

17.36.210 - Cannabis overlay zones.

- A. Purpose. New Jersey has signed an adult-use cannabis reform bill into law, legalizing and regulating cannabis use and possession for adults 21 years and older via "The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act," N.J.S.A. 24:6I-31 to 24:6I-56, P.L. 2021, c.16. The city has determined that state-licensed businesses that legally sell, and/or distribute cannabis under such state licenses require certain land use regulations to control the appropriate locations and zones to permit such uses and set forth specific requirements for such uses, in order to preserve the public health, safety, and welfare of the community and its inhabitants.
- B. Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted consistently with the terms defined in N.J.S.A. 24:6I-33.

"TRC" means the technical review committee of the City of Elizabeth Planning Board.

C. Cannabis Retail Overlay Zone (CRO).

- 1. Location. The CRO Zone would encompass the parcels as identified on the city zoning map in the CRO Zone, which includes the below tax lots:

Properties in the CRO Zone

BLOCK	LOT
4	1320, 1321, 1322, 1323, 1328, 1330, 1332, 1335, 1336, 1337, 1338, 1339, 1339.A, 1340, 1341, 1343, 1344, 1346, 1346.A, 1347, 1348, 1349, 1350, 1353, 1353.A, 1381, 1382.A, 1383, 1389, 1390, 1391, 1393, 1394, 1395, 1396, 1397, 1398, 1400, 1401, 1402, 1403, 1404, 1406, 1410, 1411, 1412, 1507, 1508, 1509, 1510, 1511, 1531, 1540, 1541, 1542, 1543, 1543.A, 1544, 1617, 1618, 1621, 482, 483, 484, 486, 488, 488.A, 545.K, 546, 646, 647, 650, 652, 666, 737, 738, 739, 740, 886, 887, 956, 957, 958, 959
5	344, 345, 346, 347, 348, 349, 351, 352, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 368, 371, 372, 372.A, 373, 374, 376, 377, 378, 379, 380, 381, 456, 537, 538.B, 560

6	1364, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1044, 1044.A, 1186.C, 1229, 1231, 1232, 1233, 1254, 1254.A, 1358, 1360, 1361.A, 1362, 1363, 1365, 1366, 1367, 1372, 1374, 1374.A, 1375, 1376, 1377, 1377.A, 1378, 1427, 1567, 1592, 1594, 1595, 1629, 1630, 1632, 231, 231.A, 232, 232.A, 406, 407, 408, 411, 42, 42.A, 42.B, 43, 45, 451, 46, 47, 477.A, 49, 50, 51, 52, 52.A, 528, 529, 53, 530, 531, 55, 57, 597, 598, 60, 62, 64, 66, 67, 68, 70, 829, 831, 834, 835, 837, 838, 839, 840, 841, 842, 91, 920, 923, 924, 926, 926.A, 931, 934, 935, 936, 937, 938, 94, 940, 942, 943, 954, 955, 986, 989, 990, 994, 997.B, 998
7	1071, 1072, 1073, 1133, 1134, 1135, 153, 161, 313, 313.A, 313.B, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 327, 329, 330, 331, 332, 333, 333.A, 334, 335, 336, 337, 341, 342, 343, 344, 345, 345.A, 346, 347, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 363, 363, 364, 365, 366, 366.A, 366.B, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 379, 380, 382, 383, 384, 385, 386, 387, 388, 391, 392, 393, 394, 395, 396, 398, 399, 400, 401, 402, 403, 406, 407, 423, 424, 424.A, 46, 47, 553, 563, 564, 603, 816, 859

