

TOWNSHIP OF LUMBERTON

ORDINANCE 2018-27

**AMENDING CHAPTER 130 OF THE CODE OF THE TOWNSHIP OF LUMBERTON TO
CREATE MARIJUANA CULTIVATION AS A CONDITIONAL USE IN INDUSTRIAL ZONES**

WHEREAS, through permitting or licensing, the State of New Jersey authorizes the cultivation and dispensing of medical marijuana products through licensed locations; and

WHEREAS, the State is pursuing legislation to decriminalize marijuana for recreational use; and

WHEREAS, the current versions of legislation in Trenton authorize municipalities to consider local zoning for the location of growth/cultivation, manufacturing, transportation/distribution and/or retail/dispensing activities within the Township's borders; and

WHEREAS, Lumberton Township desires to opt out of licensing for any retail or dispensing of medical or recreational marijuana products; and

WHEREAS, the Township desires to establish cultivation, manufacturing and distribution activities as a conditional use in the Township's three industrial zoning districts;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Lumberton, County of Burlington, State of New Jersey that Chapter 130 of the Code of the Township of Lumberton entitled "Development Regulations" be and is hereby amended and supplemented at §§130-71 P(4) (Industrial Zone-1), Q(4) (Industrial Zone 2) and U(4) (Industrial Zone 3) permitting marijuana cultivation, manufacturing and distribution activities as an additional conditionals use as follows:

Section 1. Amendment to §130-3 Word and Definitions.

Section 130-3 of the Township Code entitled "Words and Definitions" is amended and supplemented to add the following definitions.

MARIJUANA ALTERNATIVE TREATMENT CENTERS - An organization approved by the State of New Jersey to perform activities necessary to provide registered qualifying patients with usable marijuana and related paraphernalia in accordance with the provisions of the Compassionate Use Medical Marijuana Act. The Township does not permit retail or dispensing activities in any zone.

MARIJUANA CULTIVATION FACILITY - A use engaged in the cultivation, processing, and packaging of marijuana; manufacturing of marijuana product; deliver and transfer of marijuana to marijuana establishments, but not to consumers. This definition shall also apply to marijuana product manufacturer, marijuana cultivator.

MARIJUANA DISTRIBUTION - The act of moving product from a cultivation location to a point of retail sale or dispensing.

MARIJUANA PRODUCTS - Manufactured products having marijuana or a marijuana extract, including but not limited to raw marijuana, edibles, beverages, topical products, ointments, oils, and tinctures.

MARIJUANA TESTING FACILITY - A licensed facility used to test marijuana and marijuana products, and certify for potency and the existence of contaminants. This definition shall also apply to marijuana research facility, marijuana independent testing lab, and marijuana standards testing lab.

Section 2. Amendment to §130-71 (P)(4).

Section 130-71 (P)(4) concerning conditional uses in the Industrial 1 zoning district is amended and supplemented to add a new paragraph (c) establishing marijuana cultivation, manufacturing and distribution as a conditional use, said paragraph to read as follows:

“(c) Marijuana alternative treatment centers, marijuana cultivation facility, marijuana testing facility meeting the additional standards of §130-4 generally and §130-4(B)(8) specifically.”

Section 3. Amendment to §130-71 (Q)(4).

Section 130-71 (Q)(4) concerning conditional uses in the Industrial 2 zoning district is amended and supplemented to add a new paragraph (e) establishing marijuana cultivation, manufacturing and distribution as a conditional use, said paragraph to read as follows:

“(e) Marijuana alternative treatment centers, marijuana cultivation facility, marijuana testing facility meeting the additional standards of §130-4 generally and §130-4(B)(8) specifically.”

Section 4. Amendment to §130-71 (U)(4).

Section 130-71 (U)(4) concerning conditional uses in the Industrial 3 zoning district is amended and supplemented to add a new paragraph (d) establishing marijuana cultivation, manufacturing and distribution as a conditional use, said paragraph to read as follows:

“(d) Marijuana alternative treatment centers, marijuana cultivation facility, marijuana testing facility meeting the additional standards of §130-4 generally and §130-4(B)(8) specifically.”

Section 5. Amendment to §130-4(B).

Section 130-4(B) is amended to add a new paragraph (8) to read as follows:

(8) A marijuana alternative treatment centers marijuana cultivation facility, marijuana testing facility when authorized by the Planning Board as a conditional use, is subject to the following requirements:

- (a) Such facility shall meet all of the requirements for licensure by the Office of the Attorney General, State of New Jersey.
- (b) Lot size, yard size, lot area shall be regulated as specified:
 - [1] The minimum lot area shall be not less than 1 acre.
 - [2] The minimum lot width shall be not less than 100 feet.
 - [3] The minimum lot frontage shall be not less than 100 feet.
 - [4] The minimum lot front yard depth shall be not less than 50 feet.
 - [5] The minimum lot side yard width shall be not less than 50 feet.
 - [6] The minimum lot rear yard depth shall be not less than 50 feet.
- (c) Shall not be any closer than two hundred and fifty (250) feet from any behavioral health care facility or residential medical detoxification center.
- (d) Shall not be any closer than two hundred and fifty (250) feet from a residential district or use.
- (e) Shall not be located within two hundred and fifty (250) feet of the property line of any existing church, public or parochial school, private school, college, child-care center, or any existing public park.
- (f) Nothing herein shall permit the retail sale of marijuana products, the dispensing of marijuana product, or the direct point sale or distribution of marijuana products from the marijuana alternative treatment centers marijuana cultivation facility, marijuana testing facility

Section 6. Repealer, Severability and Effective Date.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares it intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

LUMBERTON TOWNSHIP COMMITTEE

ACTION ON INTRODUCTION:

Motion made by: **Committeeman Earlen**
Motion seconded by: **Committeeman Conway**

VOTE:

Committeeman Conway:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Dwyer:	<u>Yes</u>	No	Abstain	Not Present
Committeeman Earlen:	<u>Yes</u>	No	Abstain	Not Present
Committeewoman Januseski:	<u>Yes</u>	No	Abstain	Not Present
Mayor Mansdoerfer:	<u>Yes</u>	No	Abstain	Not Present

ACTION ON ADOPTION (after public hearing):

Motion made by:
Motion seconded by:

VOTE:

Committeeman Conway:	Yes	No	Abstain	Not Present
Committeeman Dwyer:	Yes	No	Abstain	Not Present
Committeeman Earlen:	Yes	No	Abstain	Not Present
Committeewoman Januseski:	Yes	No	Abstain	Not Present
Mayor Mansdoerfer:	Yes	No	Abstain	Not Present

CERTIFICATION

I hereby certify that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Lumberton Township Committee held on September 25, 2018 and will be considered for adoption after public hearing at a meeting of the Lumberton Township Committee to be held on October 23, 2018.

Debra L. Shaw-Blemings, RMC, Lumberton Township Clerk

Introduced: September 25, 2018
Published: September 29, 2018
Hearing: October 23, 2018
Adopted:
Published: