AG Agricultural District.

G. Cannabis cultivators, manufacturers and wholesalers, as said terms are defined in the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act and Chapter 87 of this Code, shall be permitted as conditional uses in accordance with § 130-48 (K).

SECTION V.

Section 130-30 (Conditional Uses in C Commercial District) of the Township Code of the Township of Chesterfield shall be amended as follows (additions are underlined and deletions are ~~struck through~~):

§ 130-30 Conditional Uses.

A. Utility facilities needed to directly provide the service of the utility to the consumer, such as pumping stations and transformers, but excluding repair garages, offices, open storage and work areas and similar commercial and industrial-oriented aspects of a utility service.

B. Cannabis cultivators, manufacturers and wholesalers, as said terms are defined in the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act and Chapter 87 of this Code, shall be permitted as conditional uses in accordance with § 130-48 (K).

SECTION VI.

Section 130-36 (Conditional Uses in OP Office Park District) of the Township Code of the Township of Chesterfield shall be amended as follows (additions are underlined and deletions are ~~struck through~~):

§ 130-36 Conditional Uses.

A. Service stations.

- (1) Service stations shall meet minimum requirements as follows:
 - (a) Lot area: 60,000 square feet.
 - (b) Lot frontage and width: 200 feet.
 - (c) Lot depth: 200 feet.
 - (d) Building setback (front): 80 feet.
 - (e) Side yard (each): 40 feet.
 - (f) Rear yard: 50 feet.
- (2) Pumping islands shall be set back at least 60 feet from any street line or other pumping island and at least 50 feet from any other property line.
- (3) Maximum requirements shall be as follows:
 - (a) Building coverage: 15%
 - (b) Paved surface: 70%.
 - (c) Building height: 15 feet.
- (4) In order to encourage the preservation of agriculture, the transfer of development credits provisions may be applied in the following manner: The gross floor area ratio may be increased by 500 square feet for each acre of land preserved for agriculture resulting in a building having a floor area ratio of not more than 0.4; maximum building height of 60 feet; and maximum lot coverage of 40%, provided that all parking requirements and setback provisions can also be met.

B. In order to provide additional flexibility in the development of this district, variable lot sizes shall be permitted, provided that said uses are designed as part of an office park complex having a minimum tract size of 50 acres and adhering to the following standards, with each lot in the development being submitted as part of a comprehensive plan for the entire tract and designed for coordination with development on adjoining tracts:

- (1) The average lot size shall not be less than two acres.
- (2) The minimum lot size shall be 40,000 square feet.
- (3) No lots of less than two acres may be subdivided until a sufficient number of lots in excess of two acres has been subdivided in order to maintain the minimum average lot size of two acres, except that in any event no more than half the total number of resulting lots may be less than two acres.
- (4) The minimum lot width for parcels less than two acres shall be 300 feet.
- (5) All other yards, setback, coverage, parking, height and other provisions of this district shall be as set forth in other provisions of this chapter.

C. Telecommunications towers and associated facilities, as defined in this chapter shall be permitted as a conditional use in the OP Office Park District.

D. Cannabis cultivators, manufacturers and wholesalers, as said terms are defined in the New Jersey Cannabis Regulatory, Enforcement Assistance and Marketplace Modernization Act and Chapter 87 of this Code, shall be permitted as conditional uses in accordance with § 130-48 (K).

SECTION VII. SEVERABILITY.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION VIII. INCONSISTENT ORDINANCES REPEALED.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION IX. EFFECTIVE DATE.

This ordinance shall take effect upon its passage and publication and filing with the Burlington County Planning Board, and as otherwise provided for by law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: July 7, 2022

Adopted: July 28, 2022

RECORD OF VOTE 2022-12													
INTRODUCTION							ADOPTION						
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
Blazic	X						Blazic	X					X
Koetas-Dale	X				X		Koetas-Dale	X				X	
Russo	X					X	Russo	X					
Liedtka	X						Liedtka	X					
Panfili			X				Panfili			X			
X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded													