

MEMORANDUM

TO: Township of West Orange Planning Board

FR: Gerard M. Haizel, PP, AICP, Principal 

RE: **Master Plan Consistency Review – Ordinance 2852-24 - An Ordinance Amending Chapter 5, Section 34.2, Section 34.4, Section 34.5, And Chapter 25, Section 24.2 Of The Revised General Ordinances of the Township of West Orange (Licensed Cannabis Entities)**

DT: **June 26, 2024**

Pursuant to The *NJ Municipal Land Use Law (MLUL)* at N.J.S.A. 40:55D-26(a), the above referenced matter was referred to the Township Planning Board for review and comment to the Governing Body, regarding the proposed Ordinance's consistency with the Township's Master Plan.

For this review, the following items were reviewed:

- Township of West Orange Ordinance 2852-24 – Approved May 21-2024.
- Township of West Orange Ordinance 2808-23 (Licensed Cannabis Entities) – Adopted August 22, 2023.
- Township of West Orange Master Plan Reexamination Report And Plan Element Amendments – 2019.

The Township Council approved a proposed ordinance amendment, Ordinance 2852-24, at its May 21, 2024 meeting. This ordinance includes changes to the Township's General Licensing Ordinance and to the Land Use Regulations Ordinance pertaining to Licensed Cannabis Entities. I have reviewed the proposed changes to the Land Use Regulations Ordinance for Master Plan consistency and offer the following for your consideration. It should be noted here that modifications to the General Licensing Ordinance (Municipal Code - Chapter 5), is not subject to Planning Board review and as such, were not addressed in my review.

The purpose of the proposed amendment as stated in Ordinance 2852-24,

“... is to update the provision of the Municipal Code of the Township of West Orange governing the local licensing requirements and zoning conditions for Licensed Cannabis Entities within the Township of West Orange to: (i) update and amend the total number of local licenses allowable Licensed Cannabis Entities and specifying the maximum number of local license for specific categories of Licensed Cannabis Entities; and (ii) to create a separate parking requirement under the Zoning Conditions for Licensed Cannabis Cultivators and Licensed Cannabis Manufacturers with a limited number of employees for those cultivation and manufacturing activities based on the fact that without retail customers the need for parking spaces are not as extensive.”

The proposed amendment to the Township’s Land Use Regulations is to *Chapter 25 Section 24.2(2)(o)*, which provides the conditional use standards for Licensed Cannabis Entities. Specifically, the Ordinance proposes to amend **Chapter 25 Section 24.2(2)(o)(4)** to provide that **Cannabis Cultivators or Manufacturers with no more than ten (10) employees shall provide at least one (1) parking space per 1,000-SF of gross floor area.**

In anticipation of the potential change in State laws to permit recreational use of cannabis, the Township’s *2019 Master Plan Update*, in the *Land Use Plan Element*, recommends that the Township,

“...evaluate whether there are locations appropriate to permit medical cannabis production and/or sales, or places where it should be prohibited, in advance of potential future change in laws to permit recreational production and sales. An appropriate means of regulating these uses could be by only allowing them as conditional uses in certain zoning districts. Conditional use standards could include distance requirements from sensitive uses such as schools. Zoning districts in West Orange where these uses could be permitted as conditional uses could include certain business, office building and industrial zones for dispensaries, as well, the Industrial zone for production.”

This recommendation was implemented by the Governing Body with the adoption of the original ordinance, with subsequent amendments adopted as need to refine and clarify the standards. The Ordinance 2852-24 now before the Board for review, again modifies the conditional use standards to provide further refinement.

The amendment of the conditional use standard as it pertains to the parking ratio for cannabis cultivators and manufacturers, is broadly addressed in the *2019-Master Plan Update, Land Use Plan Element*, which recommends that changes in the parking standards

within various uses throughout the Township, should be reviewed with the goal of providing more “flexibility” in parking ratios, particularly in the downtown.

Based on my review as detailed above, in my opinion, the proposed amendment to the Land Use Regulation Ordinance included in Ordinance 2852-24 is consistent with the Township’s Master Plan and furthers the goals and objectives of the same.