

**AN ORDINANCE AMENDING CHAPTER 5, SECTION 34.3 AND SECTION 34.6, AND
CHAPTER 25, SECTION 11.7, SECTION 24.2 and PART A: PERMITTED USES TABLE
OF DISTRICT REGULATIONS OF THE REVISED GENERAL ORDINANCES OF THE
TOWNSHIP OF WEST ORANGE
(LICENSED CANNABIS ENTITIES)**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF
WEST ORANGE, NEW JERSEY** that Chapter 5 and Chapter 25 of the Revised General
Ordinances of the Township of West Orange be and are hereby amended as follows:

I. PURPOSE

The purpose of this ordinance 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) clarify that it shall be unlawful for any individual or entity to distribute cannabis or cannabis products that do not have a license from the New Jersey Cannabis Regulatory Commission and a local license from the Township of West Orange, including any gifting of cannabis or cannabis produce; (ii) provide that all Licensed Cannabis Entities holding a local license, must submit a renewal application not less than sixty (60) days before the expiration of the local license; (iii) extend the existing distance from the property line of any property with a school building for which the operation of a Cannabis Entity is prohibited from 100 feet (100') to 200 feet (200'); (iv) add an additional condition whereby a Cannabis Entity shall not be allowed to operate within 200feet (200') from a house of worship; and (v) clarify the parking requirements for Licensed Cannabis Entities; and (v) provide reference to the Township Municipal Code provisions governing the standards and criteria for commercial signage for Cannabis Entities. This ordinance also clarifies the definition of a research laboratory in the zoning provision to expressly include laboratories that test Cannabis products and to expand the permitted use of a research laboratory into both the O-R District and B-1 District.

**II. CHAPTER 5, SECTION 34.3 SHALL BE AND HEREBY IS AMENDED AND
SUPPLEMENTED TO INCORPORATE THE FOLLOWING:**

5-34.3 Local License Required; Violations and Penalties.

It shall be unlawful for any individual or entity to distribute cannabis or cannabis products except for a Licensed Cannabis Entity acting within the scope of a license issued by both the Commission and within the scope of a Local License in accord with this section.

Pursuant to N.J.S.A. 24:6I-45 (c)(2) of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, no Licensed Cannabis Entity shall be allowed to operate within the Township of West Orange until such person or entity shall be licensed and registered in accord with this section.

For violation of any provision of this subsection, penalties shall be in accordance with Chapter **1**, § **1-5**.

5-34.4 Local License Standards and Limitations.

(b) The total number of Class 5 and Class 6 Targeted Microbusinesses shall not exceed three (3).

III. CHAPTER 5, SECTION 34.6 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

5-34.6 License Term, Transferability, and Renewal.

- a. All licenses shall be issued for the term of one_year(s) and shall expire one year(s) after the date of issuance.
- b. Licenses shall not be transferable, assignable, or divisible.
- c. All Licensed Cannabis Entities shall submit their applications for renewal no later than sixty (60) days before the expiration of the license. In the event, that the renewal application is not timely submitted and the Licensed Cannabis Entity holds one of the limited number of Local Licenses identified in Chapter 5, Section 34.4(b), the Township may or may not accept new applications for that Local License.

IV. CHAPTER 25, SECTION 11.7 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-11.7 Research Laboratory Uses in the O-R District and the B-1 District.

A research laboratory such as an experimental, or testing laboratory including testing of Cannabis products, or a pharmaceutical laboratory for research, processing and compounding of drugs and medicines shall be permitted in the O-R District and the B-1 District, provided that:

- a. The use will not create any nuisance beyond the boundaries of its lot by reason of the emission of dust, odors, fumes, noises, vibrations or excessive light.
- b. The use does not involve production of any commodity for sale or distribution at that location nor regular receipt of material and shipment of products, except, however, that the foregoing limitations and restrictions on the production, sale and distribution of commodities and the receipt and shipment of materials and products shall not apply in the case of a pharmaceutical laboratory for research development, processing and compounding of drugs and medicines, provided that such pharmaceutical laboratory shall comply in all respects to the other requirements of this chapter and all other applicable Township ordinances.
- c. Provision shall be made for adequate and suitable access facilities for traffic from public streets and sidewalks, and for directional signs, so as to assure the public safety and avoid traffic congestion.

