

ARTICLE XXI
ROB Residence Office Building District

§ 40-2101. APPLICABILITY OF REGULATIONS. [1980 Code § 128-83]

The regulations set forth in this Article or set forth elsewhere in Part 3, Zoning, of this chapter and referred to in this Article are the district regulations of the ROB Residence Office Building District.

§ 40-2102. PERMITTED USES. [1980 Code § 128-84.1; amended by Ord. No. 1348; Ord. No. 1976; 10-7-2021 by Ord. No. 2665; amended 6-15-2023 by Ord. No. 2729; 9-21-2023 by Ord. No. 2738]

A building or premises shall be used only for the following purposes:

A. Any use permitted in the R-3 District, subject to all of the provisions of § 40-1902 and subject to a prohibition of adding any office extension to a residence with continued residential use to that building or premises.

B. Buildings housing general business or professional offices, provided that the following restrictions shall apply:

- 1. Banks and financial institutions—NAICS Group 5221.
- 2. Educational services—NAICS Group 61.
- 3. Family day-care homes.
- 4. Institutional and public uses—NAICS Groups 71211, 8131 and 92.
- 5. Group houses for the developmentally disabled. 541 Professional, Scientific, and Technical Services
6211 Offices of Physicians
- 6. Child day-care centers. 6212 Offices of Dentists
6213 Offices of Other Health Practitioners
- 7. Professional, business and administrative offices—NAICS Groups 541, 6211, 6212 and 6213.
- 8. There shall be no store, showroom and salesroom where goods and merchandise of any type whatsoever are either displayed or offered for sale, except that restaurants, newsstands, cigar stores, drugstores and barbershops are permitted, provided that there is no advertising sign, show window or entrance to such place of business except from the inside of the building.

C. Conditional Uses.

A building or premises shall be used in the zone only if it meets the following conditions: [Added 6-15-2023 by Ord. No. 2729]

- 1. Cannabis Retailer (Class 5).
 - (a) Conditional Use Standards.

- (1) Cannabis Businesses Establishments in the ROB Residence Office Business Zone District (Cannabis Business Establishments") are limited to persons or entities holding a Class 5 Cannabis Retail license ("licensee") issued by the Cannabis Regulatory Commission, Department of Treasury, State of New Jersey, and/or its successors (the "CRC").
 - (2) There shall be no more than a total of one (1) Cannabis Business Establishment within the ROB Zone.
 - (3) Cannabis Business Establishments shall meet all requirements for licensure and hold an appropriate Class 5 retail license issued by the CRC.
 - (4) There shall be no on-site sales of alcohol or tobacco products, and no onsite consumption of food, alcohol, tobacco, or cannabis by patrons.
- (b) General Standards for Cannabis Businesses.
- (1) No Cannabis Business Establishment will be allowed without approval of a site plan, upon public notice, submitted to the Municipal Land Use Board of the Borough of Roselle Park, who in their review and in the exercise of their discretion shall consider the site, its neighborhood, the health, safety and general welfare of the Borough and the properties adjacent to or affected by the proposed use. Such a site plan shall include no less than:
 - (i) A parking and traffic plan;
 - (ii) A Traffic Impact Statement;
 - (iii) A lighting plan;
 - (iv) Any other detail that the Municipal Land Use Board requires to determine site plan approval.
 - (2) Cannabis Businesses Establishments owned and operated by separate licensees shall be separated by 4,000 feet within the Borough.
 - (3) A Cannabis Business Establishment shall not be located within 1,500 feet of any school and 500 feet of the property line of any existing church, childcare center, or any existing public park.
 - (4) Minimum gross floor area (GFA) shall be 2,500 square feet.
 - (5) Minimum off-street parking requirements shall be one space per 250 square feet of GFA or 35 spaces, whichever is greater.
 - (6) Hours of public operation shall be limited to 9:00 a.m. through 9:30 p.m., Monday through Sunday.
 - (7) The Cannabis Business Establishment 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.

