

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF SPARTA AMENDING CHAPTER XVIII ENTITLED
“COMPREHENSIVE LAND MANAGEMENT CODE” TO AMEND
PORTIONS OF SECTION 18-4.31A ENTITLED “PLANNED
COMMERCIAL ECONOMIC DEVELOPMENT ZONE (PCED)”**

Purpose Statement. The purpose of this Ordinance is to amend certain provisions of the Comprehensive Land Management Code to amend the definitions and to amend portions of the Planned Commercial Economic Development (PCED) Zone District.

Whereas the amendments to PCED Zone District align with new regulations and guidelines enacted by various New Jersey Departments, Agencies, Research Institutions, and planning and sustainable focused Not for Profits to develop, design and plan for smart growth principles.

Whereas the PCED Zone District is located in the Rural Planning Area (PA4) as defined by New Jersey’s State Development and Redevelopment Plan. The primary intention of the Rural Planning Area (PA4) designation is the protection and enhancement of rural lands by discouraging land use policies that produce sprawl.

Whereas to address stormwater runoff issues that could result in flooding and pollutants into New Jersey’s waterways, on March 2, 2020, the New Jersey Department of Environmental Protection (NJ DEP) amended the Stormwater Management Rules (NJAC 7:8) to include the use of green infrastructure as stormwater management techniques.

Whereas to further reduce the impact of stormwater runoff in December of 2022, NJ DEP published amendments to Stormwater Management Rules to implement stormwater design requirements for new developments necessary to reduce stormwater runoff.

Whereas understanding the impacts of climate change and the importance for smart growth and land use planning , New Jersey signed into law P.L. 2021, c6 on February 4, 2021, to require a municipality to incorporate a climate change-related hazard vulnerability assessment into any Master Plan Land Use Element necessary to implement sound land use planning decisions.

Whereas Sparta Township is located in the New Jersey’s Highland Region, created by the 2004 New Jersey Highlands Water Protection and Planning Act and administered by the Highlands Council. The mission of the Council’s mission is to oversee the preservation, protection, enhancement, and development of the natural, cultural, and recreational resources within the Highland Region, by balancing land development with conservation to sustain the region’s ecological integrity.

Whereas the Highlands Regional Master Plan (RMP), was adopted in 2008. In accordance with the RMP policy, the Highlands Council urges municipalities to reduce impervious coverage to the maximum

extent feasible, regardless of current levels, to deter water degradation resulting from increased stormwater runoff as a result of impervious coverage.

Whereas the Highlands Council published a report entitled “Policy Standards for Warehousing in the New Jersey Highlands Region” on April 28, 2023, noting that impervious coverage is widely recognized as the largest factor in degradation of water quality in most waterways.

Whereas research from the Rutgers Raritan River Initiatives has found a high correlation between the amounts of impervious surface cover and the degree of water quality impairment.

Whereas the Rutgers Water Resources Program recommends the reduction of impervious coverage to address water resource issues.

NOW THEREFORE be it ordained by the Council of the Township of Sparta that Chapter XVIII entitled “Comprehensive Land Management Code” is hereby amended as follows:

Section 1. Section 18-4.31A Planned Commercial Economic Development Zone (PCED) is amended in its entirety to state as follows:

- a. Purpose. The initial purpose of the Route 15 Planned Commercial Economic Development (PCED) Zone when established, was to permit development of the areas of land along Route 15, West of Route 15, North of the New York Susquehanna Western Railroad right-of-way and Houses Corner Road and South of Wilson Drive. However, since the initial purpose of the PCED Zone was contemplated, the Route 15 Corridor in the vicinity of the PCED Zone has become overwhelmed by high-intensity commercial and residential uses and severe traffic congestion and sprawl. Therefore, the purpose of Ordinance 25-06 is to promote the public health, safety and welfare of the Township by limiting the uses in the PCED Zone to agriculture and outdoor recreation. A restriction of further development in the PCED Zone will prevent any further adverse impacts on the community and enhance the once rural character of the area, while not exacerbating the free flow of traffic on Route 15 to meet the State NJDOT Highway Access Management Code.
- b. Permitted Uses. The following uses are permitted in the Planned Commercial Economic Development (PCED) Zone in a Planned Development.
 1. Agricultural uses on five (5) acres or more.
 2. Outdoor recreation uses, except those included as a conditional use or prohibited use.
- c. Prohibited Uses. The following uses are specifically prohibited in the PCED Zone District.
 1. Hair and Nail Salons.
 2. Kennels and Veterinary Hospitals.
 3. Golf courses.
 4. Trucking terminals.
 5. Soil and rock removal.
 6. Gasoline Service and/or Distribution Stations.
 7. Outdoor retail sales or retail display areas.

