

**WEST AMWELL TOWNSHIP
ORDINANCE 08, 2022**

AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST AMWELL IN THE COUNTY OF HUNTERDON, STATE OF NEW JERSEY TO AMEND CHAPTER 109, "LAND DEVELOPMENT," PART 10 "CANNABIS" ARTICLE XLIII "CANNABIS RELATED BUSINESSES" TO REVISE LIMITATION REGULATIONS

WHEREAS, the Township Committee adopted Ordinance 06, 2021 to create an ordinance to regulate Cannabis related businesses; and

WHEREAS, the Township Committee wishes to make revisions to Ordinance 06-2021 in order to further protect the health, safety, and general welfare of Township residents, as well as to preserve the character of the community; and

NOW, THEREFORE, BE IT ORDAINED, by the Committee of the Township of West Amwell, County of Hunterdon, that the Code of the Township of West Amwell be amended as follows:

Section 1. The following revisions are made to §109-264(B)(2):

(2) The number of Cannabis Businesses located within the Township shall be limited as follows:

~~Cannabis Dispensary~~; No more than two (2) Cannabis Cultivation Centers; two (2) Microbusiness Cannabis Cultivators; and two (2) Cannabis ~~Dispensaries~~ shall be located within the Township.

There shall be no limit on the number of Cannabis Manufacturing Facilities, or Cannabis Wholesalers ~~or Cannabis Cultivation Centers~~.

There shall be no limit on the number of Medical Cannabis Dispensaries, Alternative Treatment Centers, or Vertically Integrated Medical Cannabis Facilities.

Section 2. The following revisions are made to §109-264(C)(1)(b)(i):

Adherence to the site design standards of the Township Land Development Ordinances and Redevelopment Plans through a review by the Zoning Official, and the Township Planning Board when applicable, ~~is required~~.

Section 3. The following revisions are made to §109-264(C)(1)(b)(ii):

Issuance of zoning permit and site plan approval ~~is required~~.

Section 4. The following revisions are made to §109-264(C)(2)(a)(i):

(1i) Any of the zones in which Cannabis Dispensaries are permitted

Section 5. The following revisions are made to §109-264(C)(2)(a)(ii):

(2ii) Village Center Redevelopment Area

Section 6. The following revisions are made to §109-264(C)(3)(b)(i):

(i) Adherence to the site design standards of the Township Land Development Ordinance through a review by the Zoning Official, and the Township Planning Board when applicable, ~~is required~~. The look and design of such facility shall be in keeping with the agricultural nature of the region.

Section 7. The following revisions are made to §109-264(C)(3)(b)(iv):

(iv) Issuance of zoning permit and site plan approval ~~is required~~.

Section 8. The following revisions are made to §109-264(C)(3)(b)(vi):

(vi) if vertically integrated with a cultivation center, then all other criteria for Cannabis Cultivation Centers in (4) below shall also apply.

Section 9. The following revisions are made to §109-264(C)(4)(b):

Cannabis Cultivation Centers shall be permitted subject to the following criteria:

(i) Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, ~~is required~~. The look and design of such facility shall be in keeping with the agricultural nature of the region.

(ii) In compliance with Section 37(b) of the NJ CREAMMA, cultivation centers are not permitted on land that is valued, assessed or taxed as an agricultural or horticultural use pursuant to the "Farmland 6 Assessment Act of 1964," P.L.1964, c.48 (C.54:4-23.1 et seq.).

(iv) Cultivation centers shall not be located immediately adjacent to school property used for school purposes which is owned by or leased to any elementary or secondary school or school board}.

(v) The Applicant shall provide a water conservation plan, describing the water-conserving features of proposed cannabis operation. These features may include, but are not limited to the following: 1) evaporative barriers on exposed soils and pots; 2) rainwater capture and reuse; 3) recirculated irrigation water (zero waste); 4) timed drip irrigation; 5) soil moisture monitors; and 6) the use of recycled water.

