

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
TOWNSHIP OF SPARTA AMENDING CHAPTER XVIII
ENTITLED “COMPREHENSIVE LAND MANAGEMENT
CODE TO UPDATE AND AMEND SECTION 18-4.29
ENTITLED ED ECONOMIC DEVELOPMENT DISTRICT”
AND SECTION 18-4.35 ENTITLED “PDRM-1 PLANNED
DEVELOPMENT AND RESOURCE MANAGEMENT-1
DISTRICT”**

Purpose Statement. The purpose of this Ordinance is to promote and regulate rail dependent uses that use the railroad and are located adjacent to the railroad or a railroad siding in the ED Zone and PDRM-1 Zone.

Section 1. Section 18-2.1 entitled “Definitions” and “Purpose” is amended to add the following definition **“RAIL DEPENDENT USES AND STRUCTURES”** shall mean any uses or structures permitted in the ED or PDRM-1 zones that are adjacent to and use the railroad and are adjacent to the railroad or a rail siding.

Section 2. Section 18-4.29 entitled ED Economic Development District is amended to state in its entirety as follows:

§ 18-4.29. ED Economic Development District.

- a. Purpose. The purpose of the Economic Development District shall be to allow for the location of office, research and industrial uses in a campus-like setting with good access to Route 15 and the railroad and properly buffered from residential uses.
- b. Principal Permitted Uses. The erection, construction, alteration or use of buildings or premises for the following uses to be conducted wholly within a completely enclosed building or in a court enclosed on all sides by a suitable screening structure, except for on-site parking and loading incidental thereto, and public utility facilities not normally enclosed within a building.
 1. Scientific research and development laboratories.
 2. Office buildings for business, professional, executive and administrative purposes.
 3. Storage buildings, warehouses and wholesale distribution centers.
 4. Agricultural uses on a lot of five acres or more.
 5. Processes of manufacture, fabrication, assembly treatment or packaging conversion of products.
 6. Indoor recreational uses including gymnastics, basketball, soccer, health clubs and other similar uses.
 7. Transshipment facilities for the transfer of goods between rail and trucks.
- c. Conditional Uses. (See regulations for conditional uses.)
 1. Public utilities.
 2. Kennels.
 3. Miniature and regular golf courses.
 4. Golf driving range.
 5. Trucking terminals.
 6. Soil removal operations.

7. Schools and institutions.
 8. Accessory retail sales.
- d. Accessory Uses.
1. Those uses customarily incident to the above uses (i.e., storage buildings, parking lots, stormwater management facilities, sanitary wastewater treatment facilities etc.) landscaping and lighting.
 2. Parking for fleet vehicles.
 3. Rail service to support permitted uses.
 4. Farm stands and sale of agricultural products on a lot not less than five acres.
 5. Solar energy, battery storage and fuel cells.
 6. Electric vehicle charging stations.
- e. Specifically. 18-4.29e. Prohibited Uses. Any use not specifically permitted is prohibited. In addition, the following uses are specifically prohibited in the ED zone:
1. Gasoline service stations, automotive repair facilities, garages and car washes.
 2. Any uses which directly or indirectly utilize materials listed in N.J.A.C. 7:1E-Appendix A including petroleum products that are regulated but do not appear in Appendix A shall be expressly prohibited. The Planning Board may give approval of a process or material discouraged in this zone by a majority vote of the full membership of the Board after a review by the Environmental Commission and public notification shall conform to the requirements of variance notification. Use of de minimis quantities of hazardous materials shall be allowed subject to explicit conditions and confirmation by the applicant that there shall be no outside storage or disposal of hazardous materials and no discharge of hazardous materials into the sanitary wastewater system or septic system or onto the land.”
- f. Required Conditions for Industrial Development. The following lot area and building height regulations shall apply:
1. (a) Minimum Lot Area. A minimum lot area of 80,000 square feet is required.
(b) Maximum Building Height. No structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height except that rail dependent structures that use the railroad and are located adjacent to the railroad or a rail siding shall have an exception to allow a height up to two and one-half (2-1/2) stories and up to fifty-six (56) feet in height. This height exception of up to fifty-six (56) feet shall be limited to buildings located within five hundred (500) feet of the railroad or rail siding.
 2. Front Yard. There shall be a front yard of not less than 100 feet. Off-street parking areas as required shall be permitted in the front yard, provided said area is at no point closer than 50 feet to any adjoining street right-of-way line and 50 feet from residential zone boundary line or any closer than 10 feet from the side of a building. Parking areas shall be limited to a maximum of 25% at the front yard area.
 3. Side Yard. There shall be two side yards, each of which shall be no less than 30 feet. Parking as required may be permitted in the side yards, provided no parking area is closer than 10 feet to any building or 25 feet to any residential zone boundary line or street right-of-way.
 4. Rear Yard. There shall be a rear yard of at least 50 feet. No building shall be closer than 100 feet from any residential zone. The rear yard may be used for off-street parking provided no parking area shall be nearer than 10 feet to any building or 25 feet to any residential zone boundary line or street right-of-way.

