

**AN ORDINANCE OF THE TOWNSHIP OF READINGTON TO AMEND THE ZONING MAP AND ARTICLE IV "DISTRICT REGULATIONS" OF CHAPTER 148 "LAND DEVELOPMENT" OF THE CODE OF THE TOWNSHIP OF READINGTON TO CREATE A NEW ZONE KNOWN AS THE LICENSED CANNABIS BUSINESS OVERLAY (LCBO) ZONE DISTRICT**

**Ordinance #04 -2022**

**BE IT ORDAINED** by the Township Committee of the Township of Readington in the County Hunterdon, State of New Jersey that the following amendments shall be made to Chapter 148 "Land Development" of the Code of the Township of Readington as follows:

**SECTION I. Purpose.**

The Licensed Cannabis Business Overlay (LCBO) zone is created to establish an appropriate location within the existing Business B zone where Class 1, 2, 3 and 4 licensed cannabis establishments can operate in accordance with the spatial requirements of the Business B zone. This zone mirrors the location of an existing medical cannabis cultivation and manufacturing business and is intended to provide for the continued operation of said business pursuant to the enhanced land use standards contained herein. The zoning map of the Township of Readington is amended to identify the location of the Licensed Cannabis Business Overlay (LCBO). A series of new definitions are necessary to complement the land use regulations of the LCBO, such that §148-9 Definitions is amended to add definitions relative to the establishment of a cannabis business with Readington Township.

**SECTION II. Zoning Map Amendment.** Article III "Zoning Districts and Zoning Map", Section 148-10 "Zoning Districts and Section 148-11 "Zoning Map" are all hereby amended to add the "Licensed Cannabis Business Overlay (LCBO) zone on the portion of Block 14, Lot 49 located within the Business (B) Zone". The zoning map amendment dated January 7, 2022 is attached hereto as Schedule A and is made a part of this chapter.

**SECTION III. Definitions.** The following terms and definitions shall be added to Subsection 148-9 of the Readington Township Land Development Ordinance:

“ALTERNATIVE TREATMENT CENTER” means an organization issued a permit pursuant to the Jake Honig Compassionate Use Medical Cannabis Act,” P.L. 2009, c.307 (C.24:6I-1 et al) to operate as a medical cannabis cultivator, a medical cannabis manufacturer, a medical cannabis dispensary or clinical registrant, as well as any alternative treatment center deemed pursuant to section 7 of that act (C.24:6I-7) to concurrently hold a medical cannabis cultivator permit, a medical cannabis manufacturer permit and a medical cannabis dispensary permit.

“CANNABIS” means all parts of the plant Cannabis sativa L., including indica and any and all hybrids, 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 CREAMMA for use in cannabis products as set forth in that Act,

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” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the Honig Act and N.J.S.A. 18A:40-12.22, et al; marijuana as defined in N.J.S.A. 2C:35-2 and applied to any offense set forth in chapters 35, 35A and 36 of Title 2C of the New Jersey Statutes, N.J.S.A. 2C:35B-1 et seq., or marijuana as defined in N.J.S.A. 24:21-2 and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act” N.J.S.A. 24:2-1, et al; or hemp or a hemp product cultivated, handled, processed, transported or sold pursuant to the “New Jersey Hemp Farming Act” N.J.S.A. 4:28-6, et al.

“CANNABIS CULTIVATOR” means any person or entity holding a Class 1 Cannabis Cultivator license issued by the State of New Jersey that grows, cultivates, or produces cannabis in the State of New Jersey, 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.

“CANNABIS DELIVERY” means the transportation of cannabis items and related supplies to a consumer. “Cannabis delivery” also includes the use by a licensed cannabis retailer of any third party technology platform to receive, process, and fulfill orders by consumers, which third party shall not be required to be a licensed cannabis establishment, distributor, or delivery service, provided that any physical acts in connection with fulfilling the order and delivery shall be accomplished by a certified cannabis handler performing work for or on behalf of the licensed cannabis retailer, which includes a certified cannabis handler employed or otherwise working on behalf of a cannabis delivery service making off-premises deliveries of consumer purchases fulfilled by that cannabis retailer.

“CANNABIS DELIVERY SERVICE” means any person or entity holding a Class 6 Cannabis Delivery license issued by the State of New Jersey 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.

“CANNABIS DISTRIBUTOR” means any person or entity holding a Class 4 Cannabis Distributor license issued by the State of New Jersey that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports 40 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.

“CANNABIS ESTABLISHMENT” means, for the purposes of this ordinance, a cannabis cultivator, a cannabis manufacturer or a cannabis wholesaler, as well as an expanded ATC, but not a cannabis retailer, dispensary, clinical registrant or delivery service.

