

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 2023-13

AN ORDINANCE AMENDING 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

SECTION 1. 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.~~

~~M. Site plan review is required. All proposed cannabis businesses must obtain site plan approval from the Planning Board.~~

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

N. Hours of delivery and shipping/distribution for cultivation, manufacturing, wholesaling, and distribution uses (Classes 1-4) shall be limited to 9:00 AM to 8:00 PM Monday through Saturday except for on-site Security. The hours of operation for delivery service businesses (Class 6) shall be limited to 9:00 a.m. to 9:00 p.m.

SECTION 2. 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. Hours of operation for Cannabis Retailers (Class 5) shall be limited to 10:00 AM to 8:00 PM Monday through Saturday and 12:00 PM and 6:00 PM on Sundays. Cannabis Retailers may receive deliveries between 9:00 AM and 8:00 PM Monday through Saturday and between 10:00 AM and 6:00 PM on Sundays.

e. Except for the HB Zone, no cannabis retailer shall be located within:

- i. 1,000 feet of a public or private school, playground, or housing facility owned by a public housing authority.

- ii. 500 feet of parks, houses of worship, and daycare centers.
- iii. 100 feet of public or private youth centers, swimming pool, or video arcade facility.
- iv. 250-foot radius of any retail cannabis business.
- v. 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. Allen Place
- vii. Newman Springs Road (Between Shrewsbury Avenue and Route 35)

h. Parking requirements for retail cannabis businesses:

- i. 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
retail cannabis business are not permitted within the Borough.

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SECTION 4. Section 43 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 4. 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.

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(12) ~~Cannabis Delivery Services~~

SECTION 5. 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.

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~~(14) — Cannabis Delivery Services~~

SECTION 6. 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.

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~~(20) — Cannabis Delivery Services~~

SECTION 7. Section 490-148 entitled “WD Waterfront Development 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.

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~~(20) — Cannabis Delivery Services~~

SECTION 8. 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.

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

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(g) ~~Cannabis Delivery Service.~~

April 26, 2023 TABLED

INTRODUCTION						COUNCILMEMBER	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				JOHN JACKSON						
		X				ANGELA MIRANDI						
		X				JACQUELINE STURDIVANT						
			X			KATE TRIGGIANO						
X		X				MICHAEL BALLARD						
		X				EDWARD ZIPPRICH						
						MAYOR WILLIAM PORTMAN						
I, _____, hereby certify that the ordinance was adopted by the Council of the Borough of _____, Red Bank County of _____, State of New Jersey on the aforementioned date.												
Final Adoption: April 26, 2023						<i>Laura Reibertsen</i> _____ Laura Reibertsen, Borough Clerk						