- d. Provision shall be made for adequate and suitable planting and screening in buffer zone, pursuant to Subsection **25-11.3**.
- e. Provision shall be made for adequate and suitable planting and screening within the property adjacent to any street lines which bound the property, which screening and planting should be an appropriate mixture of evergreen and deciduous plant material so as not to conceal the buildings from the street. Furthermore, no plantings are to be located in the exit driveways which would interfere with the motorists' line of sight.
- f. Provision shall be made in the preliminary site and building plans for truck loading bays, which shall be enclosed entirely within the building, including interior truck service areas and driveways, and which shall be provided with entry and exit driveways for trucks on the rear facade of the building, i.e., on the side opposite from the principal public entrance.
- g. Provision shall be made in the preliminary site plan for the general landscaping of all areas not specifically assigned to buildings, streets, private driveways and parking areas, and for the screening of parking areas and landscaping thereof as provided in Subsection **25-12.1** between abutting lanes of parking spaces; all of which landscaping shall be compatible with landscaping standards that are customary for a residential estate type of development.
- h. Indoor Storage and Loading. In an O-R District, no visible display of waste, trash or scrap and no open storage of material of any kind shall be permitted and in such districts provision shall be made for properly enclosed truck loading areas and bays entirely within the structure.

V. CHAPTER 25, SECTION 24.2 SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-24.2 Conditional Uses.

- b. Specific Requirements. Subject to the stipulations, guiding principles and conditions contained in this section, the Planning Board shall have the power to grant conditional uses authorized by the Table of District Regulations, in specified districts, as follows:

2. Business and Industrial Districts.

(o) Licensed Cannabis Entities. Licensed Cannabis Retailers and Licensed Medical Cannabis Dispensaries shall be permitted as a conditional use in the B-1, B-2, and I Districts. All other Licensed Cannabis Entities shall be permitted as a conditional use in the I Districts. These conditional uses shall be subject to the following conditions:

- (1) The Licensed Cannabis Entity shall be required to have a Local License pursuant to Chapter 5, Section 34 of the Township of West Orange Municipal Code.
- (2) No Licensed Cannabis Entity shall be located within two hundred feet (200') from the property line of any property with a school building.

- (3) No Licensed Cannabis Entity shall be located within 200 feet (200') from the property line of any property with a house of worship, as defined under Chapter 25, Section 4.
- (4) All Licensed Cannabis Entities shall comply with the following Parking Requirements for Nonresidential Uses: (i) Licensed Cannabis Retailers shall comply with the minimum required number of parking spaces for Retail Stores and personal services stores or studios not separately listed; and (ii) all other Licensed Cannabis Entities shall comply with the minimum required number of parking spaces for Light industrial, laboratory and research uses.
- (5) No Licensed Cannabis Entity shall be housed in a vehicle or any movable or mobile structure.
- (6) No Licensed Cannabis Entity shall be allowed to operate as a Home Occupation.
- (7) Any signage for a Licensed Cannabis Entity shall be subject to the approval from either the Planning Board or the Zoning Board of Adjustment under the guidelines and standards governing commercial signs as set forth within the Township Municipal Code.
- (8) A Licensed Cannabis Entity shall meet of the required security measures as set forth in Chapter 5, Section 34 of the Township of West Orange Municipal Code.
- (9) Cannabis Consumption Areas, as defined in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-31, et. seq., shall be prohibited from all Licensed Cannabis Entities.