“CANNABIS EXTRACT” means a substance obtained by separating resins from cannabis by: (1) a chemical extraction process using a hydrocarbon-based solvent, such as butane, hexane, or propane; (2) a chemical extraction process using the hydrocarbon-based solvent carbon dioxide, if the process uses high heat or pressure or (3) any other process identified by the Cannabis Regulatory Commission by rule or regulation.

“CANNABIS FLOWER” means the flower of the plant *Cannabis sativa* L. within the plant family Cannabaceae.

“CANNABIS ITEM” means any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. “Cannabis item” does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the Honig Act and N.J.S.A. 18A:40-12.22, et al., or hemp or a hemp product cultivated, handled, processed, transported or sold pursuant to the “New Jersey Hemp Farming Act” N.J.S.A. 4:28-6, et al.

“CANNABIS LEAF” means the leaf of the plant *Cannabis sativa* L. within the plant family Cannabaceae.

“CANNABIS MANUFACTURER” means any person or entity holding a Class 2 Cannabis Manufacturer license issued by the State of New Jersey, 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.

“CANNABIS PARAPHERNALIA” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing a cannabis item into the human body. "Cannabis paraphernalia" does not include drug paraphernalia as defined in N.J.S.2C:36-1 and which is used or intended for use to commit a violation of chapter 35 2or 362 of Title 2C of the New Jersey Statutes.

“CANNABIS PRODUCT” means 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 usable cannabis by itself, or (2) cannabis extract by itself; or (3) any other cannabis resin by itself.

“CANNABIS RESIN” means the resin extracted from any part of the plant *Cannabis sativa* L., including cannabis extract and resin extracted using non-chemical processes, processed and used in accordance with P.L. Cannabis resin does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the “Jake Honig Compassionate Use Medical Cannabis Act,” PL 2009, c.307 (C.24:6I-1 et al.) and P.L.2015, c.158 (C.18A:40-12.22 et al.); hashish as defined in N.J.S.2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, or P.L.2001, c.114 (C.2C:35B-1 et seq.), or as defined in section 2 of P.L.1970, c.226 (C.24:21-2) and applied to any offense of the “New Jersey Controlled Dangerous Substances Act,” P.L.1970, c.226 (C.24:21-1 et al.); or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” P.L.2019, c.238 (C.4:28-6 et al.).

“CANNABIS RETAILER” means any person or entity holding a Class 5 Cannabis license issued by the State of New Jersey 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.

“CANNABIS TESTING FACILITY” means 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” means any person or entity holding a Class 3 Cannabis Wholesaler license issued by the State of New Jersey 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.

“COMMISSION” or “CRC” means the New Jersey Cannabis Regulatory Commission established pursuant to CREAMMA.

“CONSUMER” means a person 21 years of age or older who purchases, directly or through a cannabis delivery service, acquires, owns, holds, or uses cannabis items for personal use by a person 21 years of age or older, but not for resale to others.

“CONSUMPTION” means the act of ingesting, inhaling, or otherwise introducing cannabis items into the human body.

“EXPANDED ATC” means a permitted Alternative Treatment Center pursuant to P.L. 2019, c. 153 and N.J.A.C. 8:64 that is authorized to operate a cannabis business or businesses pursuant to CREAMMA and the

regulations found at N.J.A.C. 17-30 et seq, in addition to its ATC operations.

“HEMP OR INDUSTRIAL HEMP” means a variety of the Cannabis sativa plant species that is grown specifically for industrial use. It can be used to make a wide range of products including paper, rope, textiles, clothing, biodegradable plastics, paint, insulation, biofuel, food, and animal feed. Regulated through the USDA, the allowable amount of total THC may not exceed 0.3% at harvest.

“MANUFACTURE” for the purpose of this ordinance, means “manufacturing” as performed by a cannabis manufacturer or a medical cannabis manufacturer.

“MEDICAL CANNABIS” means cannabis dispensed to registered qualifying patients pursuant to the Honig Act and N.J.S.A. 18A:40-12.22 et al. “Medical cannabis” does not include any cannabis or cannabis item which is cultivated, produced, processed and consumed in accordance with CREAMMA.

“MEDICAL CANNABIS CULTIVATOR” means an organization holding a permit issued by the Cannabis Regulatory Commission that authorizes the organization to: possess or cultivate cannabis and deliver, transfer, transport, distribute, supply and sell medical cannabis and related supplies to other medical cannabis dispensaries, as well as to plant, cultivate, grow and harvest medical cannabis for research purposes. A medical cannabis cultivator permit shall not authorize the permit holder to manufacture, produce or otherwise create medical cannabis products or to deliver, transfer, transport, distribute, supply, sell or dispense medical cannabis, medical cannabis products, paraphernalia, or related supplies to qualifying patients, designated caregivers or institutional caregivers.

