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Borough of Roselle Park, NJ / Municipal Code / Land Use / Zoning

Article XXIV

B-3 Arterial Business District [1]

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[1]

Editor's Note: Article XXIV was amended by Ord. No. 1113; Ord. No. 1140; Ord. No. 1348; Ord. No. 1367; Ord. No. 1976; Ord. No. 2174.

§ 40-2401 APPLICABILITY OF REGULATIONS.

§ 40-2402 PERMITTED USES.

§ 40-2403 PROHIBITED USES.

§ 40-2404 HEIGHT REGULATIONS.

§ 40-2405 AREA REGULATIONS.

§ 40-2401 APPLICABILITY OF REGULATIONS. [1980 Code § 128-96] The regulations set forth in this Article or set forth elsewhere in Part 3 of this chapter and referred to in this Article are the district regulations in the B-3 Arterial Business District.

§ 40-2402 PERMITTED USES. [1980 Code § 128-97; amended by Ord. No. 2174; Ord. No. 2197 § 1; Ord. No. 2345; Ord. No. 2373; Ord. No. 2383 § 1; Ord. No. 2526-2018]

A. A building or premises may be used only for the following uses:

1. [1]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. [1]
Editor's Note: Former Subsection A1, regarding Residence Office Building and Central Business Districts, was repealed 10-7-2021 by Ord. No. 2665, and Subsection A2 through 14 was redesignated as Subsection A1 through 13.

2. Retail trade.

3. Retail services.

4. Banks and financial institutions—NASICS Group 5221.

5. Institutional and public uses—NASICS Groups 71211, 8131 and 92.

6. Restaurants, Caterers and Banquet Halls—NASICS Group 7221, 7222, 72232 and 722320, excluding exotic and/or pornographic entertainment or activities and excluding drive-in restaurants.

7. Funeral Homes—NASICS Group 812210, excluding crematories.

8. Motion Picture Theaters—NASICS Group 512131.

9. Mortgage companies and mortgage brokers—NASICS Groups 522292 and 522310.

10. Fitness and Recreational Sports Centers—NASICS Group 713940.

11. Pet Grooming Services—NASICS Group 812910.

12. Utility Trailer Merchant Wholesalers—NASICS Group 423110.

13. Screen Printing Apparel & Textile Products—NASICS Group 323113.

14. Insurance agencies and brokerage—NAICS Group 5242. [Added 10-7-2021 by Ord. No. 2665]

B. Any building used for any of the purposes enumerated in Subsection A1 through 9 above may not have more than 40% of the first floor devoted to storage purposes incidental to the primary use. [Amended 10-7-2021 by Ord. No. 2665]

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 § 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—NASICS 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. [Added 10-3-2019 by Ord. No. 2587]

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 2,500 square feet; and

e. Minimum parking requirements shall be one space per 250 square feet of gross floor area (GFA); and

f. A medical cannabis dispensary shall not be located within Drug Free School Safety Zones;
and

g. A medical cannabis dispensary shall not be located within 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
Sunday; and [Amended 3-4-2021 by Ord. No. 2641]

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 may be subject to periodic inspection by the
Borough of Roselle Park Health Department and/or Building Department; and [Amended
3-4-2021 by Ord. No. 2641]

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

I. 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: (1) [2]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 [2] Editor's Note: Former Subsection F2I(1), regarding an updated employee list, was repealed 3-4-2021 by Ord. No. 2641, and Subsection F2I(2) through (8) was redesignated as Subsection F2I(1) through (7). (2) To the extent not already required by the entity's state license, all licensed facilities must provide a minimum of at least one armed security guard (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 [Amended 3-4-2021 by Ord. No. 2641] (3) 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 (4) All licensed facilities must provide the Roselle Park Police Department with access to security footage as soon as reasonably possible upon request by the Department; and [Amended 3-4-2021 by Ord. No. 2641] (5) 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 (6) Reception area shall use bulletproof glass and hardened doors separating reception area from patient area; and (7) Panic buttons shall be installed and linked to the Roselle Park Police Department.[3] [3] Editor's Note: Former Subsection F2I(9), regarding banking transports, which immediately followed this subsection, was repealed 3-4-2021 by Ord. No. 2641.

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. [Added 2-6-2020 by Ord. No. 2604]

a. A minimum lot area of 20,000 square feet.

b. The use is 500 linear feet from the same use.

§ 40-2403 PROHIBITED USES. [1980 Code § 128-97.1] Such uses stated in § 40-2103 are prohibited.

A. All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service licensed outside of the Borough. [Added 7-15-2021 by Ord. No. 2660]

§ 40-2404 HEIGHT REGULATIONS. [1980 Code § 128-98]

A. Where a lot or lots or part thereof in a B-3 Arterial Business District abuts a residential district, the lot or lots or part thereof so abutting shall be governed by the height regulations for the residential district abutting.

B. No building in the B-3 Arterial Business District shall exceed six (6) stories or seventy-two (72) feet in height.

§ 40-2405 AREA REGULATIONS. [1980 Code § 128-99]

A. Front Yard. Front yards shall have a minimum depth of ten (10) feet; provided, however, that for each story in excess of three (3) stories, the required front setback shall be increased by ten (10) feet.

B. Side Yard. For all one- and two-story buildings used for any purpose permitted in the B-3 District, the minimum width of one (1) side yard shall be ten (10) feet; the aggregate width of both side yards shall be twenty-five (25) feet. For each story in height by which the building exceeds two (2) stories, each side yard shall be increased in width ten (10) feet.

C. Rear Yards. There shall be rear yards, the least dimensions of which shall have a depth of not less than fifteen (15%) percent of the average depth of the lot; provided, however, that such rear yard need not exceed twenty-five (25) feet.

D. Lot Area and Frontage. For all uses permitted in the B-3 District, the minimum lot area shall be fifteen thousand (15,000) square feet; the minimum frontage upon a public street shall be seventy-five (75) feet.

E. Where a residential structure is authorized to be built in a district, the front, side and rear yard requirements shall be the same as the requirements for the district where such residential structure would be permitted.