

ORDINANCE 2024- 02

AN ORDINANCE AMENDING SECTION 601(P) OF THE GENERAL CODE OF THE
TOWN OF HACKETTSTOWN TO PERMIT DRIVE-THROUGH SERVICE AT
CANNABIS DISPENSARIES

WHEREAS, the Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act ("CREAMMA") and its associated regulations defines "curbside retail sales" as selling "a cannabis item to a consumer who is on the exterior of the facility on the cannabis retailer premises, which includes any parking lot and adjacent sidewalk that are located at the physical address listed on the cannabis business license..." (N.J.A.C. 17:30-1.2); and

WHEREAS, such definition encompasses sales from a drive-through window; and

WHEREAS, the CREAMMA permits cannabis dispensaries to conduct "curbside retail sales" (N.J.A.C. 17:30-14.4);

WHEREAS, the Governing Body is desirous to amend Section 601(P) of the Code to permit drive through retail sales at cannabis retailers, subject to certain conditions.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Hackettstown that Section 601(P)(i) of the Land Development Code of the Town of Hackettstown regarding conditional use standards for "Retail Sales of Cannabis" is amended as follows (additions noted in bold italic *thus* and deletions noted in ~~striketrough~~ thus):

- ~~i. Drive-throughs: Drive-throughs shall be prohibited at dispensaries~~
- i. ***Cannabis retail businesses may include drive-through service as part of their business operations but shall not exclusively operate as a drive-through business. Drive-throughs shall be permitted as an accessory use to a cannabis retail business, subject to the following additional conditions.***
 - a. ***All other types of "curbside retail sales" (as defined in N.J.A.C. 17:30-1.2) shall be prohibited.***
 - b. ***The cannabis retail business shall comply with N.J.A.C. 17:30-14.4.***
 - c. ***The use of drive-through shall be limited to orders placed in advance for pick up only. Ordering in the drive-through shall not be permitted.***
 - d. ***Signage. Signage shall be provided at the beginning of the queuing area indicating that the use of the drive-through is for pick-up only, and that new orders will not be accepted at the drive-through.***
 - e. ***Only one drive-through window and associated lane shall be permitted for each cannabis retail business.***
 - f. ***Drive-through window standards.***
 - i. ***The drive-through window must be attached to and accessible from the principal retail building. Drive-through sales are not permitted to be conducted in an accessory structure.***

- ii. *The drive-through window shall be located at least 30 feet from the street curbline to provide sufficient space for vehicles to safely exit the property.*
 - iii. *The drive-through window must be equipped with an opening that can be secured.*
- g. *Drive-through lane standards.*
 - i. *A minimum of eight stacking or queuing spaces at least 20 feet in length per space shall be provided for the drive-through lane.*
 - ii. *The drive-through lane shall be a minimum width of 10 feet and have a minimum 15-foot interior radius at curves.*
 - iii. *Each drive-through entrance and exit shall be at least 100 feet from an intersection of public rights-of-way, measured at the closest intersecting curbs, and at least 25 feet from the curb cut on the adjacent property,*
 - iv. *Each entrance to an aisle and the direction of flow shall be clearly designated by signs and/or pavement markings or raised curbs outside of the public right-of-way.*
 - v. *A single lane of at least 10 feet in width shall be provided adjacent to the stacking or queuing lane to allow vehicles not entering the stacking lane to exit the property. There shall be sufficient space between the property line and the beginning of the stacking or queuing lane to allow for safe entry, access to parking spaces and on-site circulation.*
 - vi. *Drive-through lanes shall be set back at least 15 feet from all residential property lines and be screened from adjacent residential property by means of a six-foot in height solid screen fence or vegetative screen.*
 - vii. *The drive-through lane shall include a combination of landscaping, low walls, and/or berms to prevent headlight glare and to reduce visibility of vehicles from impacting adjacent streets and parking lots.*
 - viii. *Pedestrian walkways should not intersect the drive-through lane, but where it does; it shall have a minimum of fifteen (15) feet clear visibility and be emphasized with enhanced paving. Appropriate pedestrian crossing signs shall be visible from both the vehicle drive lane and the pedestrian walkway; and*
- h. *Traffic circulation. All drive-through vehicular circulation shall be in a counterclockwise direction.*
- i. *The provision of drive-through service facilities shall not justify a reduction in the number of required off-street parking spaces.*

BE IT FURTHER ORDAINED that all other provisions of the Code not amended hereby shall remain in full force and effect.

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