- (8) Signage shall comply with all existing regulations but shall not include language referring to "marijuana" or "cannabis" or use any symbols that indicate such.
- (c) Design Standards for Cannabis Businesses.
- (1) 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.
 - (2) All Cannabis Business Establishment operations shall be conducted within a building. No operations shall be conducted outside a secure facility.
 - (3) Each Cannabis Business Establishment shall submit a security plan to the Borough Police Department for their review and approval prior to issuance of a certificate of occupancy and every two (2) years thereafter. Said security plan shall demonstrate how the facility will maintain effective security and control of operations on a 24-hour basis. The plan should include the following at minimum, but not limited to:
 - (i) Type of security systems to be installed.
 - (ii) Installation, operation, and maintenance of security cameras covering all interior and exterior parking lots, loading areas, and other such areas of the establishment.
 - (iii) A system for record keeping and tracking of all cannabis and cannabis related products and materials.
 - (iv) Type of lighting provided in and around the establishment.
 - (v) Details of any on-site security team or personnel or armed guard(s) on the premises.
 - (4) No outside storage of any cannabis, cannabis related products, or cannabis related materials shall be permitted.

§ 40-2103. PROHIBITED USES. [1980 Code § 128-84.1; added by Ord. No. 1113; amended by Ord. No. 1367; Ord. No. 1616; Ord. No. 1948; amended 6-15-2023 by Ord. No. 2729]

All uses not specifically referred to in § 40-2102 are prohibited, including but not limited to the following uses:

- A. Automotive service stations except those established prior to the effective date of this chapter.

- B. Open-air parking stations for the sale or exchange of motor vehicles.
- C. Used car lots.
- D. The dismantling or storage of dismantled automobiles or used parts thereof except in conjunction with the use of the premises as an existing auto body shop.
- E. Hospitals, hospital-related businesses, hospital-related housing, surgical centers, clinics, outpatient treatment centers or any other business related thereto.
- F. Auto body repair shop.
- G. Class 1, Class 2, Class 3, Class 4 and Class 6 Cannabis Businesses 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; amended 6-15-2023 by Ord. No. 2729]**

§ 40-2104. HEIGHT REGULATIONS. [1980 Code § 128-85]

- A. Buildings erected or structurally altered for uses permitted in the R-3 District shall comply with the height regulations of the R-3 District. (See § 40-1903)
- B. Buildings housing general business or professional offices shall not exceed six (6) stories or seventy-two (72) feet in height.

§ 40-2105. AREA REGULATIONS. [1980 Code § 128-86]

- A. Buildings erected or structurally altered for uses permitted in the R-3 District shall comply with the area regulations of the R-3 District.
- B. Buildings housing general business or professional offices shall comply with the minimum requirements hereinafter set forth.
 - 1. Front yards shall have a minimum depth of twenty-five (25) feet; provided, however, that for each story in excess of two (2) stories, the required front setback shall be increased an additional ten (10) feet.
 - 2. For one- and two-story buildings, the minimum width of one (1) side yard shall be five (5) feet; the minimum aggregate width of both side yards shall be twelve (12) 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.
 - 3. Rear yards shall have a minimum depth of forty (40) feet.
 - 4. There shall be a lot area of not less than seven thousand five hundred (7,500) square feet. The minimum frontage on a public street shall be fifty (50) feet. The maximum building coverage shall be thirty-five (35%) percent.

§ 40-2106. OFF-STREET PARKING REQUIREMENTS. [1980 Code § 128-87; Ord. No. 2392; amended 9-21-2023 by Ord. No. 2738]

- A. The minimum off-street parking requirements for all buildings housing general business or professional offices shall be one (1) parking space per two hundred fifty (250) square feet of gross floor area.
- B. Any landlord or tenant that wishes to occupy or rent any pre-existing building in the ROB Zone for their business, and only if the use is permitted and does not meet the Borough parking requirements, shall have the aforementioned parking requirements waived. This does not apply to new construction in the zone.