8. Distribution centers, fulfillment centers or parcel hubs.
9. Outdoor storage.
10. Any uses that are regulated by the underground storage tank (UST) program of the State of New Jersey or Federal Government.
11. Any uses that use or generate hazardous materials or materials regulated by the Technical Regulations of the New Jersey Department of Environmental Protection under the Site Remediation Program.
12. Any use listed under Appendix A Major Potential Contaminant Sources (Ordinance No. 2015-12) and within §18-3.4.k.6 of the Township's Ordinance.
13. Any use that would prove to be environmentally harmful, as defined by the New Jersey Department of Environmental Protection, Division of Water Monitoring and Standards, to the existing wellheads located on Block 12008, Lot 9 or the underlying Germany Flats aquifer.
14. Any use involving any animal testing shall be prohibited.
15. Any use not specified as a permitted use or conditional use shall be prohibited.

d. Accessory Uses. Those uses customarily incident to the above permitted and conditional uses.

e. Required Standards. All Planned Commercial Economic Development (PCED) District Zone uses shall meet the following minimum standards.

1. Building Height. The height of a principal structure shall not exceed thirty-five (35) feet or two and one-half (2 1/2) stories.
2. Front Yard. There shall be a front yard setback of not less than fifty (50) feet. Parking areas shall have a minimum front yard setback of twenty-five (25) feet. Properties with frontage on Route 15 shall have a front yard setback of not less than one hundred (100) feet. No more than thirty-three and one-third percent (33 1/3%) of the parking spaces shall be located in the front yard.
3. Side Yard. There shall be two (2) side yards, each of which shall be no less than thirty (30) feet. Parking as required may be permitted in the side yards with a side yard setback not less than ten (10) feet. The parking side yard setback may be reduced to zero (0) feet for adjacent properties with shared parking.
4. Rear Yard. There shall be a rear yard of a least fifty (50) feet. The rear yard may be used for parking with a rear yard setback of not less than ten (10) feet. The parking rear yard setback may be reduced to zero (0) feet for adjacent properties with shared parking. Underground or underbuilding parking shall be prohibited. For existing lots of 25 acres or greater in size as of June 1, 2023, there shall be a minimum three hundred (300) foot setback from the rear property line to any impervious surface or structure to mitigate the potential adverse impacts of incompatible land uses, promote environmental protection, enhance visual aesthetics, and provide a transition between adjacent land uses. The rear yard setback shall be planted with a mixture of native vegetation; including trees, shrubs, and ground cover. A variety of plants, five (5) to seven (7) different species of native trees and shrubs should be used to create a diverse planting palette. Groupings of shrubs shall be interspersed with the overall grid of tree plantings. A native grass and wildflower seed mix suitable for upland areas and riparian areas shall be applied to all surrounding disturbed land. In open areas, tree planting

should be approximately ten (10) feet on center, in staggered rows. Tree tubes should be used to protect tree saplings from wildlife damage. A range of container sizes are recommended for revegetation/restoration areas as follows:

(a) Twenty percent (20%) shall have a minimum size of fifteen (15) gallons.

(b) Twenty percent (20%) shall be seven (7) gallons.

(c) Sixty percent (60%) shall have a minimum size of one (1) gallon.

5. **Impervious Coverage.** Maximum impervious coverage shall not exceed thirty percent (30%) of the lot area. Impervious coverage may be increased if a portion of the lot is used as a public right-of-way or public access easement providing access to adjoining lots for purposes of access to either Wilson Drive or the new traffic light located on Route 15. The increase in impervious coverage shall be equal to one (1.0) times the area of public right-of-way or public access easement located on the original property providing access to the new traffic light.

