

Explanation: This ordinance amends Chapter XVI (16) entitled "Zoning"; Section 4.2 entitled "Definition of Terms" and Section 5.25 entitled "Prohibited Uses" in order to clarify that Recreational Marijuana Retail Establishments, Recreational Marijuana Cultivation Facilities, Recreational Marijuana Production Facilities and Recreational Marijuana Testing Facilities are prohibited uses within the Township.

**TOWNSHIP OF WARREN
ORDINANCE NO. 19-20**

**AN ORDINANCE SUPPLEMENTING AND AMENDING
CHAPTER XVI (16) ENTITLED "ZONING," SECTION
5.25 ENTITLED "PROHIBITED USES," SECTION 4.2
ENTITLED "DEFINITION OF TERMS," AMENDING
SECTION 13.2(c) ENTITLED "PERMITTED USES" OF
THE REVISED GENERAL ORDINANCES OF WARREN
TOWNSHIP.**

BE IT ORDAINED by the Township Committee of the Township of Warren, in the County of Somerset and State of New Jersey, as follows:

SECTION 1. Section 16:5.25 entitled "Prohibit Uses" of Chapter XVI entitled "Zoning" of the Revised General Ordinances of the Township of Warren is hereby supplemented and amended to include new subsection (e) of Section 5.25 as follows:

e. The operation of Recreational Marijuana Retail Establishments, Recreational Marijuana Cultivation Facilities, Recreational Marijuana Production Facilities and Recreational Marijuana Testing Facilities.

SECTION 2. Section 16-4.2 entitled "Definition of Terms" of Chapter XVI (16) entitled "Zoning" of *The Revised General Ordinances of the Township of Warren* is hereby supplemented and amended to include the following definition:

...

MEDICINAL CANNABIS RETAIL ESTABLISHMENT- an entity licensed pursuant to the New Jersey Compassionate Use Medical Marijuana Act (P.L. 2009, c. 307) to lawfully purchase or receive medical cannabis and to sell medical cannabis and medical cannabis products to consumers from a retail store, with a full time pharmacist on site during operational hours, which shall also be known as a medical cannabis dispensary or medical marijuana dispensary.

...

RECREATIONAL MARIJUANA CULTIVATION FACILITIES- A facility licensed to grow and cultivate

recreational marijuana and to sell recreational marijuana to cultivation facilities but not to consumers.

RECREATIONAL MARIJUANA PRODUCT MANUFACTURING FACILITIES- An entity licensed to purchase recreational marijuana; manufacture, prepare and package recreational marijuana items; and sell items to other recreational marijuana product manufacturing facilities and to recreational marijuana retailers, but not to consumers.

RECRATIONAL MARIJUANA TESTING FACILITIES- An independent, third-party entity meeting accreditation requirements and is licensed to analyze and certify the safety and potency of recreational marijuana items.

RECREATIONAL MARIJUANA RETAILER ESTABLISHMENTS- an entity licensed to purchase recreational marijuana from Recreational Marijuana Cultivation Facilities and recreational marijuana items from Recreational Marijuana Product Manufacturing Facilities or recreational marijuana wholesalers, and to sell recreational marijuana and recreational marijuana products to consumers from a retail store, which shall also be known as a dispensary.

SECTION 3. Subsection (c) entitled "Permitted Uses" of Section 16-3 entitled "CB Community Business Districts" of Chapter XVI (16) entitled "Zoning" of *The Revised General Ordinances of the Township of Warren* is hereby supplemented and amended as follows:

- c. Other uses permitted:
 - 1. Clubs, fraternal organizations and lodges established for eleemosynary and/or civic purposes.
 - 2. Non-profit educational, religious or philanthropic uses.
 - 3. Day care services.
 - 4. Shopping centers which for the purpose of this chapter shall be a lot used by three (3) or more uses housed in building(s) of ten thousand (10,000) square feet or more.
 - 5. Restaurants and other eating and drinking establishments wherein food and drink are consumed within the principal building.

6. One Medicinal Cannabis Retail Establishment as defined in Section 16-4.2 of the Revised General Ordinances of the Township of Warren.

Restaurants shall not be interpreted to include and are hereby defined to exclude drive-in restaurants or refreshment stands, commonly called snack bars, dairy bars, hamburger stands or hot dog stands or similar uses where customers and patrons are served food, soft drinks or ice cream primarily for their immediate consumption outside the confines of the building or structure in which the business is conducted.

SECTION 4. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 5. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Warren, the provisions hereof shall be determined to govern. All other parts, portions and provisions of *The Revised General Ordinances of the Township of Warren* are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 6. After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Warren for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 7. This ordinance shall take effect immediately upon (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) filing of the final form of adopted ordinance by the Clerk with the Somerset County Planning Board pursuant to N.J.S.A. 40:55D-16.

ATTEST:

WARREN TOWNSHIP COMMITTEE

Cathy Reese, RMC,
Township Clerk

Gary DiNardo, Mayor

INTRODUCED: March 14, 2019

ADOPTED: April 11, 2019

EFFECTIVE: April 18, 2019