

**TOWNSHIP OF HOPEWELL
MERCER COUNTY, NEW JERSEY**

ORDINANCE NO. 23-XXXX

**ORDINANCE OF THE TOWNSHIP OF HOPEWELL AMENDING CHAPTER 24
“CANNABIS” AND CHAPTER 17 “LAND USE AND DEVELOPMENT” OF THE
CODE OF THE TOWNSHIP OF HOPEWELL TO PERMIT AS A CONDITIONAL
USE CLASS II CANNABIS MANUFACTURING IN THE SPECIAL INDUSTRIAL
ZONING DISTRICT**

Explanation: Material [bracketed] is to be deleted
Material underlined is to be added

WHEREAS, the Township Committee of the Township of Hopewell chooses to amend its ordinances from time to time to modify its land use conditions; and

WHEREAS, Chapter 24 “CANNABIS” and Chapter 17 “LAND USE AND DEVELOPMENT” are in need of updating to permit the operation of Class II manufacturing facilities in the Special Industrial zoning district.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hopewell, in Mercer County State of New Jersey, as follows:

SECTION I.

§ 24-2 CANNABIS CULTIVATORS, MANUFACTURERS AND RETAILERS PERMITTED, is amended as follows:

- b. The number of cannabis cultivators and/or manufacturers in the Township shall not exceed one. A single entity that holds both a cannabis cultivator license and a cannabis manufacturer license shall be permitted, [, so long as it is on the same premises.]

SECTION II.

§ 17-150 CULTIVATION AND MANUFACTURING CANNABIS USES is amended as follows:

§ 17-150 a. Purpose.

Purpose. P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"),[2] legalized the recreational use of cannabis by adults 21 years of age or older, and established a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession. The Act also required municipalities to opt in or opt out of permitting cannabis businesses, and allowed municipalities choosing to opt in to develop reasonable regulations for the location and manner of operations. Section 17-160d permits cannabis cultivation and cannabis manufacturing facilities as conditional uses in the VRC Zoning District. Section 17-165 further allows cannabis manufacturing as a conditional use in the SI Zoning

District. This section sets forth the land use requirements for cannabis cultivators and cannabis manufacturers and is designed to protect the community from visual and other adverse impacts of the uses while recognizing the Township's Master Plan's support of agriculture within the Township.

SECTION III.

§ 17-165 SI DISTRICT: SPECIAL INDUSTRIAL is amended as follows:

§ 17-165 d. Permitted Conditional Uses.

4. Cannabis manufacturing, subject to the conditional use and additional development standards in § 17-165 (g).

§ 17-165 SI DISTRICT: SPECIAL INDUSTRIAL is further amended as follows:

(g). Cannabis Manufacturing Conditional Use Requirements and Additional Development Standards in the SI Zone

1. Conditional Use Requirements

a. License. A cannabis manufacturer shall conform with the requirements of § 24-5 LICENSING and be duly licensed by the State of New Jersey.

b. Location. Cannabis manufacturing businesses must be located at least 1,000 feet from schools, school playgrounds and school athletic fields in the Township, measured from property line to property line.

c. Preliminary architectural drawings that show the building's appearance and interior layout details sufficient to determine compliance with this section's provisions shall be provided prior to the application being deemed complete.

d. Prohibitions.

(1) The on-site consumption or use of cannabis, cannabis products or services shall be expressly prohibited.

(2) No cannabis product images shall be displayed or visible to a person from the exterior of a building. All products shall be stored only indoors, and any outdoor storage, display and/or on-site advertisement of products shall be prohibited.

2. Additional Development Standards.

a. Hours of Operation. Hours of operation for cannabis manufacturers shall be limited to the hours of operations specified by the provisions of Subsection 24-11a of the Municipal Code.

b. Parking and loading. The parking requirements for cannabis manufacturers shall be the same as those required for manufacturing uses.

c. Site Access. Cannabis manufacturers shall be accessible directly from a public street through an exclusive entrance, independent from any other use.

d. Odor Control. Cannabis manufacturers shall prevent all odors generated from the processing and storage of cannabis from escaping from any building, such that the odor cannot be detected by a reasonable person of normal sensitivity outside the buildings. All cannabis facilities shall have an air treatment system to mitigate cannabis-related odor. The air treatment system shall have sufficient odor-absorbing filtration systems utilizing carbon filters or similar, and ventilation and exhaust systems to eliminate cannabis odors coming from the interior of the premises, such that any odor generated inside the facility is not detectable by a person of reasonable sensitivity at the subject property line. Performance standards of Section 17-97 shall apply.

e. Signage. cannabis manufacturers shall meet the signage requirements set forth in 17-150(i).

f. Security. Cannabis manufacturers shall develop and implement security protocols sufficient to secure the facility and its contents and protect the safety of employees and the public. The following minimum security measures shall be required:

(1) A video recording security system shall be employed covering all areas of the facility and the exterior of the building with a 24/7 recording system. All recordings shall be maintained for a period of at least 30 days.

(2) An alarm system shall be installed and must include a perimeter alarm on all building entry and exit points and perimeter windows connected to a remote monitoring facility and/or the Hopewell Township Police Department and a failure notification system that provides notification of any failure in the security system.

g. Lot, Yard, Height and Coverage Requirements – see § 17-165 e.3.

SECTION IV. SEVERABILITY.

If any section, subsection, paragraph, sentence or other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this Ordinance, but shall be confined in its effect to the section, subsection, paragraph, sentence or other part of this Ordinance directly involved in the controversy in which said judgment shall have been rendered and all other provisions of this Ordinance shall remain in full force and effect.

SECTION V. INCONSISTENT ORDINANCES REPEALED.

All Ordinances or parts of Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION VI. EFFECTIVE DATE.

This ordinance shall take effect upon its passage and publication and filing with the Mercer County Planning Board, and as otherwise provided for by law.

Date Introduced: June 12, 2023 _____

Date Advertised: June 16, 2023 _____

Date Adopted: _____

Michael Ruger

Mayor

Attest:

Katherine Fenton-Newman

Municipal Clerk