6. **Lot Area and Building Size.** Minimum lot size shall be one (1) acre. No building size shall exceed a total of twenty-five thousand (25,000) square feet (including the sum of all floors), or exceed the building square footage that would generate a wastewater disposal to an individual subsurface disposal system of greater than 1,999 gallons per day, whichever is less.

7. **Minimum Frontage.** There shall be a minimum lot frontage of two hundred (200) feet.

8. **Parking.** The uses within the Planned Commercial Economic Development (PCED) Zone shall provide for parking in accordance with the parking standards set forth in Subsection 18-5.3.h. Underground or underbuilding parking is not permitted.

9. **Planned Commercial Economic Development uses.** shall utilize Wilson Drive, Gail Court or the future intersection for northbound access to Route 15. Access from northbound Route 15 shall be from Wilson Drive, Gail Court or the future intersection. There shall be no new left turn in and/or left turn out driveways after September 25, 2018, to Route 15 from new or expanded uses within the Planned Commercial Economic Development. Any driveway access to Gail Court shall be a minimum of fifty (50) feet from Block 12008, Lot 9 (wellhead property).

10. **Architectural Design Standards.**

(a) The PCED shall have a unified architectural and design scheme for all buildings and facades that face streets or parking areas. Each facade must be treated architecturally, not just the main entrance facade. The entire front, sides and rear of the building shall be coordinated in compatible colors and materials. Street facades, in the public view, shall receive the greater architectural emphasis.

(b) Natural, earth tone colors with accent colors permitted as a unifying design element or as business color scheme.

(c) Building facades shall be articulated with a base, a lower and upper facade and capped with a cornice; and/or a roof element. All visible facades of any proposed building must be treated with architectural materials which shall consist of brick, finished masonry, stone, wood or combination thereof, based on commonly accepted architectural details, or other materials approved by the Planning Board.

(d) All buildings shall have pitched roofs except where technical considerations require a flat roof, a mansard roof treatment shall be used to reflect the design standards of the PCED. Different orientations, and types of pitched roofs (hip,

mansard or gable) shall be utilized to break up large roof lines. Architectural shingles are permitted; metal roofs may be permitted provided they are consistent with color design standards.

- (e) Entrances shall be defined by architectural elements.
- (f) Any exterior mechanical and electrical equipment, shall not be exposed to the public view. Any deviations from the standard shall require architectural treatments consistent with the character and approved by the Board.
- (g) Continuity of Architecture and Site Details. The design continuity and coordination of architecture and site details, especially walls, fences, ornamental metal work, steps, walkways, planting beds and landscaping is especially critical to the character of the Planned Commercial Economic Development zone.
- (h) Massing. The massing of building facades longer than one hundred and fifty (150) feet that are approximately parallel to the right-of-way and oriented to a public street shall be modulated to increase visual interest, at intervals no greater than one hundred (100) feet in length.
- (i) General Site Design Standards (applicable to all uses).
 - (1) Clearly visible and direct pedestrian paths should be established between neighboring buildings, between buildings and outlying parking areas, and between buildings and transit facilities. Where pedestrian circulation paths cross vehicular routes, a change in paving materials, textures, or colors should be provided to emphasize the conflict point, improve visibility, enhance safety, and provide added aesthetic appeal. Bicycle parking should be provided at locations that do not obstruct the flow of pedestrians, are easily identifiable and visible, and convenient to customer entrances.
 - (2) Loading docks and service areas should be located interior to the property to avoid visibility from any street. When impractical, landscaping should be maximized to screen docks and service areas as much as possible.
 - (3) Loading areas should not interfere with onsite pedestrian and vehicular circulation. Off-street loading areas shall be located in the rear of buildings and screened from view from adjacent property or streets.
 - (4) Service facilities, including trash enclosures, storage areas, utility meters, etc., should be located and designed for easy access by service vehicles and should not intrude into major lines of sight when viewed from public view.
 - (5) Dumpsters shall be screened to a height of eight (8) feet with an opaque screen on all sides made of brick, stucco, or split-face block and located behind the building they serve.
 - (6) All ground mounted mechanical, HVAC and like systems shall be screened from public street view (within three hundred (300) feet) on all sides by an opaque wall or fence made of brick, stucco, split face block or landscaping.
 - (7) Stormwater management elements should be designed as part of a connected system of open spaces, greenways, and trails to provide

amenities for businesses, workers and visitors.

