

First Reading:	01-16-2020
Publication:	01-23-2020
Second Reading:	02-06-2020
Publication:	02-13-2020

**ORDINANCE NO. 2604**

**AN ORDINANCE AMENDING CHAPTER XL, SECTION 40-2402  
OF THE CODE OF THE BOROUGH OF ROSELLE PARK,  
ENTITLED, "PERMITTED USES"**

**WHEREAS**, the governing body, pursuant to N.J.S.A. 40:55D-62, may adopt or amend a zoning Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and,

**WHEREAS**, Section 40-2402 of the Code of the Borough of Roselle Park relates particularly to permitted uses within the B-3 Arterial Business District Zone of the municipality; and,

**WHEREAS**, the governing body wishes to amend said section of the Code so as to add a Conditional Use; and,

**WHEREAS**, the Municipal Land Use Board, at its January 27, 2020 Regular Meeting, confirmed that the proposed amendment is substantially consistent with the Borough's land use plan element, in accordance with the provisions of N.J.S.A. 40:55D-62.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XL of the Code of the Borough of Roselle Park be and hereby is amended as follows:

**SECTION 1.** Amendment(s) to B-3 Arterial Business District Zoning

Part 3 Zoning

Article XXIV B-3 Arterial Business District

40-2402 PERMITTED USES.

- A. A building or premises may be used only for the following uses:
1. Any use permitted in the Residence Office Building and Central Business Districts.
  2. The following retail business shall be permitted, provided that there is a total connected electric motor load for manufacturing or processing of not more than ten (10) horsepower, and further provided that no steam plant shall carry steam at more than one hundred (100) pounds pressure: bakery, carpenter shop, cleaning and dyeing shop, food processing shop, frozen food lockers, laundry, plumber, printing shop and car wash.
  3. Retail trade.
  4. Retail services.
  5. Banks and financial institutions—NAICS Group 5221.
  6. Institutional and public uses—NAICS Groups 71211, 8131 and 92.

7. Restaurants, Caterers and Banquet Halls—NAICS Group 7221, 7222, 72232 and 722320, excluding exotic and/or pornographic entertainment or activities and excluding drive-in restaurants.
  8. Funeral Homes—NAICS Group 812210, excluding crematories.
  9. Motion Picture Theaters—NAICS Group 512131.
  10. Mortgage companies and mortgage brokers—NAICS Groups 522292 and 522310.
  11. Fitness and Recreational Sports Centers—NAICS Group 713940.
  12. Pet Grooming Services—NAICS Group 812910
  13. Utility Trailer Merchant Wholesalers—NAICS Group 423110
  14. Screen Printing Apparel & Textile Products—NAICS Group 323113
- B. Any building used for any of the purposes enumerated in subsection A,1 through 10. above may not have more than forty (40%) percent of the first floor devoted to storage purposes incidental to the primary use.
- C. Facades of storefronts, including signs, window displays and lighting or any retail store or other type of establishment with street exposure permitted under this Article shall conform to the following requirements:
1. The use of the following types of attention-getting devices shall be prohibited:
    - a. Direct, unshielded, flashing or intermittent lighting in the display windows or on the storefront.
    - b. Sound device or apparatus for commercial advertising purposes, such as radio or phonograph amplifiers.
    - c. Device or scheme using motion, such as pinwheels, motion pictures, live models or live demonstrations in the display windows, any of which of the aforementioned are disturbing to the senses of pedestrians or motorists using the adjacent sidewalk or street and which tend to impair the dignity and character of the district.
    - d. Nothing appearing herein shall be construed to prohibit temporary holiday lighting.
- D. Uses permitted under Section 40-2402 shall not be located or established in an existing frame house or in a building or structure or extending from an existing frame building.
- E. Retail store or establishment with street exposure shall be of a character consistent with and appropriate to a distinctive, high quality and refined office and business district.

F. *Conditional Uses.* A building or premises shall be used in the zone only if it meets the following conditions:

1. Hair, nail and skin care services—NAICS Group 81211.
  - a. If the use is 500 linear feet between a similar use; and,
  - b. The building space is 400 square feet or less.
2. Medical Cannabis Dispensary.
  - a. To protect the public health, safety, and general welfare, and to prevent economic stagnation, site plan approval is required for a Medical Cannabis Dispensary as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D, et seq.); and,
  - b. One Medical Cannabis Dispensary shall be allowed per zone district where the use is permitted; and,
  - c. A Medical Cannabis Dispensary shall only be located on the ground floor (i.e. street-level) of any building in which it has been approved to be located; and,
  - d. Minimum gross floor area of two-thousand five hundred (2,500) square feet; and,
  - e. Minimum parking requirements shall be one (1) space per two hundred fifty (250) square feet of gross floor area (GFA); and,
  - f. A Medical Cannabis Dispensary shall not be located within a Drug Free School Safety Zones; and,
  - g. A Medical Cannabis Dispensary shall not be located within two hundred and fifty (250) feet of the property line of any existing church, parochial school, childcare center, or any existing public park; and,
  - h. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of food, alcohol, tobacco, or marijuana by patrons; and,
  - i. Hours of public operation shall be limited to 9:00 a.m. through 8:00 p.m. Monday through Saturday; and,
  - j. The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of

reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of a building. The ventilation system must be installed to meet ASHRAE62 Indoor Air Quality Standards and approved by the Borough of Roselle Park Health Department and Building Department and may be subject to periodic inspection; and,

- k. No doctors' and/or physicians' offices shall be located on the same site as any State Licensed Medical Cannabis Dispensary, and no recommendations from a doctor and/or physician for medical cannabis shall be issued on-site at any State Licensed Medical Cannabis Dispensary within the Borough of Roselle Park; and,
- l. Security. All facilities associated with dispensing cannabis shall be secured and shall have full-time security protocols. Security protocols shall be submitted to the Roselle Park Police Department for compliance review with all safety and security standards established by the State of New Jersey for Medical Cannabis Dispensaries. The Roselle Park Police Department may, at their discretion and upon review of the proposed location, recommend or require additional safety and security measures above and beyond the following requirements:
  - i. An updated employee (including security) list shall be provided to the Roselle Park Chief of Police (or designee) on a monthly basis, but no later than the close of business on the 10th day of the current month; and,
  - ii. A Director of Security shall be appointed by the facility owner and identified as such to the Roselle Park Chief of Police (or designee); and,
  - iii. To the extent not already required by the entity's State license, all licensed facilities must provide a minimum of at least two (2) armed security guards (or more if required by the State of New Jersey) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing; and,
  - iv. To the extent not already required by the entity's State license, all sites must be equipped with 24/7 closed circuit security cameras covering all exterior parking and loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of marijuana products. Footage must be maintained for the

duration required under State law but no less than 30 days;  
and,

- v. All licensed facilities must provide the Roselle Park Police Department with access to security footage immediately upon request by the Department; and,
  - vi. Exterior lighting plans shall be reviewed and approved by the Borough Engineer in consultation the Roselle Park Police Department and submitted with site plan application; and,
  - vii. Reception area shall use bullet-proof glass and hardened doors separating reception area from patient area; and,
  - viii. Panic buttons shall be installed and linked to the Roselle Park Police Department; and,
  - ix. All banking transports shall be provided by an armored car service; and,
- m. The Medical Cannabis Dispensary shall comply with all setback or distance requirements established by law and in effect in the zone in which it is to be located as of the time of the licensee's application; and,
- n. Signage shall comply with all existing regulations but shall not include language referring to "marijuana" or "cannabis" or use any symbols that indicate such.

**3. Lessors of Miniwarehouses and Self-Storage Units-NAICS Group 531130**

- a. A minimum lot area of twenty-thousand (20,000) square feet.**
- b. The use is five hundred (500) linear feet from the same use.**

**SECTION 2. Invalidation**

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

**SECTION 3. Inconsistent Ordinances Repealed.**

All Ordinances or parts of Ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

**SECTION 4. Captions.**


Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section. Likewise, all strike through text ~~thus~~ should be considered a deletion from Borough Code, and all bolded text **thus** should be considered an addition to Borough Code.

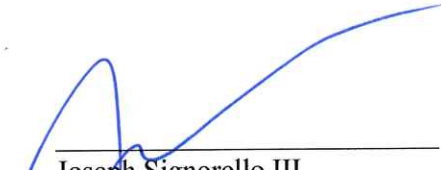
**SECTION 5.** Effective Date.

This Ordinance shall become effective upon publication and in accordance with law.

Introduction: January 16, 2020

Adoption: February 6, 2020

Attest:   
 Andrew J. Casais, RMC  
 Borough Clerk

  
 Joseph Signorello III  
 Mayor

Record of Vote – Introduction				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Fahoury	X			
Connelly	X			
Negron	X			
Delorio	X			
Mathieu	X			

Record of Vote – Adoption				
	Aye	Nay	Abstain	Absent
Petrosky	X			
Fahoury	X			
Connelly	X			
Negron	X			
Delorio	X			
Mathieu	X			

Copy To: **R. Belluscio (Zoning Officer), Municipal Land Use Board (M. Banks), F. Genova (Construction Official).**