

**AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XXXI, ZONING,  
OF AN ORDINANCE ENTITLED, AN ORDINANCE ADOPTING AND  
ENACTING THE REVISED GENERAL ORDINANCES OF THE CITY OF  
LINDEN, 1999," PASSED NOVEMBER 23, 1999 AND APPROVED NOVEMBER  
24, 1999  
AND AS AMENDED AND SUPPLEMENTED**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LINDEN:**

That Chapter XXXI, Zoning, shall be and the same is hereby amended as follows:

**REVISE §31-20.25 PROHIBITED USES as follows:**

**31-20.25 Prohibited Uses.**

- a. All uses not expressly permitted in this chapter are prohibited. Any proposal for a use not specifically permitted by this chapter and after being refused a building permit, must be submitted to the Planning Board together with a complete copy of the application to the Board of Adjustment for review and the recommendation of standards, where they may be needed, prior to application to the Board of Adjustment for permission to establish such use in accordance with N.J.S.A. 40:55-70(d). It shall also be the duty of the Planning Board to offer an opinion as to whether such proposed new use is compatible with the uses specifically listed in the Schedule of Limitations for the district in which it is to be established, and that whether permission to establish such new use will not seriously impair the intent of the zoning regulations and of the master plan.
- b. "Hazardous waste facility," as defined in N.J.A.C. 7:26-1.4 shall not be a permissible activity or use, either principal or accessory, in any zoning district established pursuant to this chapter.
- c. Any lawfully existing hazardous waste facility, use or activity, holding a valid operating permit or license and operating in conformance therewith, which engages in the processing, treatment, or disposal of onsite generated hazardous wastes, as defined in N.J.A.C. 7:26-1.4, may continue within the zone in which it is located, subject to the provisions of Section 31-36 and other provisions of applicable laws, local, State and Federal. Nothing herein shall preclude changes in or additions to existing facilities engaged in the treatment, storage or disposal of hazardous waste, provided the facilities are lawfully approved and operating, if required by applicable State or Federal law, administrative orders, or in order to protect public health and safety.
- d. The use of truck bodies and shipping containers for the purpose of storage shall be prohibited in all zones.
  1. Exception. A maximum of one (1) shipping container may be allowed in the H-I and the L-I Zones only after the location and duration of time is approved by the Planning Board.
- e. *Hookah Bars or Lounges.*
  1. Hookah bars or lounges are herein defined as a place of business where the customers have use of communal or individual hookahs, pipes or any other device for the burning material for the purpose of smoking, where customers can share pipefuls of tobacco, herbs, dried fruits, combinations of same, or any other materials to smoke.
  2. Hookah bars/lounges shall be prohibited in all zones in the City of Linden.
- f. The operation of recreational or medicinal marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores.

Section 2. The remaining provisions of the Chapter hereby amended and supplemented shall continue in full force and effect to the same extent as if herein fully repeated.

Section 3. If any section, subsection, provision, clause, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefrom.

Section 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 5. This ordinance shall take effect in the manner provided by law.

PASSED:

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President of Council

APPROVED:

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Mayor

ATTEST:

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City Clerk