“MEDICAL CANNABIS DISPENSARY” means an organization that is issued a permit by the Cannabis Regulatory Commission authorizing the organization to: purchase or obtain medical cannabis and related supplies from medical cannabis cultivators, purchase or obtain medical cannabis products and related supplies from medical cannabis manufacturers; purchase or obtain medical cannabis, medical cannabis products, and related supplies and paraphernalia from other medical cannabis dispensaries and from clinical registrants; deliver, transfer, transport, distribute, supply and sell medical cannabis and medical cannabis products to other medical cannabis dispensaries; furnish medical cannabis, including medical cannabis products, to a medical cannabis handler for delivery to a registered qualifying patient, designated caregiver; or institutional caregiver consistent with the requirements of the Honig Act; and possess, display, transfer, transport, distribute, supply, sell and dispense medical cannabis, medical cannabis products, paraphernalia, and related supplies to qualifying patients, designated caregivers and institutional caregivers. A medical cannabis dispensary permit shall not authorize the permit holder to cultivate medical cannabis, to produce, manufacture or otherwise create medical cannabis products. Medical cannabis dispensaries are prohibited in the Township.

“MEDICAL CANNABIS ESTABLISHMENT” means a medical cannabis cultivator or a medical cannabis manufacturer but not a medical cannabis dispensary, retailer or delivery service. For the purposes of this ordinance, “alternative treatment centers” are also included within the definition of “medical cannabis establishment”.

“MEDICAL CANNABIS MANUFACTURER” means an organization that is issued a permit by the Cannabis Regulatory Commission authorizing the organization to: purchase or obtain medical cannabis and related supplies from a medical cannabis cultivator or a clinical registrant; purchase or obtain medical cannabis products from another medical cannabis manufacturer or a clinical registrant; produce, manufacture or otherwise create medical cannabis products; and possess, deliver, transfer, transport, distribute, supply and sell medical cannabis products and related supplies to other medical cannabis manufacturer and to medical dispensaries and clinical registrants. A medical cannabis manufacturer permit shall not authorize the permit holder to cultivate medical cannabis or to deliver, transfer, transport, distribute, supply, sell, or dispense medical cannabis, medical cannabis products, paraphernalia, or related supplies to registered qualifying patients, designated caregivers, or institutional caregivers.

“MICROBUSINESS” shall have the same meaning as defined in N.J.S.A. 24:6I-33 and operated in accordance with N.J.A.C. 17:30-6.7. Per statute, it means a person or entity licensed by the State as a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, cannabis retailer, or cannabis delivery service

that may only, with respect to its business operations and capacity and quantity of product: (1) employ no more than 10 employees; (2) operate a cannabis establishment occupying an area of no more than 2,500 square feet, and in the case of a cannabis cultivator, grow cannabis on an area no more than 2,500 square feet measured on a horizontal plane and grow about that plane not higher than 24 feet; (3) possess no more than 1,000 cannabis plants each month, except that a cannabis distributor's possession of cannabis plants for transportation shall not be subject to this limit; (4) acquire each month, in the case of a cannabis manufacturer, no more than 1,000 pounds of usable cannabis; (5) acquire for resale each month, in the case of a cannabis wholesaler, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof; and (6) acquire for retail sale each month, in the case of a cannabis retailer, no more than 1,000 pounds of usable cannabis, or the equivalent amount in any form of manufactured cannabis product or cannabis resin, or any combination thereof. Cannabis microbusinesses are not permitted in the Township.

“PUBLIC PLACE” or “QUASI-PUBLIC PLACE” means any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including but not limited to: a public street, road, thoroughfare, school, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library or any other public building, structure or area.

“THC” means Delta-90-tetrahydrocannabinol and its precursor, tetrahydrocannabinolic acid, the main psychoactive chemicals contained in the cannabis plant.

**SECTION IV.** Chapter 148, Article IV of the Code of the Township entitled "District Regulations" is hereby amended to add the following new section:

**Subsection 148---- Licensed Cannabis Business Overlay (LCBO) zone**

The Licensed Cannabis Business Overlay (LCBO) zone is created to establish an appropriate location within the existing Business B zone where Class 1, 2, 3 and 4 licensed cannabis business(es) may be located.