5. Landscaping. Landscaping shall conform to the requirements of Subsection 18-5.3o of the design standards.
 6. Minimum Lot Width. The minimum lot width shall be 200 feet when measured at the building setback line.
 7. Lot Area Ratio. Principal and accessory buildings shall not occupy more than 25% of the lot area. Storage and parking areas shall not occupy more than 25% of the lot area. However, rail dependent uses that use the railroad and are located adjacent to the railroad or rail siding may have a principal and accessory building coverage of up to forty-five (45%) percent and a storage and parking area coverage of up to forty-five (45%) percent of the lot area.
 8. Impervious Coverage. The total impervious coverage of any one lot shall not exceed 40% of the total lot area. However, rail dependent uses that use the railroad and are adjacent to the railroad or rail siding may have a total impervious coverage of up to sixty-five (65%) percent of the total lot area.
 9. New industrial subdivisions fronting on White Lake road as of July 1, 2002 shall maintain 125-foot front yard setback for structures and parking from White Lake Road, which shall be properly landscaped with earth berms, trees, shrubs as approved by the Board. Vehicular access shall be from an internal roadway network.
 10. Rail sidings and related loading structures and equipment proposed within the ED Zone District adjacent to the existing railroad lines in Germany Flats shall be allowed to cross and protrude into the setback area for purposes of reasonably accessing the rail service. Such areas shall be located, however, at least 500 feet from any existing residential property lines.
- g. Vehicular Movement and Parking. Control of vehicular movement and parking shall be provided according to the following standards:
1. On-site accessways, driveways, parking and loading facilities shall be paved with all-weather dust-free surfaces or as approved by the Planning Board.
 2. Proper sight lines shall be maintained at all intersections of public streets. Measured along the centerline, there shall be a clear sight triangle of 100 feet from the point of intersection measured along each intersecting centerline in which no vegetation or other major visual obstruction shall be permitted in the line of sight between streets above the height of three feet above the grade of the intersecting streets. Accessways may not be located within 100 feet of an intersection and shall enter a public street at no less than 90° plus or minus 10° acute angle to the public street centerline.
 3. For private accessways, a clear sight triangle measurement of 50 feet along the intersecting center lines shall be maintained as required above. Each accessway shall not be more than 35 feet in width measured at right angles to the centerline of the access way, except as increased by necessary curb return radii. Accessways may not be located within 100 feet of an intersection, and shall enter a public street at no less than 90°, plus or minus 10° acute angle to the public street centerline.
 4. For any rail dependent use that uses the railroad and is adjacent to the railroad or a rail siding, any off street parking with greater than 120 but less than 250 parking spaces may have one (1) means of ingress and egress provided that it has at least one full turnaround to provide full clearance to a fire truck at or near the most remote point of the parking area.
 5. Except where in conflict with the four subsections above in which case these subsections shall control, the standards of Subsection 18-5.3h shall apply.
 6. Where a proposed use requires significant material handling a suitable loading dock shall be constructed and such loading areas should be constructed and such loading areas shall be screened from view from a public right-of-way.

- h. Prior to the issuance of a certificate of occupancy (C.O.), each new tenant or change in tenancy in the Economic Development Zone shall be required to receive tenant approval from the Planning Board to ensure compliance with the provisions of this section.

Section 3. Section 18-4.35 entitled “PDRM-1 District Zone” is amended to state in its entirety as follows:

§ 18-4.35. PDRM-1 District Zone.

- a. Purpose: PDRM-1. The purpose of this zone is to allow for economic development in the form of a planned development, which will provide for a coordinated planned development of all the properties in the proposed zone, and will supplement the Economic Development Zone in a controlled manner. Uses in the zone should leverage the proximity to major transportation routes including Route 15 and the railroad. The planned development shall be consistent with the Municipal Land Use Law provisions regarding planned developments.
- b. Principal Permitted Uses. The following uses are permitted in the PDRM-1 District:
 - 1. Scientific, research and development laboratories.
 - 2. Office buildings.
 - 3. Indoor recreational uses including gymnastics, basketball, soccer, and other similar uses.
 - 4. Outdoor recreation facilities.
 - 5. Public transportation facilities.
 - 6. Planned Economic Development. A planned development consistent with the Municipal Land Use Law N.J.S.A. 50:55D-65c provisions for planned developments including the following types of uses is a permitted use within the Planned Development Resource Management-1 Zone.
 - (a) Processes of manufacture, fabrication, assembly, treatment or packaging conversion of products.
 - (b) Transshipment facilities for the transfer of goods between rail and trucks.
 - (c) Storage buildings, warehouses, and wholesale distribution centers.
- c. Conditional Uses.
 - 1. Golf driving range.
 - 2. Public utilities.
 - 3. Soil removal operations.
- d. Accessory Uses.
 - 1. Those uses customarily incident to the above uses (i.e. storage buildings, parking lots, etc.)
 - 2. Farm stands and sale of agricultural products on a lot not less than five acres.
 - 3. Rail service to support permitted uses.
 - 4. Solar energy, battery storage and fuel cells.
 - 5. Electric vehicle charging stations.
- e. Prohibited Uses. Any use not specifically permitted is prohibited. In addition, the

