

ADOPTED ORDINANCE

CITY OF RAHWAY, NEW JERSEY

No. O-08-26

AN ORDINANCE AMENDING LAND USE LEGISLATION, CHAPTER 421 (ZONING) TO MODIFY SIGNAGE REGULATIONS FOR CLASS 5 CANNABIS LICENSED RETAIL BUSINESSES IN THE CITY OF RAHWAY

NOW, THEREFORE, be it ordained, by the Municipal Council of the City of Rahway, County of Union, State of New Jersey, as follows:

All new language is depicted in **bold and underlined** and deletions are depicted in ~~strikethrough~~.

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, the City of Rahway determined that, due to present and potential future impacts that allowing cannabis business might have on New Jersey municipalities in general, and on the City of Rahway in particular, it was necessary and appropriate to adopt Ordinance and O-15-23 to permit Class 5 retail licensed businesses, subject to certain conditions; and

WHEREAS, the City of Rahway would like to amend its signage regulations to provide additional clarification to certain standards regarding Class 5 retailers;

NOW THEREFORE, BE IT ORDAINED, by the Municipal Council, City of Rahway, County of Union, State of New Jersey, as follows:

SECTION 1. Zone Regulations subsection E. Signage. within § 421-64.1 Cannabis-oriented uses. shall be amended to read as follows:

Chapter 421. Zoning
Article VII. Conditional Uses
§ 421-64.1. Cannabis-oriented uses.

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E. Signage for cultivation, manufacturing, wholesale, distribution, and delivery facilities.

(1) All signage shall conform to § 421-49, except as detailed in this section. [Amended 4-10-2023 by Ord. No. O-15-23]

(2) All signage shall be limited to the name of the business. Illustrations, pictures, and other imagery is prohibited.

(3) Moving, rotating, animated, blinking, flashing, or internally illuminated signs are prohibited consistent with § 421-49E.

(4) All signs shall be constructed of durable materials maintained in good condition and not be allowed to become dilapidated.

(5) Signs with only external illumination shall be permitted, provided that they conform to the standards contained within § 421-49E.

(6) Projecting signs shall be prohibited.

(7) Window signs and window advertisements shall be prohibited.

(8) Cultivation, manufacturing, wholesale, distribution, ~~retail~~, and delivery facilities located in the I-L and I-H Industrial Zones, and ~~cannabis retailers located in the B-2 and B-3 Business Zones~~, may have one facade sign not to exceed 10% of the front facade area. In no case shall the facade sign exceed 35 square feet for cultivation, manufacturing, wholesale, ~~retail~~, and

distribution businesses, and shall not exceed 25 square feet for delivery businesses. One freestanding sign in addition to the permitted facade sign shall be permitted for cultivation, manufacturing, wholesale, ~~retail~~, and distribution businesses. Cannabis delivery businesses are not permitted to have a freestanding sign. Freestanding signs shall be subject to the same content restrictions as facade signs. Freestanding signs are permitted at driveway entrances and signs shall not exceed 25 square feet and five feet in height, and shall be set back a minimum of five feet from any property line.

[Amended 11-9-2022 by Ord. No. O-41-22; 4-10-2023 by Ord. No. O-15-23]

SECTION 2. Zone Regulations subsection E. Signage. within § 421-64.1 Cannabis-oriented uses. shall be amended to read as follows:

Chapter 421. Zoning

Article V. Supplementary Use Regulations

§ 421-49. Signs.

G. Permitted signs in business zones.

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(2) B-2 and B-3 Business Zones.

(a) Any signs permitted in the residential zones or permitted in the B-1, B-4 or B-5 Business Zone shall be permitted in the B-2 and B-3 Zones, under the same limitations, **with the exception of cannabis oriented retail businesses. Cannabis oriented retail businesses shall be limited to one facade sign, and one freestanding sign only. In no case shall the facade sign exceed 15% of the front facade area, or 35 square feet. Such facade sign for a cannabis retail business may be interior lighted with non-glaring lights or may be illuminated by shielded external spotlights.**

(b) Freestanding signs.

[1] One freestanding identification sign shall be permitted, provided that the aggregate area of all sides of such sign shall be in accordance with the following schedule:

Gross Floor Area (square feet)	Aggregate Sign Area (square feet)
Under 5,000	40
5,001 to 15,000	80
15,001 to 30,000	100
30,001 to 50,000	150
50,001 and above	200
<u>*Cannabis retail businesses shall be limited to one freestanding sign, not to exceed 25 SF per side.</u>	

[2] Any commercial building having over 100,000 square feet of gross floor area may have two freestanding signs. The total area of both signs shall not exceed the aggregate limitations within the schedule.

[3] Such signs shall not exceed a height of 25 feet, measured from the ground level to the topmost portion of the structure. Supporting frames for all such signs shall be of permanent materials, such as steel or concrete. All such signs must be placed upon the property at a location which is set back at least five feet from any boundary line of the property.

[4] Such sign shall be interior lighted with nonglaring lights or shall be illuminated by shielded floodlights.

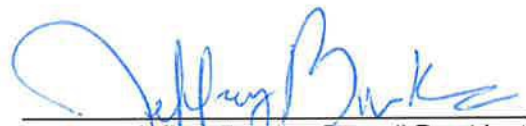
SECTION 3. Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

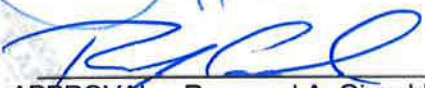
SECTION 4. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

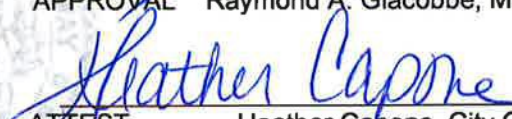
SECTION 5. This ordinance shall take effect immediately upon adoption and publication according to law.

MOTION: Newbury **SECOND:** Miles
YES: Councilmembers Brown, Eastman, Gibilisco,
Miles, Montesdeoca, Newbury, Brooks
NO: Mojica
ABSTAIN: None
ABSENT: Parson

INTRODUCTION: February 2, 2026
ADOPTION: March 2, 2026


Jeffrey Brooks, Council President


APPROVAL Raymond A. Giacobbe, Mayor


ATTEST Heather Capone, City Clerk