8	1061, 1067, 1128, 1145, 1146, 1148, 1185, 1186, 1189, 1199, 1232, 1236, 1261, 1262, 1294, 1299.A, 1299.C, 1299.D, 1299.F, 1299.J, 1299.K, 1312, 1313, 1338.f, 1338.g, 1342, 1343, 1344, 1345, 1346, 1389.A, 1430, 144, 1466, 1500, 1504, 1507, 1512, 1514, 1515, 1516, 1517, 1518, 1518.A, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1532, 1535, 1537, 1538, 1529, 1540, 1541, 1543, 1544, 1545, 1546, 1548, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1559, 1560, 1563, 1564, 1567, 1569, 1570, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1592, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1606, 1608, 1610, 1612, 1616, 1617, 1618, 1622, 1622.A, 1623, 1623.A, 1624, 1626, 1627, 1628, 1630, 1631, 1633, 1635, 1640, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1659, 1660, 1661, 1662, 1670, 1671, 1675, 1682, 1685, 1686, 1688, 1690, 1693, 1693, 1696, 1697, 1699, 1699.A, 1699.B, 1699.B1, 1699.C, 1699.D, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1837, 351, 371.D, 371.E, 371.F, 371.G, 371.H, 439, 441, 442, 521, 566, 582.A, 582.F, 583, 597, 614, 615, 616, 617, 618, 619, 648, 649, 650, 651, 720, 776
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9	<p>1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1040, 1043, 1061, 1095, 1096, 1119, 1120, 1121, 1153, 1170, 1171, 1172, 1173, 1229, 1241, 1243, 1244, 1245, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273.A, 1273.B, 1273.C, 1274, 1284, 1369.B, 1371, 1372, 1373, 1374, 1375, 1376, 1407, 161, 254, 260, 262, 268, 275, 277, 278, 279, 284, 286, 29, 30, 300, 302, 303, 305, 306, 307, 308, 309, 310, 320, 329, 330, 331, 346, 347, 349, 35, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 363, 365, 366, 366.A, 367, 368, 369, 370, 371, 373, 375, 377, 399, 400.A, 401, 401.A, 402, 403, 404, 405, 406, 407, 409, 410, 411, 424, 426, 435.A, 436, 437, 439, 440, 441, 442, 443, 444, 445, 446, 447, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 467, 482, 483, 484, 485, 486, 488, 489, 49, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 50, 500, 503, 505, 506, 507, 508, 509, 51, 511, 512, 513, 517, 518, 519, 52, 520, 521, 521.A, 522, 523, 524, 525, 528, 529, 53, 530, 531, 532, 533, 534, 535, 536, 537, 538, 541, 543.A, 544, 545, 56, 56.A, 568, 57, 571, 573, 575, 576, 577, 578, 579, 58, 580, 581, 582, 583, 584, 59, 595, 596, 597, 60, 61, 62, 62.A, 63, 64, 66, 67, 68, 69, 71, 72, 73, 74, 740, 742, 743, 744, 745, 75, 750, 751, 752, 554, 755, 759, 76, 760, 761, 761.A, 762, 763, 763.A, 764, 765, 766, 767, 768, 769, 77, 777, 778, 78, 78.A, 781, 783, 784, 785, 788, 79, 790, 791, 792, 793, 794, 795, 796, 797, 80, 81, 82, 83, 84, 85, 86, 866, 867, 868, 869, 869.A, 87, 88, 89, 90, 909, 910, 914, 949, 950, 951, 952, 953, 958, 960, 962, 963, 964 965, 991, 992, 993, 994, 995, 996</p>
11	<p>1047, 1047.B, 1050, 1051, 1053, 1054, 1055, 1056, 1057, 1059, 1060, 1061, 1063, 1064, 1068, 1068.B, 1069, 1070, 1071.A, 1071.B, 1074, 1075, 1158.A, 1182, 1223.A, 1223.B, 1224, 1224.A, 1224.B, 1224.C, 1224.D, 1225, 1226, 1227, 1229, 1230, 1231, 1232, 1233, 1235, 1241, 1246, 1252, 1272, 1273, 1548, 1549, 1564, 1565, 1566, 1567, 1568, 1570, 1571, 1575, 1576, , 330, 348, 658, 659, , 823, 825, 826, 827, 829, 830, 834, 835, 836, 838, 840, 841, 842, 851, 852, 854, 92, 93, 95, 95.A, 954, 956, 957, 958, 959, 961, 963, 964, 965, 966, 969, 970, 972, 974, 975, 975.A, 976, 980, 981, 983, 988, 992, 994</p>