**(1) Permitted Principal Uses**

- (a) Cannabis Cultivation Facility for which a current and legal Class 1 Cannabis license has been issued for the proposed establishment by the State of New Jersey.
- (b) Cannabis Manufacturing Facility for which a current and legal Class 2 Cannabis license has been issued for the proposed establishment by the State of New Jersey.
- (c) Cannabis Wholesaler for which a current and legal Class 3 Cannabis license has been issued for the proposed establishment by the State of New Jersey.
- (d) Cannabis Distributor for which a current and legal Class 4 Cannabis license has been issued for the proposed establishment by the State of New Jersey.

**(2) Permitted Accessory Uses**

- (a) Directional and building identification signs
- (b) Off-street parking and loading

- (c) Outdoor seating and pedestrian paths for employee use
- (d) Refuse and recyclable storage (non-cannabis)
- (e) Site lighting
- (f) Solar parking canopies
- (g) Utilities

(3) Limitation on the number of Cannabis Businesses

- (a) Maximum Number Permitted within Township. The number of Cannabis Businesses located within the Township shall not exceed one (1). A single entity that holds any combination of a cannabis cultivator license (Class 1), a cannabis manufacturer license (Class 2), a cannabis wholesaler license (Class 3), or a cannabis distributor license (Class 4) shall be permitted, so long as it is on the same premises.
- (b) Maximum Number Permitted in Zone. The number of Cannabis Businesses located within the Licensed Cannabis Business Overlay (LCBO) Zone shall not exceed one (1). A single entity that holds any combination of a cannabis cultivator license (Class 1), a cannabis manufacturer license (Class 2), a cannabis wholesaler license (Class 3), or a cannabis distributor license (Class 4) shall be permitted, so long as it is on the same premises.

(4) Security

- (a) A cannabis business licensee shall maintain security on the site pursuant to Readington Township's licensing requirements.

(5) Hours of Operation. Hours of operation by licensees shall be from 8:00 a.m. to 8:00 p.m. only, with the exception of on-site security.

(6) Site Development Standards. These standards provide enhanced regulations above and beyond the specific requirements of the Business B Zone and the general site development requirements of Chapter 148 Land Development, which remain applicable within the Licensed Cannabis Business Overlay Zone (LCBO). Where a conflict exists, the more stringent standard shall apply.

- (a) The existence of cannabis within a building shall not be perceptible from the exterior of the building as viewed from a street or residence.
- (b) Cannabis plants, products, and paraphernalia shall not be visible from any exterior windows.
- (c) All operations related to the manufacturing, cultivation, and processing of cannabis, including the disposal of cannabis waste, shall be performed in a fully enclosed space within a building. Shipping and receiving may occur within exterior locations closely related to

the building that are designated for shipping and receiving.

(d) Lighting. Greenhouse lighting shall not be visible from the exterior of the building.

(e) Odor Control

[1] For any licensed cannabis business, the facility shall have an air treatment system with sufficient odor absorbing ventilation and exhaust systems, along with any other physical or operational elements, such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property or within adjacent public rights-of-way.

[2] Odor shall otherwise be as regulated in Article XII, §148-71.E.

(7) Expansion of Facility

(a) Expansion of the facility shall not be permitted without site plan approval.

(b) A cannabis business shall not be eligible for a site plan waiver as regulated in §148-120.A.

(8) Signs

(a) No cannabis business shall display signs containing text and/or images intended to promote consumption of legal marijuana products.

(b) No cannabis business shall place or cause to be placed any off-site advertising signs.

(c) No signs, other than directional or building identification shall be permitted. No commercial message of any kind shall be contained on directional signs.

(d) All signs shall be subject to the regulations of Chapter 148 Article XII

(9) Public Water

(a) Recognizing that a cannabis cultivation operation is water intensive, public water service is required for any cannabis cultivator license (Class 1) in order to protect the groundwater supply and the public from potential negative impacts resulting from the consumption of groundwater, including reductions in available water supply and degradation of water quality.

(b) Any facility operating as a class 1 cultivator facility shall apply for a public water connection to provide all water demands of the facility within one (1) year of the passage of the ordinance. A copy of the application and will serve letter shall be provided to the municipality.

(c) Any facility operating as a class 1 cultivator facility shall connect to, and utilize, a public water service to provide for all water demands of the facility within three (3) years of the passage of the ordinance.

- (d) After completing a public water service connection, all existing sources of groundwater shall be disconnected. Furthermore, all facilities and structures formerly devoted to the use of groundwater shall be abandoned, removed and disposed of in accordance with all applicable regulations. Areas of the site formerly devoted to the use of groundwater infrastructure shall be restored in accordance with applicable standards and regulations. A plan showing the restoration of the site, including any necessary details, shall be approved by the Township Engineer and any other relevant outside agency.