following uses are specifically prohibited in the PDRM-1 Zone:

1. Gasoline service stations, automotive repair facilities, garages and car washes.
 2. Any uses which directly or indirectly utilize materials listed in N.J.A.C. 7:1E-Appendix A, including petroleum products that are regulated but do not appear in Appendix A, shall be expressly prohibited. The Planning Board may give approval of a process or material discouraged in this Zone by a majority vote of the full membership of the Board after a review by the Environmental Commission and public notification of a discussion on the matter with specific reference to the process or material. Such notification shall conform to the requirements of variance notification. Use of de minimis quantities of hazardous materials shall be allowed subject to explicit conditions and confirmation by the applicant that there shall be no outside storage or disposal of hazardous materials and no discharge of hazardous materials into the sanitary wastewater system or septic system or onto the land.
- f. Required Standards. All principal permitted uses shall meet the following minimum standards:
1. Minimum Lot Area. A minimum lot area of 80,000 square feet.
 2. Maximum Building Height. No structure shall exceed 2-1/2 stories or 35 feet except that rail dependent uses that use the railroad and are located adjacent to a railroad or a rail siding shall have an exception to allow a height of up to two and one-half (2-1/2) stories and up to fifty-six (56) feet in height. This height exception of up to fifty-six (56) feet in height shall be limited to buildings located within five hundred (500) feet of the railroad or rail siding.
 3. Front Yard. There shall be a front yard of not less than 100 feet. Off-street parking areas as required shall be permitted in the front yard, provided said area is at no point closer than 50 feet to any adjoining street right-of-way line and 50 feet from residential zone boundary line or any closer than 10 feet from the side of a building. Parking areas shall be limited to a maximum of 25% at the front yard area.
 4. Side Yard. There shall be two side yards, each of which shall be no less than 30 feet. Parking as required may be permitted in the side yards, provided no parking area is closer than 10 feet to any building or 25 feet to any residential zone boundary line or street right-of-way.
 5. Rear Yard. There shall be a rear yard of at least 50 feet. No building shall be closer than 100 feet from any residential zone. The rear yard may be used for off-street parking provided no parking area shall be nearer than 10 feet to any building or 25 feet to any residential zone boundary line or street right-of way.
 6. Landscaping. Landscaping shall conform to the requirements of Subsection **18-5.3o** of the design standards.
 7. Minimum Lot Width. The minimum lot width shall be 200 feet when measured at the building setback line.
 8. Lot Area Ratio. Principal and accessory buildings shall not occupy more than 25% of the lot area. Storage and parking areas shall not occupy more than 25% of the lot area. However, rail dependent uses that use the railroad and are located adjacent to the railroad or rail siding may have a principal and accessory building coverage of up to forth-five (45) percent and a storage and parking area coverage of up to forty-five (45) percent of the lot area.
 9. Impervious Coverage. The total impervious coverage of any one lot shall not exceed forty (40) percent of the total lot area. However a rail dependent use that uses the railroad and is adjacent to a railroad or rail siding may have a total impervious coverage up to sixty-five (65) percent of the total lot area.
 10. New Industrial subdivisions shall maintain 125-foot front yard setback for structures and parking from Houses corner Road, which shall be properly

landscaped with earth berms, trees, shrubs as approved by the Board.

11. Signs — Permitted Signs in the PDRM-1 Zone:

- (a) One freestanding sign may be permitted provided that the area of the sign shall not exceed 48 square feet. Signs erected back to back (double faced) are permitted. The freestanding sign shall be set back at least 25 feet from the street right-of-way line and shall not exceed 16 feet in height.
- (b) The maximum area of all signs on a lot shall not exceed 100 square feet.
- (c) Signs attached to a building are permitted provided the size of any sign shall not exceed 3% of the area on which the sign is located. The height of any said sign shall not exceed three feet and the length shall not exceed 12 feet.
- (d) In conjunction with Subsection 18-5.3m3(t), as part of any subdivision in the PDRM-1 Zone, an overall sign plan shall be submitted for the entire development, as well as for individual lots where practical. This plan shall include details on directory sign(s), directional sign(s), address signs and individual tenant signs. There shall be a consistent design theme throughout the development.
- (e) For Sale/For Lease/For Rent Signs. One such sign to be placed on the property is permissible provided that it does not exceed 32 square feet and a sign permit is obtained.

