

## ORDINANCE #

### AN ORDINANCE OF THE BOROUGH OF LITTLE SILVER COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 16A, "LAND USE AND DEVELOPMENT ORDINANCE," OF THE CODE OF THE BOROUGH OF LITTLE SILVER, AMENDING BANNING THE CULTIVATION, MANUFACTURE, WAREHOUSING, DISTRIBUTION AND SALE OF RECREATIONAL MARIJUANA AND/OR PARAPHERNALIA FACILITATING ITS USE

**WHEREAS**, the State legislature has proposed to adopt marijuana policies which enable the taxing, controlling and legalization of recreational marijuana; and

**WHEREAS**, the Borough 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 Borough pursuant to section 31(b) of P.L. 2021, c.16; and

**WHEREAS**, the Borough has determined that the cultivation, manufacturing, warehousing, distribution and/or sale of recreational marijuana requires special concern for security, safety and location; and

**WHEREAS**, there is no area in the Borough which can safely house a business that participates in the cultivation, manufacture, warehousing, distribution and/or sale of recreational marijuana and/or the paraphernalia that facilitates the use of such marijuana; and

**WHEREAS**, the Borough of Little Silver for security purposes wishes to ban the cultivation, manufacture, warehousing, distribution and/or sale of recreational marijuana within the entire Borough; and

**WHEREAS**, the Borough of Little Silver, through adoption of the Municipal Code Article X has established Zoning District Regulations; and

**WHEREAS**, N.J.S.A. 40:55D-62 permits the Mayor and Council to adopt or amend zoning ordinances related to the nature and extent of the uses of land and of buildings and structures thereon; and

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Little Silver, County of Monmouth, and State of New Jersey, as follows:

1. Article X – Zoning District Regulations Section 10.4 R-1 Estate Residential Zone shall be amended and supplemented as follows:

**Section 10.4: R-1 ESTATE RESIDENTIAL ZONE:  
E. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

2. Article X -- Zoning District Regulations Section 10.5 R-1A Low Density Residential Zone shall be amended and supplemented as follows:

**Section 10.5: R-1A LOW DENSITY RESIDENTIAL ZONE:  
E. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

3. Article X -- Zoning District Regulations Section 10.6 R-2 Medium Density Residential Zone shall be amended and supplemented as follows:

**Section 10.6: R-2 MEDIUM DENSITY RESIDENTIAL ZONE:  
G. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

4. Article X -- Zoning District Regulations Section 10.7 R-3 Medium Density Residential Zone shall be amended and supplemented as follows:

**Section 10.7: R-3 MEDIUM DENSITY RESIDENTIAL ZONE:  
H. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

5. Article X -- Zoning District Regulations Section 10.8 B-1 Business Zone shall be amended and supplemented as follows:

**Section 10.8: B-1 BUSINESS ZONE:  
E. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

6. Article X – Zoning District Regulations Section 10.9 B-2 Business Zone shall be amended and supplemented as follows:

**Section 10.9: B-2 BUSINESS ZONE:**

**E. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

7. Article X – Zoning District Regulations Section 10.10 TH-1 Townhouse Zone shall be amended and supplemented as follows:

**Section 10.10: TH-1 TOWNHOUSE ZONE:**

**C. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

8. Article X – Zoning District Regulations Section 10.11 P-1 General Professional Development Zone shall be amended and supplemented as follows:

**Section 10.11: P-1 GENERAL PROFESSIONAL DEVELOPMENT ZONE:**

**E. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

9. Article X – Zoning District Regulations Section 10.12 P-2 General Professional Development Zone shall be amended and supplemented as follows:

**Section 10.12: P-2 GENERAL PROFESSIONAL DEVELOPMENT ZONE:**

**E. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

10. Article X – Zoning District Regulations Section 10.13 I-1 Industrial Zone shall be amended and supplemented as follows:

**Section 10.13: I-1 INDUSTRIAL ZONE:**

**E. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

11. Article X – Zoning District Regulations Section 10.15 Planned Residential Development Zone shall be amended and supplemented as follows:

**Section 10.15: PLANNED RESIDENTIAL DEVELOPMENT ZONE:**

**D. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

12. Article X – Zoning District Regulations Section 10.16 TH-2 Townhouse Zone shall be amended and supplemented as follows:

**Section 10.16: TH-2 TOWNHOUSE ZONE:**

**C. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

13. Article X – Zoning District Regulations Section 10.17 R-3A Single Family Court Home Zone shall be amended and supplemented as follows:

**Section 10.17: R-3A SINGLE FAMILY COURT HOME ZONE:**

**D. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

14. Article X – Zoning District Regulations Section 10.20 Age-Restricted Affordable Housing Zone shall be amended and supplemented as follows:

**Section 10.20: R-3A AGE-RESTRICTED AFFORDABLE HOUSING ZONE:**

**L. Prohibited Uses:**

Other principal, accessory or conditional uses not expressly permitted in this section are prohibited, including the cultivation, manufacture, warehousing, distribution and sale of recreational marijuana, accessories and/or the paraphernalia that facilitates the use of such.

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**BE IT FURTHER ORDAINED** that in the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon final passage and publication in accordance with the law.

INTRODUCED:

APPROVED:

ADOPTED:

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Robert C. Neff, Jr., Mayor

Attest:

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Kimberly Jungfer, Administrator/ Clerk