

**THE TOWNSHIP OF WEST AMWELL  
COUNTY OF HUNTERDON, NEW JERSEY**

**ORDINANCE 10, 2021**

**AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST AMWELL IN THE  
COUNTY OF HUNTERDON TO AMEND CHAPTER 109, "LAND DEVELOPMENT," PART 10 "CANNABIS," ARTICLE XLIII  
"CANNABIS RELATED BUSINESSES," TO REVISE THE PERMITTED CONDITIONAL USE ZONES AND TO ADD  
REGULATIONS REGARDING MICRO CANNABIS CULTIVATION.**

**WHEREAS**, the Township Committee adopted Ordinance 6, 2021 to create an ordinance to regulate Cannabis related businesses; and

**WHEREAS**, the Township Planner has made some recommendations for revisions to be made to the Cannabis ordinance to ensure that the use was a permitted conditional use in the most appropriate zones and to add regulations regarding Micro Cannabis Cultivation; and

**WHEREAS**, the Township Committee wishes to make the revisions recommended by the Township Planner.

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

(a) Standalone cultivation centers shall be permitted as conditional uses in the following zones in accordance with this chapter.

- (i) LHC
- (ii) NC
- ~~(iii) SRPD~~
- ~~(iv)~~ (iii) LI
- ~~(v) RR4, RR5 and RR6~~

**Section 3.** The following revisions are made to **§109-264(C)(4)(b)(i)**:

(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 4.** The following revisions are made to **§109-264(C)(5)(a)**:

(5) Cannabis manufacturing facilities.

(a) Standalone manufacturing facilities shall be permitted as a conditional use in the following zones in accordance with this chapter.

- (i) LHC
- (ii) NC
- ~~(iii) SRPD~~
- ~~(iv)~~ (iii) LI

**Section 5.** The following revisions are made to **§109-264(C)(5)(b)(i)**:

(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 6.** The following revisions shall be added as **§109-264(C)(7)**:

(7) Micro Cannabis cultivation.

(a) Standalone micro cultivation facilities shall be permitted as conditional uses in the following zones in accordance with this chapter.

- (i) LHC
- (ii) NC
- (iii) SRPD
- (iv) LI
- (v) RR4, RR5, RR6

(b) Micro Cannabis Cultivation facilities shall be permitted subject to the following criteria:

- (i) A minimum lot size of eight (8) acres.
- (ii) 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.
- (iii) 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) Issuance of zoning permit and site plan approval is required.
- (v) Micro Cultivation facilities 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).
- (vi) Secured in accordance with all applicable provisions as defined in the Act and outlined in Subsection G below.

- (vii) 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 mitigation filtration systems must be installed and maintained in perfect working order.
- (ix) Light pollution, glare or brightness resulting from glow lamps must be 0.5 candle or less at the property line
- (x) Noise beyond the decibel level permitted by Township noise ordinances shall be prohibited.
- (xi) 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 7.**      **§109-264(C)(7) “Cannabis Delivery Service”** shall be re-numbered as **§109-264(C)(8)** without and revisions to the body of the section.

**Section 8.**      **§109-264(C)(8) “Microbusinesses”** shall be re-numbered as **§109-264(C)(9)** without and revisions to the body of the section.

**Section 9.**      All other Sections and subsections not specifically revised or renumbered in this Ordinance shall remain unchanged.

**Section 10      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 11.      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 12.      Effective Date.** This ordinance shall take effect upon final adoption and publication in accordance with law.

ATTEST

By Order of the Township Committee

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Maria Andrews, Township Clerk, RMC

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James Cally, Deputy Mayor

Introduced: 10/20/21

Adopted: 11/17/21