

**ORDINANCE NO. 2025-6**

**AN ORDINANCE OF THE TOWNSHIP OF OCEAN,  
COUNTY OF OCEAN, STATE OF NEW JERSEY TO  
AMEND THE OFFICIAL ZONING MAP OF THE  
TOWNSHIP AND CHAPTER 410 OF THE  
TOWNSHIP CODE IN ORDER TO ESTABLISH A  
CANNABIS USE OVERLAY ZONE AND PROVIDE  
ASSOCIATED ZONING REQUIREMENTS**

**WHEREAS**, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults of at least 21 years of age; and,

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (PL 2021, c. 16), which legalizes the recreational use of cannabis by adults twenty-one (21) years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and,

**WHEREAS**, the Act also required municipalities to "opt in" or "opt out" of permitting cannabis-related businesses and allowed municipalities choosing to opt in to develop reasonable regulations for the location and manner of operations; and,

**WHEREAS**, the Township of Ocean has, with the adoption of Ordinance No. 2022-9 on May 17, 2022 has chosen to permit cannabis-related businesses.

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

**SECTION 1.** Chapter 410 (Zoning), Article II (District Regulations), is hereby amended to include new Section 410-33.4 (Cannabis Use Overlay Zone No. 4):

**§ 410-33.4.** Cannabis Use Overlay Zone No. 4

A. General intent.

- (1) The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16; hereinafter "the Act") legalized the recreational use of cannabis by adults aged 21 years or older and established a comprehensive regulatory and licensing scheme for commercial recreational cannabis operations, use, and possession. The Act also required municipalities to "opt in" or "opt out" of permitting cannabis-related businesses and allowed municipalities choosing to opt in to develop reasonable regulations for the location and manner of operations.
- (2) The Township of Ocean has chosen to permit cannabis-related businesses. The purpose of Cannabis Use Overlay Zone No. 4 is to provide adequate space for cannabis-related businesses within the Township and set forth land use requirements for said uses.

B. Permitted uses and activities. The following uses and activities shall be permitted in Cannabis Use Overlay Zone No. 4:

- (1) Cannabis cultivator, cannabis manufacturer, cannabis wholesaler, and cannabis distributor provided that the cultivation activities are consistent with the term "Agricultural use" as defined in this Chapter;

C. Prohibited uses and activities. The following uses and activities shall be prohibited in Cannabis Use Overlay Zone No. 4:

- (1) Cannabis retailer;
- (2) Cannabis delivery;
- (3) Cannabis medical; and
- (4) All other uses not expressly permitted.

D. License required. Operators of facilities developed in accordance with the standards of Cannabis Use Overlay Zone No. 4 shall hold an appropriate Class 1 (Cannabis Cultivator) license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey.

E. Outdoor activities prohibited. Outdoor cultivation and storage of cannabis and related outdoor activities associated with a license issued by the Cannabis

Regulatory Commission, Department of Treasury, State of New Jersey, shall be prohibited. Cultivation of cannabis and related activities shall be located indoors.

F. Lot and building requirements. The following regulations shall apply in Cannabis Use Overlay Zone No. 4:

- (1) Minimum lot size: 5.0 acres.
  - (a) Notwithstanding the minimum lot areas set forth above, no such minimum lot area for any use within Cannabis Use Overlay Zone No. 4 shall be less than that needed to meet the water quality standards of § 410-83.
- (2) Minimum lot width: 200 feet.
- (3) Minimum yard requirements:
  - (a) Front yards: 200 feet.
  - (b) Side yard: 50 feet for principal buildings; 10 feet for accessory buildings.
  - (c) Rear yard: 75 feet for principal buildings; 10 feet for accessory buildings.
- (4) Maximum lot coverage: 50%.
- (5) Other requirements:
  - (a) Setback from US Route 9: 750 feet.
  - (b) On split-zoned lots, no part of a cannabis related use or activity shall be located outside of Cannabis Use Overlay Zone No. 4.

G. Lighting. A lighting plan shall be required. The following standards shall apply:

- (1) Greenhouse interior lighting. Anticipated exterior spillage of greenhouse interior lighting shall be depicted on lighting plans. Where exterior spillage of greenhouse interior lighting would impact an adjacent property, measures to mitigate same shall be applied. Such measures may include:
  - (a) Blackout shades with side tracking or other comparable technologies, which are activated from dusk to dawn.