12	1272, 1274, 1285, 1286, 1287, 1288, 1289, 1290, 218, 219, 220, 221, 222, 241, 242, 243, 244, 245, 272, 273.A, 274.A, 275, 858.B, 885
13	1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1209, 1210, 1211, 1212, 1213

2. Permitted Uses.

- i. Retail cannabis establishments licensed pursuant to N.J.S.A. 24:6I-42 with a "Class 5 Cannabis Retailer license" for adult-use sales.

3. Conditional Uses.

- i. Pursuant to N.J.S.A. 24:6I-21, cannabis consumption areas for social, adult-use cannabis consumption, shall meet the following conditions:
 - a. Cannabis consumption areas shall comply with all bulk requirements and design standards provided under subsection 17.36.210.B-4 of this chapter.
 - b. Consumption shall be limited to products purchased on-site, and will not permit any outside products to be consumed on premises.
 - c. Cannabis consumption areas may be located in an indoor, structurally enclosed area of a retail cannabis establishment provided that the area is (1) separate from the area in which retail sales and dispensing of cannabis items occurs, (2) is a minimum of one thousand (1,000) square feet, exclusive of the minimum required area for the establishment.
 - d. Cannabis consumption areas may be located as an exterior, enclosed structure on the same premises as the cannabis establishment, either separate from or connected to the cannabis retailer, at which cannabis items obtained from the retailer may be consumed.
- ii. Any deviation from any of the conditions listed under this subsection shall necessitate use "D" variance relief pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-70D, et seq.)

4. Bulk Requirements and Design Standards.

- i. Any deviation from the below standards and requirements shall necessitate bulk "C" variance relief pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-70C, et seq.);
 - a. Cannabis establishments shall only be located on the ground floor (i.e. street-level) of any building in which it has been approved to be located).
 - b. Minimum gross floor area of one thousand (1,000) square feet.
 - c.

Minimum parking requirements shall be one (1) space per one thousand (1,000) square feet of gross floor area (GFA).

- d. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of food, alcohol, tobacco by patrons.
 - e. Hours of public operation shall be limited to 9:00 a.m. to 10:00 p.m. on Monday thru Saturday, and Sunday 11:00 a.m. to 8:00 p.m.
 - f. Any cannabis use 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 application.
 - g. Signage shall comply with all existing regulations but shall not include language referring to "marijuana" or use any symbols that indicates such, and shall be subject to TRC review and approval.
 1. Signage shall be limited to façade/wall signs at the exterior of the building, designating the business name and/or address;
 2. Vinyl window signs and decals shall be limited to designating the business name, logo, and/or address, which shall comply with "h" above;
 3. Window signs including product display, brand name advertisements, or similar shall be prohibited.
5. Other Requirements.
- i. Security and Lighting.
 - a. Exterior lighting plans shall be reviewed and approved by the city engineer in consultation the Elizabeth Police Department and submitted with TRC review application and/or site plan application.
 - ii. Air Quality and Ventilation.
 - a. 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 city health department and building department and may be subject to periodic inspection by both departments.
 - iii. Submission Requirements.
 - a. All applications for cannabis related uses shall be required to appear before the TRC.
 - b.

To protect the public health, safety, and general welfare, and to prevent economic stagnation, site plan approval as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D, et seq.) is required for any cannabis uses.

iv. Redevelopment Areas.

- a. Any property located within a redevelopment area with an active redevelopment plan in place shall be required to amend the redevelopment plan by ordinance before the city council to permit cannabis uses.