VI. CHAPTER 5, SECTION 34.5(a) SHALL BE AMENDED TO ADD AS FOLLOWS:

(a) To the Special Improvement District if the proposed location is within the Special Improvement District. Any applicant must file a certificate of service with the Township Clerk before consideration of the application.

VII. CHAPTER 5, SECTION 34.5(e) SHALL BE AMENDED TO ADD AS FOLLOWS:

(e) No property owner shall execute a consent for submission to obtain a local license for more than one (1) entity at a time at the same location. To the extent that the property owner executes an application and the proposed tenant or other occupant shall no longer have a right to obtain such property, the property owner shall notify the Township Clerk in writing within five (5) days of such termination or expiration.

VIII. CHAPTER 5, SECTION 34.8 SHALL BE AMENDED TO ADD AS FOLLOWS:

(f) Every licensed cannabis entity shall have not less than the following onsite parking:

- (i) Cannabis Retailers and medical cannabis dispensaries shall have not less than one (1) on-site parking space for every 250 square feet;
- (ii) Cannabis Cultivators, Cannabis Manufacturers, Cannabis Wholesalers and Medical Cannabis Manufacturers shall be subject to land use approval.

IX. CHAPTER 25, PART A: PERMITTED USES TABLE OF DISTRICT REGULATIONS SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO INCORPORATE THE FOLLOWING:

25-Part A: Permitted Uses Table of District Regulations

ZONE	PERMITTED PRINCIPAL USES	PERMITTED ACCESSORY USES	PERMITTED CONDITIONAL USES
B-1	SAME AS R-T AND in addition Retail store Personal service store or studio Office or office building Business or vocational school Restaurant Bar Massage, bodywork or somatic therapy establishment Research Laboratory	Required accessory parking Private garage Home occupation Home professional office Signs Vending machines	Motor vehicle fueling station Theater Public utility building or structure Telephone exchange Senior citizens housing project Hotel Private club, other than a golf club Video or amusement arcade Fast food restaurant Commercial antenna Licensed Cannabis Retail Licensed Medical Marijuana Dispensary
B-2	Retail store Personal service store or studio Office or office building Business or vocational school Restaurant Bar Massage, bodywork or somatic therapy establishment	SAME AS OB-1 AND in addition Vending machines	SAME AS B-1

I	Light industry, including dry cleaning plants, machine shops, publishing or printing plants, research laboratories and steam laundries Office building Warehouse Self-storage facility Storage yard Wholesale business Motor vehicle fueling station Motor vehicle service station Car wash, Public utility building	SAME AS OB-1	Billiard parlor Bowling alley Commercial recreation Commercial antenna Motor vehicle sales establishment Licensed Cannabis Entities
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X. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

XI. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

XII. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Tammy Williams
Council President

Karen J. Carnevale, R.M.C.
Municipal Clerk

Susan McCartney
Mayor

Introduced: January 10, 2023

Adopted: January 24, 2023

Approved as to form on the basis of the facts provided:

Legislative History

The purpose of this ordinance 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) clarify that it shall be unlawful for any individual or entity to distribute cannabis or cannabis products that do not have a license from the New Jersey Cannabis Regulatory Commission and a local license from the Township of West Orange, including any gifting of cannabis or cannabis produce; (ii) provide that all Licensed Cannabis Entities holding a local license, must submit a renewal application within sixty (60) days from the expiration of the local license; (iii) extend the existing distance from the property line of any property with a school building owned and operated by the West Orange Board of Education for which the operation of a Cannabis Entity is prohibited from 100 feet (100') to 200 feet (200'); (iv) clarify the parking requirements for Licensed Cannabis Entities; and (v) provide reference to the Township Municipal Code provisions governing the standards and criteria for commercial signage for Cannabis Entities. This ordinance also clarifies the definition of a research laboratory in the zoning provision to expressly include laboratories that test Cannabis products and to expand the permitted use of a research laboratory into both the O-R District and B-1 District.