(b) Appropriate shields installed on the greenhouse interior lighting fixtures.

(2) All outdoor lighting shall comply with all other applicable requirements of this chapter.

H. Noise. The requirements of Chapter 245, Noise, of the Township Code shall apply.

I. Odor control. Odor control devices and techniques shall be incorporated in all cannabis-related businesses to ensure that odors from cannabis are not detectable off-site. Cannabis-related businesses shall provide a sufficient odor-absorbing ventilation and exhaust system so that odor generated inside the cannabis-related business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the cannabis-related business. As such, cannabis-related businesses must install and maintain the following equipment, or any other equipment which the Board determines is a more effective method or technology:

(1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; or

(2) An air filtration system that creates negative air pressure between the cannabis-related business's interior and exterior, so that the odors generated inside the cannabis-related business are not detectable on the outside of the cannabis-related business.

J. Community impact statement. A community impact statement that conforms to the requirements of § 340-53 shall be submitted for each cannabis-related use or activity to be located within Cannabis Use Overlay Zone No. 4.

**DASTI & STAIGER**

ATTORNEYS AT LAW

310 Lacey Road | P.O. Box 779  
Forked River, NJ 08731

K. Environmental impact statement. An environmental impact statement that conforms to the requirements of § 410-37 shall be submitted for each cannabis-related use or activity to be located within Cannabis Use Overlay Zone No. 4.

L. Water conservation. The following standards shall apply:

- (1) A water conservation plan shall be submitted for each use associated with a Class 1 (Cannabis Cultivator) or Class 2 (Cannabis Manufacturer) license issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey. At a minimum, the water conservation plan shall provide an estimate of total anticipated water use and describe proposed measures for water conservation on-site. Such measures may include, but are not limited to:
  - (a) Rainwater capture;
  - (b) Evaporative barriers on exposed soils and planting containers;
  - (c) Timed drip irrigation;
  - (d) Soil moisture monitors; and
  - (e) Use of recycled water.
- (2) All other requirements of the Township Code, including but not limited to Chapter 402, Water Conservation, shall apply.

M. Stormwater management. Stormwater management shall be in accordance with Chapter 322, Stormwater Control.

N. Buffers. Buffers shall be provided in accordance with Chapter 410, Zoning, Article V, Buffers.

O. Security. For all cannabis-related uses or activities to be located within Cannabis Use Overlay Zone No. 4, a security system shall be provided. Security systems shall meet applicable requirements of the State of New Jersey, as well as the following additional requirements:

- (1) All security systems shall be professionally monitored and operated on a continuous basis (i.e., 24 hours per day, seven days per week);

- (2) All security systems shall contact local law enforcement if triggered;
- (3) All security systems shall preserve security recordings and documentation for at least 180 days;
- (4) A minimum of two secure backups of all security recordings and documentation shall be maintained. One backup shall be saved on a local storage device located on-site. One backup shall be saved off-site.

P. Farmland soil preservation. Applicants seeking to develop a cannabis-related use or activity within Cannabis Use Overlay Zone No. 4 shall:

- (1) Identify any prime agricultural soils, soils of statewide importance, and soils of local importance on the site plan;
- (2) Design the site to avoid prime agricultural soils, soils of statewide importance, and soils of local importance to the maximum extent practical in the siting of impervious cover;
- (3) To the extent that impervious cover cannot avoid prime agricultural soils, soils of statewide importance, and soils of local importance, the applicant shall consult with the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture and follow all recommendations provided by the NRCS for protecting such soils to the maximum extent practical; and
- (4) Submit a soil management and respiration plan to restore agricultural land in the event that the proposed facility ceases to operate.

Q. Parking. Off-street parking and loading shall be provided in accordance with the requirements of Article VI of this chapter.

**SECTION 2.** The Zoning Map of the Township of Ocean is hereby amended to include Cannabis Use Overlay Zone No. 4 as depicted in Attachment A.