**SECTION V.** All other language not specifically changed by this ordinance amendment shall remain in full force and effect.

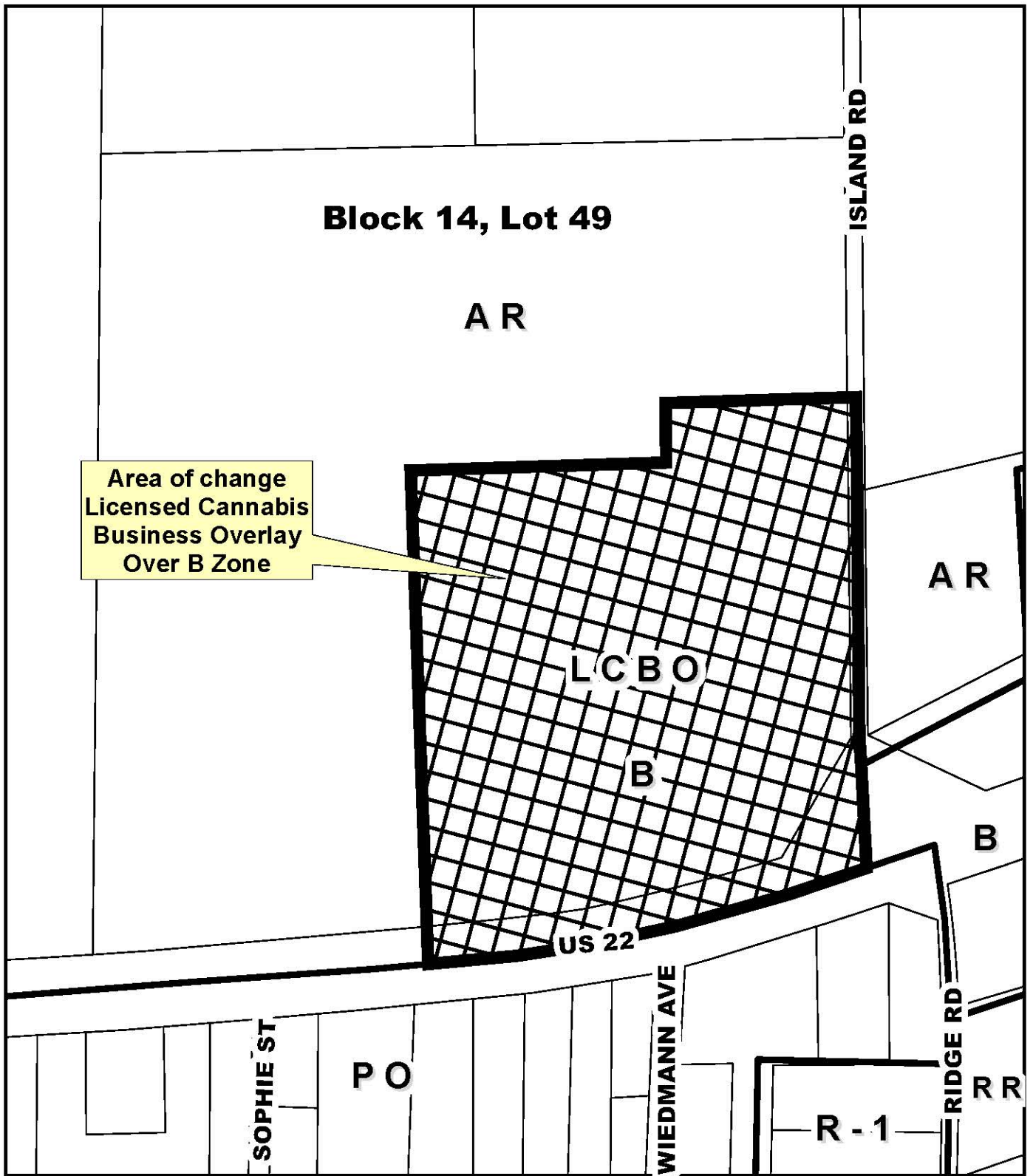
**SECTION VI.** The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

**SECTION VII.** All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.



**SECTION VIII.** If the provision of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such order or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

**SECTION IX.** This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

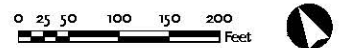




**Legend**

-  Existing Zone Boundaries
-  Area of Proposed Overlay

Parcel Source: Tax Parcels for Readington Township August 2021 / Clarke Caton Hintz  
 Zoning Source: Zoning Map for Readington Township / Clarke Caton Hintz / December 2021



# Proposed Zoning Map Change Licensed Cannabis Business Overlay

Readington Township, Hunterdon County, NJ January 7, 2022