- (8) Sidewalks. Sidewalks and crosswalks where applicable, shall be installed along all rights-of-way and between rights-of-way and buildings. Sidewalks along Route 15 are under the jurisdiction of NJDOT.
- (j) Any pre-existing signs on existing properties may continue to be used. Signs located along any internal access drive shall be limited to one (1) free-standing monument sign per business located on a foundation and shall be no greater than fifteen (15) square feet on each side and shall be no higher than five (5) feet in height. Properties with existing direct access to Route 15 may have an additional sign to be located along Route 15 up to thirty-two (32) square feet at a height of five (5) feet.

11. Sign Standards.

- (a) Individual businesses that have a principal entrance on the first story may choose from the following sign types and must follow the conditions for each individual sign type.
 - (1) Awning.
 - [a] Smallest rectangle that fully encompasses the entire extent of letters, logo and background. The following variations of awnings, with or without sign bands are permitted: fixed or retractable, shed or dome awnings.
 - [b] Signage or sign bands shall be limited to the valance of the awning or the vertical portion of a dome awning.
 - [c] No portion of the awning shall be lower than eight (8) feet clearance.
 - [d] Awnings shall be a minimum of four (4) feet deep, and shall not extend beyond the width of the building or tenant space, nor encroach above the roof line or the story above. Awnings may wrap around the corner of buildings.
 - [e] The height of the valance or sign band shall not exceed twelve (12) inches.
 - [f] Awning signs shall contain only the business name, logo, and/or street address. Letters, numbers and graphics shall cover no more than seventy percent (70%) of the valance/sign band area.
 - [g] Awning signs shall not be internally illuminated or backlit. Colors shall be consistent with the uniform architectural and design scheme of the overall planned development.
 - (2) Band.
 - [a] Band signs shall include only letters, background, and an optional logo. Information shall consist only of the name and/or logo of the business. Band signs shall not list products, sales, or other promotional messages, or contact information.
 - [b] The following band sign construction types are permitted:

- [1] Cut-Out Letters. Letters shall be individually attached to the wall or on a separate background panel, and shall be externally illuminated.
- [2] Flat Panel. Letters shall be printed or etched on same surface as the background, which is then affixed to the wall and externally illuminated.
- [3] Channel Letters by Warrant. Each letter shall have its own internal lighting element, individually attached to the wall or onto a separate background panel. The letter shall be translucent, or solid to create a backlit halo effect.
- [c] Height and width shall be measured using the smallest rectangle that fully encompasses the entire extent of letters, logo and background. Height shall not exceed three (3) feet.
- [d] Band signs shall not be wider than ninety percent (90%) of the width of the building facade or tenant space.
- [e] Band signs shall not project vertically above thereof line.
- [f] Band signs may be illuminated from dusk to dawn or during business. External lights shall be shielded from direct view to reduce glare.
- [g] No internal lighting shall be permitted.
- [h] Band signs should be placed where the architectural features suggest the best placement for signage. They should be vertically aligned with the center of an architectural feature such as a storefront window, entry portal, or width of a bay or overall retail space. They shall not interrupt or obscure these features or cause visual disharmony.

12. Sidewalks. Sidewalks and crosswalks where applicable, shall be installed along all rights-of-way and between rights-of-way and buildings. Sidewalks along Route 15 are under the jurisdiction of NJDOT.

13. A row of shade trees shall be provided along any public or private right-of-way. A row of shade trees, spaced no more than seventy-five (75) feet apart, shall be planted along Route 15 and dedicated to perpetual open space.

f. Required Impact Studies for any development application in the PCED Zone District.