**SECTION 3.** 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 4.** All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

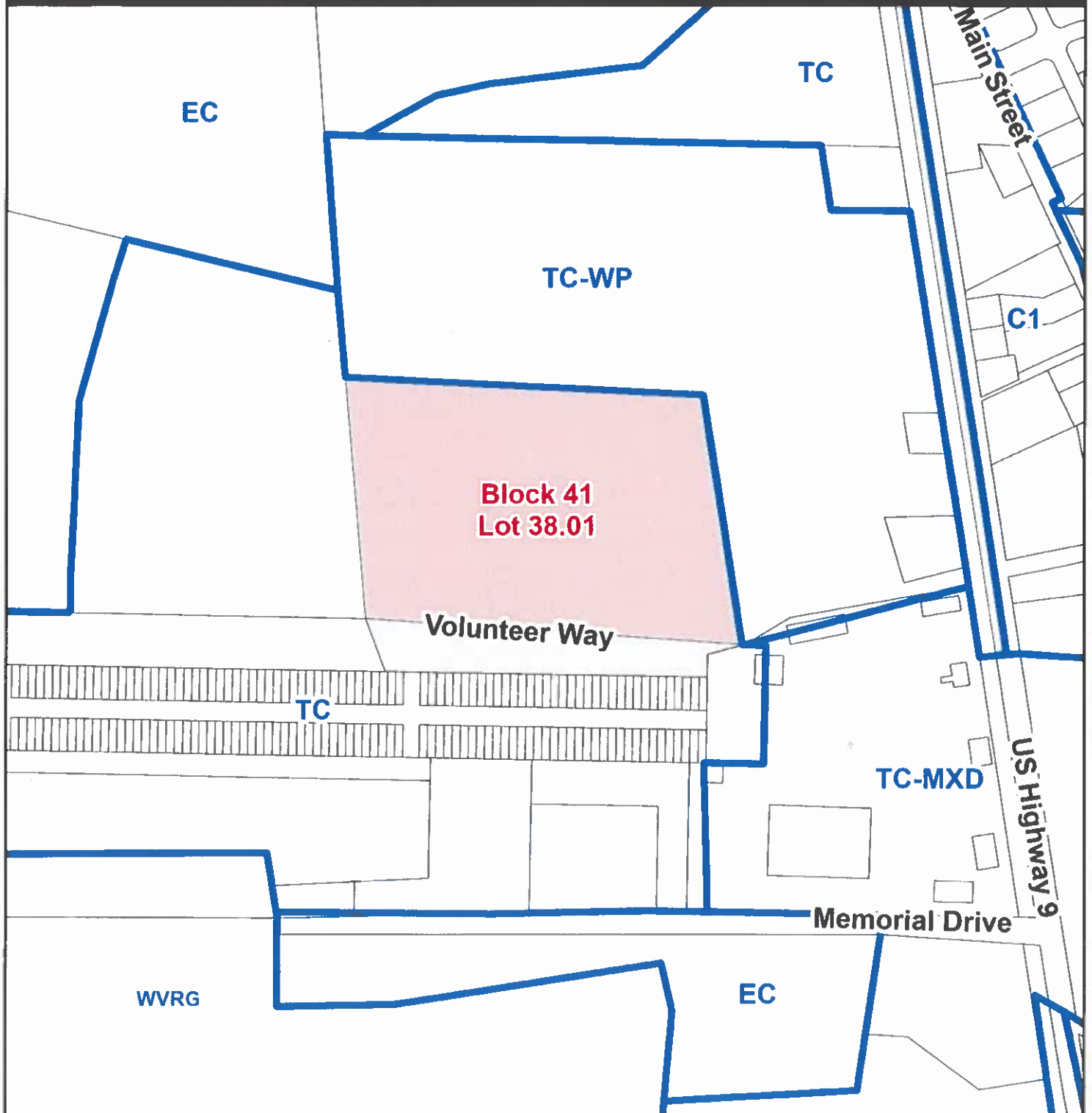
**SECTION 5.** This ordinance shall take effect upon its passage and publication and filing with the Ocean County Planning Board, and as otherwise provided for by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Ocean on the 18<sup>th</sup> day of February, 2025, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 11<sup>th</sup> day of March, 2025, at 10:00AM. at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

