

ORDINANCE NO. 2021-6

**AN ORDINANCE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 102
“DEVELOPMENT REGULATIONS” OF THE CODE OF THE TOWNSHIP OF COLTS
NECK BANNING BUSINESSES SELLING MARIJUANA AND/OR PARAPHERNALIA
FACILITATING THE USE OF MARIJUANA AND
FARMING OR MANUFACTURING OF MARIJUANA**

WHEREAS, the Township has the authority to prohibit businesses selling marijuana and/or paraphernalia facilitating the use of marijuana and the growing or manufacturing of marijuana within the Township pursuant to Section 31(b) of P.L. 2021, c. 16;

WHEREAS, on April 23, 1997 the Colts Neck Township Committee amended in its entirety Chapter 102, Development Regulations of the Code of the Township of Colts Neck; and

WHEREAS, the Township of Colts Neck is continuously and closely involved in the planning and development process in the Township; and

WHEREAS, one of the purposes of planning is to review the Township’s policies and Development Regulations based on best available information and past experiences and to adopt regulations to guide the use of lands in a manner that promotes the public good and general public welfare; and

WHEREAS, N.J.S.A. 40:55D-65 “Contents of Zoning Ordinance” authorizes municipalities to limit and restrict buildings and structures to specified districts and regulate buildings and structures according to their type and the nature and extent of their use, and regulate the nature and extent of the use of land for trade, industry, residence, open space or other purposes; and

WHEREAS, the Township has established agriculture as a permitted principal use; and

WHEREAS, the Township has determined that businesses selling marijuana and farms cultivating marijuana require special concern for security, safety and location; and

WHEREAS, the Township desires to ensure that such facilities that dispense marijuana or cultivate marijuana are not allowed within ¼ mile of a school, church, park, commercial business or any zone permitting single family residential as a permitted principal use; and

WHEREAS, there is no area in the Township which can safely house a business selling, manufacturing or growing marijuana and/or the paraphernalia that facilitates the use of such marijuana; and

WHEREAS, the Township Committee finds that it is in the best interest of the Township and general public welfare to ban all business selling marijuana and/or paraphernalia facilitating the use of marijuana and the growing or manufacturing of marijuana within the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Colts Neck in the County of Monmouth, State of New Jersey as follows: (additions to text indicated by underline; deletions to text indicated by ~~strikeout~~).

SECTION I That Chapter 102 “Development Regulations” Article VIII “Zoning Requirements” Subsection 84B “Principal permitted uses on land and buildings” be amended and supplemented in the following parts only:

10. The growing, cultivating, farming, manufacturing, distribution, or selling of medical and/or recreational marijuana, and/or paraphernalia that facilitates its use, shall be a prohibited principal, accessory or conditional use.

SECTION II That Chapter 102 “Development Regulations” Article VIII “Zoning Requirements”, Subsection 85B “Principal permitted uses on land and in buildings” be amended and supplemented in the following parts only:

6. The growing, cultivating, farming, manufacturing, distribution, or selling of medical and/or recreational marijuana, and/or paraphernalia that facilitates its use, shall be a prohibited principal, accessory or conditional use.

SECTION III That Chapter 102 “Development Regulations” Article VIII “Zoning Requirements”, Subsection 85.2B “Principal permitted uses on land and in buildings” be amended and supplemented in the following parts only:

8. The growing, cultivating, farming, manufacturing, distribution, or selling of medical and/or recreational marijuana and/or paraphernalia that facilitates its use, shall be a prohibited principal, accessory or conditional use.

SECTION IV That Chapter 102 “Development Regulations” Article VIII “Zoning Requirements”, Subsection 86B “Principal permitted uses” be amended and supplemented in the following parts only:

9. The growing, cultivating, farming, manufacturing, distribution, or selling of medical and/or recreational marijuana, and/or paraphernalia that facilitates its use, shall be a prohibited principal, accessory or conditional use.

SECTION V That Chapter 102 “Development Regulations” Article X “Zoning Requirements” Subsection 109B “Principal permitted uses on land and in buildings” be amended and supplemented in the following parts only:

16. The growing, cultivating, farming, manufacturing, distribution, or selling of medical and/or recreational marijuana, and/or paraphernalia that facilitates its use, shall be a prohibited principal, accessory or conditional use.

SECTION VI That Chapter 102 “Development Regulations” Article X “Zoning Requirements” Subsection 111B “Permitted principal uses” be amended and supplemented in the following parts only:

3. The growing, cultivating, farming, manufacturing, distribution, or selling of medical and/or recreational marijuana, and/or paraphernalia that facilitates its use, shall be a prohibited principal, accessory or conditional use.

SECTION VII That Chapter 102 “Development Regulations” Article X “Zoning Requirements” Subsection 112B “Principal permitted uses on the land and in buildings” be amended and supplemented in the following parts only:

13. The growing, cultivating, farming, manufacturing, distribution, or selling of medical and/or recreational marijuana, and/or paraphernalia that facilitates its use, shall be a prohibited principal, accessory or conditional use.

SECTION VIII That Chapter 102 “Development Regulations” Article X “Zoning Requirements” Subsection 112.1B “Principal permitted uses on land and in buildings” be amended and supplemented in the following parts only:

8. The growing, cultivating, farming, manufacturing, distribution, or selling of medical and/ or recreational marijuana, and/or paraphernalia that facilitates its use, shall be a prohibited principal, accessory or conditional use.

BE IT FURTHER ORDAINED, Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this ordinance shall remain in full force and effect.

BE IT FURTHER ORDAINED, Repealer. Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

BE IT FURTHER ORDAINED, This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 10th day of March 2021. A public hearing will be held on April 14, 2021, 7:30 p.m. Town Hall, 124 Cedar Drive.


Michael Viola, Mayor


Trina Lindsey, Township Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	March 10, 2021					April 14, 2021				
	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Viola		X					X			
Deputy Mayor Bartolomeo	M	X					X			
Fitzpatrick	S	X				M	X			
Torchia Buss		X					X			
Rizzuto		X				S	X			
M - Moved	S - Seconded	X - indicates vote			NV - Not Voting		Ab - Absent			