D. Cannabis Manufacturing, Cultivation, Distribution, and Wholesaling Overlay Zone (CMO).

- 1. Location. The CMO Zone would encompass the parcels as identified on the city zoning map as the CMO Zone, which includes the below tax lots:

Properties in the CMO Zone

BLOCK	LOT
1	1, 101.A, 101.A1, 101.B, 101.C, 101.C1, 101.C2, 101.D, 101.E, 101.F, 101.G, 101.G1, 101.J1, 101.J2, 101.J3, 101.J4, 101.J4A, 101.J5, 102, 1272.B, 1380.E, 1380.F, 1380.G1, 1400, 169, 170.a, 192, 193, 194, 431, 434, 513, 514, 516, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 648, 649, 654, 655, 656, 657, 658, 660, 661.A, 665.A, 675, 675.A, 675.B, 677, 677.A, 678, 678.A, 679, 680, 681, 682, 683, 684, 685, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 699, 700, 701, 702, 863, 951, 953.A, 953.A1, 953.B, 953.C, 978.A, 981, 983, 988, 993, 993.A, 995, 995.A, 998.A, 998.A2, 998.A3, 999.B, 999.B1, 999.B1A, 999.B2, 999.C
2	281, 282, 473, 74, 862, 864, 865, 866, 866.A, 866.B, 866.C, 866.D, 866.E, 945, 946, 947, 948, 948.A, 988
3	105, 735, 93

4	1271, 1273.A, 1277, 330, 38.A, 454, 1, 1011, 1012, 1014, 1053, 1054, 1055, 1056, 1057, 1088, 1271.A, 1272, 1272.A, 1273, 1274, 1274.A, 1275, 1275.A, 1276, 1277.B, 1277.C, 1294.A, 1294.B, 1294.C, 1361.A, 14.A, 1435.A, 1435.B, 1436, 1438, 1438.A, 1438.B, 1438.C, 1438.D, 1441, 1442, 1445, 1447, 1448, 1449, 1452, 1453, 1454, 1455, 1457, 1458, 1458.A, 1459, 1459.AA, 1461, 1462, 1463, 1464, 1466, 1467, 1468, 1469, 1470, 1470.A, 1471, 1472, 1474, 15.D, 1582.A, 1582.D, 1583, 1583.A, 1587, 159, 1597, 1597.A, 1598.A, 161, 162, 163, 1630.A, 1631, 1631.A, 1632, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178.A, 179, 180, 181.A, 181.B, 181.C, 183, 183.A, 183.B, 183.C, 184, 185, 186, 187, 189, 190, 191, 192, 193, 195, 196, 197, 198, 2.A, 2.B, 2.C, 200, 329, 331, 38.B, 39, 40, 42, 43, 44, 445, 446, 447, 448, 449, 449.A 450, 451, 452, 453, 46, 48, 49, 49.A, 50, 51, 55, 55.A, 63, 67, 67.A, 70, 72, 74, 75, 76, 77, 78, 79, 80, 832, 833, 834, 835, 836, 838
5	1154, 1381, 1381.A
8	1041.A, 1042, 1042.E, 1043, 1060.B, 1060.E, 1061, 1174, 1178, 1179, 1179.A, 1181, 1195, 1202, 1205, 1206, 1207, 1208, 1209.A, 1209.B, 1212, 1213, 1214, 1299.H, 1308.F, 1308.G, 1308.H, 1308.I, 1308.K, 1309, 1338.A, 1338.B, 1338.C, 1338.D, 1338.E, 1338.F, 1405, 1481.C, 1481.D, 1481.G, 162, 163, 164, 164.A, 164.B, 167, 168, 1682, 1688, 1693, 1699.A, 1699.B, 170, 1723.A, 174, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1867, 1869, 1870, 1875, 224, 239, 255, 262.B, 264, 265, 266, 267, 268, 300, 427, 427.A, 427.A1, 428, 428.B, 428.C, 428.D, 428.E, 428.G, 428.H, 428.I, 428.K, 428.L, 428.L1, 428.M, 428.O, 428.S, 428.T, 428.V, 428.X, 428.Y03, 428.Y04, 428.Y10, 428.Y11, 428.Y12, 428.Y13, 428.Y15, 428.Y18, 428.Y19, 428.Y15A, 428.Y18A, 580, 580.A, 581, 582.A, 582.B, 582.C, 582.D, 582.F, 678, 680, 681, 683, 685, 687, 737, 738, 740, 741, 742, 804.A, 818, 819, 820, 822, 822.A, 823.A
9	1279