\_\_\_\_\_  
**DIANE B. AMBROSIO, RMC,** Clerk  
Township of Ocean

# Proposed Cannabis Use Overlay Zone No. 4



 Proposed Cannabis Use Overlay Zone No. 4

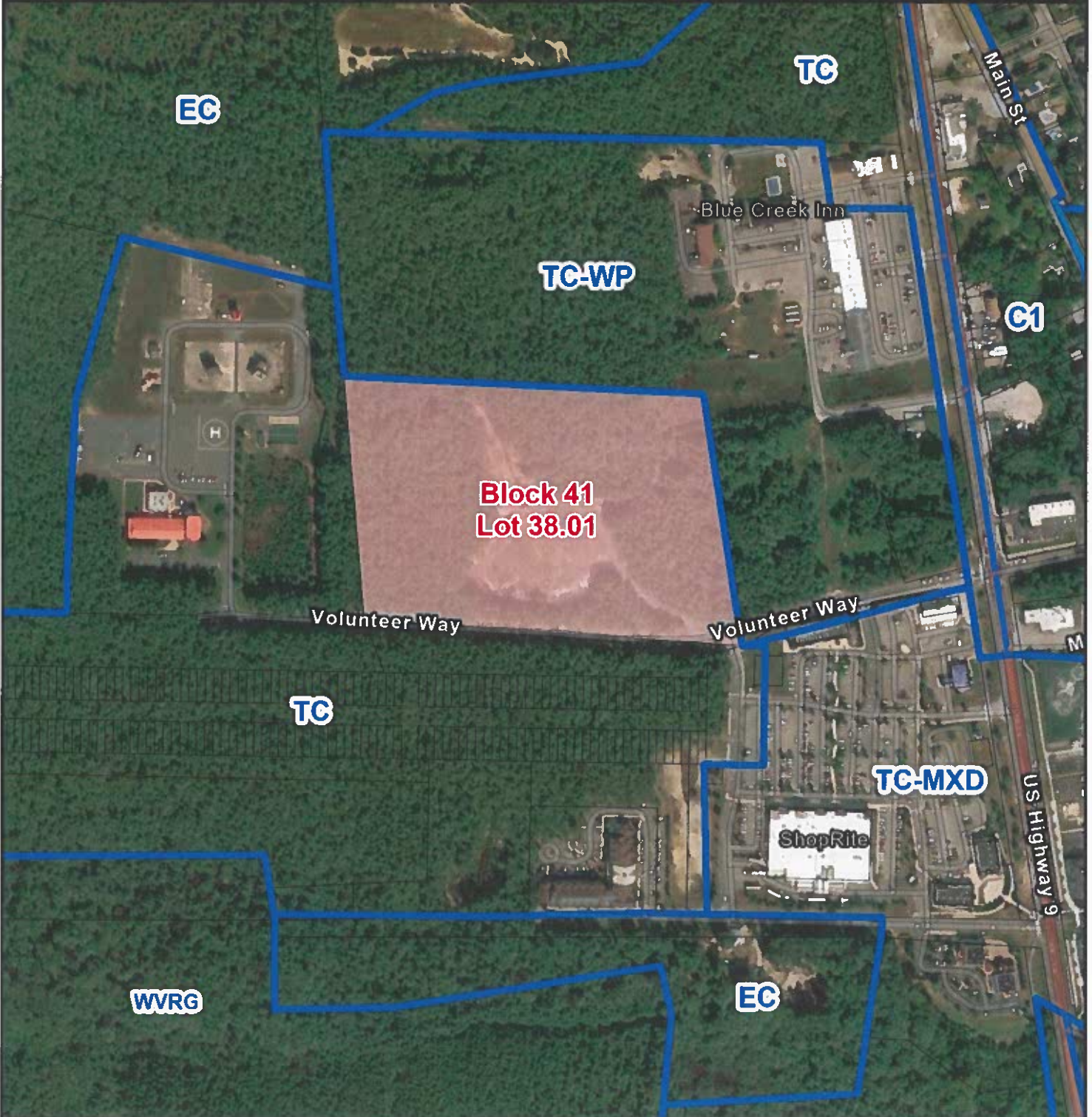
 Tax Parcel

 Zone District Boundary





# Proposed Cannabis Use Overlay Zone No. 4



 Proposed Cannabis Use Overlay Zone No. 4

 Tax Parcel

 Zone District Boundary