1. Environmental Impact Study. An environmental impact study shall be prepared by a qualified Environmental professional limited to a licensed New Jersey Professional Planner in the State of New Jersey, a New Jersey Licensed Professional Engineer in the State of New Jersey, or an individual with a master's degree or doctorate in Environmental Sciences, Ecology or similar educational or expertise background and shall be reviewed, which includes elements relating to soil erosion, preservation of trees, protection of watercourses and resources, noise, mitigation of environmental lighting issues, topography, soil and animal life, air quality, floodplains, wetlands, preservation of trees and vegetation, use of rain gardens, coastal zones and groundwater resources, and the design of the plan shall minimize and propose corrective actions that remedy any adverse impact on these elements. The Planning Board may request a hydrological study for any Planned Development or other development larger than five

(>5) acres. Other requirements of the EIS under Section 18-6.5.c.4 shall be required as necessary.

2. Traffic Impact Study

- (a) The traffic impact for the immediate area as well as the increased traffic volume being created by the proposed use shall be analyzed in written form by a licensed and qualified Traffic Engineer and submitted to the Planning Board.
 - (1) Traffic impact. An analysis of the existing road network available to serve the proposed development as well as the proposed road network within the development itself and the surrounding road network which will be affected by the proposed development, including the capacity of the existing and proposed roadways and intersections, the anticipated traffic volumes as a result of the proposed development, and the increase in traffic volumes expected from other developments that have been approved by the Township within the area. The analysis also includes any problem spots in the overall road network, including unsafe intersections, turns or grades.
- (b) The Traffic Study shall show that the following standards are met:
 - (1) Trip generation rates at the AM and PM peak hours shall be provided within the study.
 - (2) The additional traffic resulting from the proposed use will not reduce the level of service (LOS) at any impacted intersection to "D" or below. An impacted intersection shall be considered one where one hundred (100) or more weekday peak hour trips are added. Where LOS in a no-build condition exists as "F", the study shall provide mitigation to improve the LOS.

3. Community Impact Statement

- (a) All applications for any Planned Commercial Economic Developments or any building greater than twenty-five thousand (25,000) square feet in the PCED Zone shall be accompanied by a community impact statement prepared by a Licensed Professional Planner in the State of New Jersey or a Licensed Professional Engineer in the State of New Jersey analyzing the proposed development and its expected impacts upon existing municipal facilities and services. The community impact statement shall indicate why, in the applicant's opinion, the proposed development is in the public interest, as well as providing data and opinions concerning the following specific items:
 - (1) Population impact. An analysis of the number of people expected to be added to the municipal population as a result of the proposed development according to the following age cohorts: preschool-aged children, school-aged children, parents of family-bearing age, middle-aged adults and retired people, as well as the number of temporary and permanent jobs created.
 - (2) Facilities impact. An analysis of the existing facilities available to serve the proposed development and the impact of the development upon the facilities, including the adequacy of existing public water facilities, public sewerage facilities, and emergency response facilities. Should such facilities be determined inadequate to serve the proposed development, the

remedies, either expected or proposed by the applicant, shall be indicated along with the estimated costs for such additional facilities and who, in the opinion of the applicant, should pay for them.

- (3) Services impact. An analysis of the existing services provided by the municipality to serve the proposed development and the impact of the development upon services, including police protection, fire protection, first aid, solid waste disposal, and street maintenance services.
- (4) Financial impact. An analysis of the revenues expected to be generated from the development compared to the anticipated costs which the proposed development is expected to generate. Revenues and costs shall be shown for the municipality and the county.

Section 3. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repealer

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 5. Effective Date

This Ordinance shall take effect upon passage and publication as provided by law.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading at a regular meeting of the Sparta Township Council held at the Municipal Building, 65 Main Street, Sparta, New Jersey on **January 28, 2025** and will be considered for final passage and adoption at the regularly scheduled meeting of the Township Council of the Township of Sparta to be held at the Municipal Building, 65 Main Street, Sparta, New Jersey, on **February 25, 2025** at 7:00 p.m., at which time and place all persons interested therein or affected thereby will be given an opportunity to be heard concerning the same.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA.

ROXANNE LANDY, RMC
MUNICIPAL CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on **January 28, 2025**. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta, held on **February 25, 2025** at 7:00 p.m., at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA

ROXANNE LANDY, RMC

MUNICIPAL CLERK