

Ordinance No. _____

AN ORDINANCE AMENDING CHAPTER 270 ENTITLED "CANNABIS" AND CHAPTER 490 ENTITLED "PLANNING AND DEVELOPMENT REGULATIONS" OF CODE OF THE BOROUGH OF RED BANK, NEW JERSEY INCONSISTENT HERewith, AND ESTABLISHING CERTAIN REGULATIONS AND REQUIREMENTS FOR CANNABIS BUSINESSES AND LICENSURE PROCEDURE

SECTION 1. The Revised General Ordinances of the Borough of Red Bank, Chapter 270, "Cannabis "is hereby amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

270-5.6 Cannabis Application Review

- A. Cannabis Review Board. There is hereby created a review board to be known as the "Cannabis Review Board", which shall serve as an advisory committee to the Borough of Red Bank Council whose duty it shall be to (i) review license applications for Class 1-5 cannabis business within the Borough of Red Bank (ii) conduct hearings with the applicant and (iii) provide recommendation to Council for awarding licenses.
1. The purpose of the Cannabis Review Board is to assure the public health, safety and general welfare of the Borough of Red Bank and its residents, business establishments and visitors and to provide a recommendation to Council for awarding licenses for a cannabis establishment within the Borough of Red Bank.
 2. The Review Board shall be comprised of the following members: Borough Council appointed Councilmember, Chief of Police, Director of Community Development, and Director of Code Enforcement.
 3. The Review Board and the action thereof are subject to the enabling authority of the State New Jersey "Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Personal Use Act"). If any provision of this section is found to be inconsistent with the statutes and/or regulations of the State of New Jersey, the state statutes and/or regulations shall govern.
- B. Classification of Licenses. The Borough, subject to land use approval and State licensure, may issue municipal licenses to operate Class 1-5 cannabis businesses.
- C. Maximum number of licenses. The Borough may issue a maximum of one (1) Class I, one (1) Class II, one (1) Class III, one (1) Class IV and two (2) Class V licenses. The Borough adopts license limitation per N.J.A.C. 17:30-6.8.
- D. Administrative and municipal license application. In order to obtain a Borough license, a prospective licensee must submit an application and fee to the Clerk's Office. The application must include:
1. Business Certification. Cannabis Business operators must submit a NJ Business License to operate within the State of New Jersey.
 2. Resolution of Support. Prospective licensee must provide the resolution of support provided by the Borough Council.
 3. State Licensure. Applicant must demonstrate proof of submission for state license. A Cannabis business must first obtain a license from the Cannabis Regulatory Commission. Such license must be in good standing during the entirety of the term of

the business' operation with the Borough. The applicant must follow the State licensing requirements set for in N.J.A.C 17:30-6.1.

4. Site Plan Approval. Applicants must obtain site plan approval from the Red Bank Planning Board and submit a copy of the resolution.
 5. A summary of applicant's plan for storage of products and currency, physical security, video surveillance, security personnel and visitor management.
 6. Applicant's willing commitment to the Community and its support for, by example, local cannabis education programs, local employment and job training, public safety programs, RiverCenter, etc.
 7. Applicant's overview plans for security, reduction in noise, infrastructure, utilities, and order control.
 8. The applicant shall submit proof of financial capability to open and operate the cannabis establishment for which the applicant is seeking the Borough's license. Standards for proof of financial capability shall be determined by the Borough's CFO.
- E. The Review Board shall receive and review all license applications for cannabis businesses and conduct a hearing with each applicant. The Board will review and provide recommendations to Council for a resolution awarding the applicant's cannabis license or deny the application.
- F. A waiting list shall be kept of the applicants that's have gone through the hearing process.

SECTION 3. The Revised General Ordinances of the Borough of Red Bank, Chapter 490, Planning and Development Regulations, Article V, entitled "General Regulations, is hereby amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

490-56.2. Cannabis Establishments. Cannabis establishments shall be permitted, pursuant to this Chapter, only if the following requirements are complied with:

~~L. Cannabis businesses shall be prohibited in any area in which, under State or Federal law, any cannabis business would be prohibited from operating based upon its proximity to a school, park, housing authority property, public or private youth center, or swimming pool.~~

L. Site plan review is required. All proposed cannabis businesses must obtain site plan approval from the Planning Board. All such applications must be reviewed Monmouth County Health Department and Red Bank Police Department, prior to a Planning Board hearing.