(vi) The Applicant shall provide a stormwater management plan that satisfies all New Jersey Department of Environmental Protection and Township stormwater control standards.

(vii) The Applicant shall provide a traffic projection and management plan.

(viii) Landscape screening must be installed to prevent public view of structures from all roadways and adjoining parcels.

(ix) Cultivation centers must design the growing facilities within greenhouses to maximize solar energy use and to minimize the use of other energy sources, and the licensee shall be required to maintain the design of the buildings onsite in accordance with the plans approved by the Township Planning Board.

(~~v~~x) Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection G below.

(~~v~~xi) No signage other than directional or discrete building identification found in shall be permitted. Signage shall remain innocuous, and part of the general directional signage typically found in industrial manufacturing facilities. Facade signs will be limited to those at the point of entry to the facility and may not be more than six square feet.

~~(viii)~~ Unusual odors, smells, fragrances, or other olfactory stimulants shall be prohibited. Odor control is required and 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 within 25 feet of the buildings. The air treatment system shall have sufficient odor absorbing filtration systems utilizing carbon filters, or similar filtration media, and ventilation and exhaust systems to eliminate cannabis odors emanating from the interior of the premises, such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity within 25 feet of the buildings. Odor mitigation filtration systems must be installed and maintained in perfect working order.

~~(viii)~~ All interior and outdoor lighting shall be shielded through the use of best available technology to prevent light trespass into the night sky and glare onto adjoining parcels or rights-of-way. Light pollution, glare or brightness resulting from glow lamps must be 0.5 candlepower or less at the property line.

~~(ix)~~ Noise beyond the decibel level permitted by Township noise ordinances State statutes shall be prohibited. Any generator used in cultivation shall be housed in a noise minimizing enclosure set back at least 75 feet from the property line and shall conform with all applicable State noise statutes.

~~(xv)~~ The cultivation of cannabis must be conducted indoors and shall not be permitted on exterior portions of a lot, unless under Special Permit for the Cultivation of Hemp that is in conformance with Federal Agriculture Improvement Act of 2018 (2018 Farm Bill). The cultivation of cannabis within a building or unit must not be perceptible from the exterior of the building or unit from a street or residential use.

Section 10. The following revisions are made to §109-264(C)(5)(b)(i):
Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, ~~is required~~. The look and design of such facility shall be in keeping with the agricultural nature of the region.

Section 11. The following revisions are made to §109-264(C)(5)(b)(viii):
(viii) light pollution, glare or brightness resulting from glow lamps must be 0.5 candlepower or less at the property line.

Section 12. The following revisions are made to §109-264(C)(5)(b)(ix):
(ix) noise beyond the decibel level permitted by ~~Township noise ordinances~~ State noise statutes shall be prohibited.

Section 13. The following revisions are made to §109-264(C)(6)(a)(i):
Adherence to the site design standards of the Township Land Development Ordinances through a review by the Zoning Official, and the Township Planning Board when applicable, ~~is required~~.

Section 14. The following revisions are made to §109-264(C)(8):
(8) Microbusinesses. Microbusinesses are permitted as conditional uses within any area where Cannabis Businesses are permitted within the Township according to their use category (i.e., Dispensary, Cultivation, or Manufacturing), and subject to the same criteria to manage noise, odor, effluent, water usage, et cetera, as their relevant use category.

Section 15. All other Sections and subsections not specifically revised or renumbered in this Ordinance shall remain unchanged.

Section 16. Severability. Should any section, clause, sentence, phrase, or provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this article.

Section 17. Repealer. All prior ordinances or parts of same inconsistent with any provisions of this article are hereby repealed to the extent of such inconsistency.

Section 18. Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

ATTEST:

By Order of the Township Committee

Maria Andrews, Township Clerk, RMC

James Cally, Mayor

Introduced: 11/16/22
Adopted: 12/7/22