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2129, 2132, 554

2. Permitted Uses.

- i. Cannabis growing or cultivation facility licensed pursuant to N.J.S.A. 24:6I-37 with a "Class 1 Cannabis Cultivator license;"
- ii. Cannabis manufacturing facility licensed pursuant to N.J.S.A. 24:6I-39 with a "Class 2 Cannabis Manufacturer license;"
- iii. Cannabis wholesaler facility licensed pursuant to N.J.S.A. 24:6I-40 with a "Class 3 Cannabis Wholesaler license;" and
- iv. Cannabis distribution facility licensed pursuant to N.J.S.A. 24:6I-41 with a "Class 4 Cannabis Distributor license".

3. Bulk Requirements and Design Standards.

- i. Any deviation from the below standards and requirements shall necessitate bulk "C" variance relief pursuant to Municipal Land Use Law (N.J.S.A. 40:55D-70C, et seq.);
 - a. Minimum gross floor area of five thousand (5,000) square feet, except that a microbusiness licensed pursuant to N.J.S.A. 24:6I-36 shall have a minimum gross floor area of one thousand (1,000) square feet.
 - b. Minimum parking requirements shall be provided as one (1) space per one thousand (1,000) square feet of gross floor area (GFA).
 - c. Loading spaces shall be provided as one (1) space per five thousand (5,000) square feet of gross floor area (GFA).
 - d. Any cannabis use 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 application.
 - e. Signage shall comply with all existing regulations but shall not include language referring to "marijuana" or use any symbols that indicate such.

4. Other Requirements.

- i. Security and Lighting.
 - a. All facilities associated with the manufacturing, growing, distribution, or wholesaling of cannabis shall provide security fencing at their location's perimeter. Facilities shall coordinate with the city police department to provide access for emergency services.
 - b. Exterior lighting plans shall be reviewed and approved by the city engineer in consultation the Elizabeth Police Department and submitted with TRC review application and/or site plan application.

- ii. Air Quality and Ventilation.
 - a. 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 city health department and building department and may be subject to periodic inspection by both departments.
- iii. Submission Requirements.
 - a. All applications for cannabis related uses shall be required to appear before the TRC.
 - b. To protect the public health, safety, and general welfare, and to prevent economic stagnation, site plan approval as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D, et seq.) is required for any. cannabis uses.
- iv. Redevelopment Areas.
 - a. Any property located within a redevelopment area with an active redevelopment plan in place shall be required to amend the redevelopment plan by ordinance before the city council to permit cannabis uses.

(Ord. No. 5500, § 2, 7-27-2021)

Note— Sections 3 and 4 of Ord. No. 5500, adopted July 27, 2021, state the following: "SECTION 3. In all those areas in the City where cannabis establishments, cannabis distributors, or cannabis delivery uses are not permitted pursuant to this Ordinance, and as shown in the amended Zoning Map attached hereto, such uses shall be prohibited, except for the delivery of cannabis items and related supplies by a licensed cannabis delivery service based and initiated from a cannabis delivery service licensed location outside of the City.

SECTION 4. All underlying zoning and zoning regulations on the properties encompassed by the Cannabis Overlay Zones shall remain valid and active."

The map referred to in this section is not set out at length herein, but may be found in the offices of the city.