~~M. Any cannabis microbusiness, as defined in the Cannabis Regulations shall comply with N.J.A.C. 17:30-6.7. A cannabis microbusiness shall be limited to 10 employees and premises no larger than 2,500 square feet.~~

~~N. Deliveries for Class 1-4 are required to operate between 9 AM to 8 PM.~~

O. Queuing of customers outside a cannabis retailer is prohibited. The cannabis retailer shall have a sufficient waiting area inside the facility to accommodate customers, or shall provide a reservation service, phone/text notification service or other alternatives to waiting on the public right of way. Loitering is prohibited and shall be managed by the facility.

~~Q. No delivery services permitted throughout the Borough.~~

SECTION 4. The Revised General Ordinance of the Borough of Red Bank, Chapter 490, Planning and Development Regulations, Article IX, entitled "Conditional Uses", is hereby amended and supplemented as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

490-122. Cannabis Retailer.

d. No Cannabis Retailer may open to customers for business before 8 10 AM and after 8:00 PM from Monday to Saturday and not open for business before 12 PM and after 6 PM on Sundays. Cannabis Retailers may receive deliveries between 8 am and 8 pm Monday to Saturday and between 10 am and 6 pm on Sundays.

e. No cannabis retailer shall be located within:

- i. A 250-foot radius of any retail cannabis business.
- ii. Distances shall be measured from the property lines of the cannabis business site.

g. Cannabis Retailers are only permitted on and fronting the following streets:

- i. Riverside Avenue (Between Bridge Avenue and Pearl Street)
- ii. Shrewsbury Avenue (Between W Front and Monmouth Street)
- iii. Bridge Avenue (Between Riverside Avenue and Monmouth Street)
- iv. West Front Street (Between Shrewsbury Avenue and Pearl Street)
- v. Brower Street
- vi. West Street (Between Wall Street and West Front Street)
- vii. Newman Springs Road (Between Shrewsbury Avenue and Route 35)

h. Parking requirements for retail cannabis businesses:

- i. A retail cannabis business establishment shall be required to provide no less than six off-street parking per 1000 square feet.
- ii. Retail cannabis businesses shall all follow the loading and parking regulations set forth in Sections 490-97 and Section 490-98 of the Borough's Planning and Development Regulations.

I. Consumption Lounges defined as public consumption of cannabis products purchased from a Class 5 retailer cannabis are not permitted within the Borough.

SECTION 5. Section 490-143 entitled "HB Highway Business Zone District," of Article X entitled "Zoning" of Chapter 490 entitled "Planning and Development Regulations" of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

A. Permitted Uses.

* * *

~~(20) — Cannabis Delivery Services~~

SECTION 6. Section 490-144 entitled “CCD-1 Central Commercial District-1,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

A. Permitted Uses.

* * *

~~(12) — Cannabis Delivery Services~~

SECTION 7. Section 490-145 entitled “CCD-2 Central Commercial District-2,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

A. Permitted Uses.

* * *

~~(14) — Cannabis Delivery Services~~

SECTION 8. Section 490-146 entitled “BR-1 Business/Residential-1,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

A. Permitted Uses.

* * *

~~(20) — Cannabis Delivery Services~~

SECTION 8. Section 490-146 entitled “BR-1 Business/Residential-1,” of Article X entitled “Zoning” of Chapter 490 entitled “Planning and Development Regulations” of the Revised General Ordinances of the

Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

A. Permitted Uses.

* * *

~~(20) Cannabis Delivery Services~~

SECTION 10. Section 490-150 entitled "I Industrial Zone; LI Light Industrial Zone," of Article X entitled "Zoning" of Chapter 490 entitled "Planning and Development Regulations" of the Revised General Ordinances of the Borough of Red Bank is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

A. Permitted Uses.

* * *

(2) In either the Industrial (I) or Light Industrial (LI) Zone:

* * *

~~(g) Cannabis Delivery Service.~~