12. Rail sidings and related loading structures and equipment proposed within the PDRM-1 Zone District adjacent to the existing railroad lines in Germany Flats shall be allowed to cross and protrude into the setback area for purposes of reasonably accessing the rail service. Such areas shall be located, however, at least 500 feet from any existing residential property lines.

g. Required Standards for Planned Economic Developments. All planned economic developments shall meet the following minimum standards:

- 1. Planned economic developments shall be consistent with the Municipal Land Use Law requirements. Planned economic developments will be consistent with the standards and intent set forth in this Code. As part of any planned development, the applicant shall demonstrate and the Planning Board shall find the following facts and conclusions:
 - (a) That departures by the proposed development from zoning regulations otherwise applicable to the subject property conform to the zoning ordinance standards pursuant to Subsection 52c of this act;
 - (b) That the proposals for maintenance and conservation of the common open space are reliable, and the amount, location and purpose of the common open space are adequate;
 - (c) That provision through the physical design of the proposed development for public services, control over vehicular and pedestrian traffic, and the amenities of light and air, recreation and visual enjoyment are adequate;
 - (d) That the proposed planned development will not have an unreasonably adverse impact upon the area in which it is proposed to be established;
 - (e) In the case of a proposed development that contemplates construction over a period of years, that the terms and conditions intended to protect the interests of the public and of the residents, occupants and owners of the proposed development in the total completion of the development are adequate.

1. Minimum Overall Tract Area. A minimum overall tract area of 10 acres is required.

2. The total impervious coverage on any one lot of planned development in the PDRM-1 Zone shall not exceed forty (40) percent.
 3. 150-foot buffers from all residentially zoned properties. If the Planning Board determines that inadequate vegetation or topography exists within this buffer, then the following shall apply: Turf grass, low growing evergreen plants or evergreen ground cover shall be planted within 50 feet of the property line. Two staggered rows of evergreen canopy trees which are not less than 10 feet high at the time of planting, a minimum of two-inch caliper, spaced not more than 30 feet apart and planted more than 50 feet from the property line. An earthen berm shall be constructed within 150 feet of the property line, the height and design shall be approved by the Planning Board.
 4. Rail sidings and related loading structures and equipment proposed within the PDRM-1 Zone District adjacent to the existing railroad lines in Germany Flats shall be allowed to cross and protrude into the setback area for purposes of reasonably accessing the rail service. Such areas shall be located, however, at least 500 feet from any existing residential property lines.
 5. Any buffer areas included in the open space dedication shall be considered common open space or publicly dedicated open space as part of the planned development. Where rail sidings and related loading structures and equipment are proposed within the PDRM-1 Zone District, such rail sidings and related loading structures and equipment shall be allowed to cross the buffer area for purposes of accessing regional rail service as approved by the Board. Fencing, emergency and other access drives, and utility lines and pipes shall be permitted to cross buffer areas as approved by the Board.
 6. The uppermost portion of continuous areas of steep slopes shall be buffered by 50 feet. This buffer shall be reserved for the planting of vegetative material for screening purposes.
 7. Economic development uses and soil, sand and gravel removal uses shall not utilize any hazardous materials and shall ensure that there is no disposal or contamination of the land or septic systems, surface water and/or ground water by the use or disposal of hazardous materials on the property.
 8. Minimum Lot Area. A minimum lot area of 80,000 square feet shall be required for lots within the PDRM-1 District.
 9. Maximum Building Height. No structure shall exceed a height of 2-1/2 stories and 45 feet except that rail dependent uses that use the railroad and are located adjacent to the railroad or a siding shall have an exception to allow a height of up to two and one-half (2-1/2) stories and up to fifty-six (56) feet in height. This height exception of up to fifty-six (56) feet shall be limited to buildings located within one thousand five hundred (1,500) feet of the railroad or rail siding.
 10. Minimum Yards. The minimum front yard shall be 100 feet, the minimum side yard shall be 50 feet, the minimum rear yard shall be 100 feet.
 11. No stormwater discharge pipes or stormwater flows shall be directed to White Lake, Lake Grinnell or any streams draining to White Lake or Lake Grinnell. Planned developments shall be designed to provide for stormwater management and stormwater infiltration without any stormwater overflows from the property in all twenty-four-hour storm events at an average recurrence interval of 100 years or less.
- h. Vehicular Movement and Parking. Control of vehicular movement and parking shall be provided according to the following standards.
1. Principal vehicular access shall not be provided through the PDRM-2 Zone.
 2. All traffic generated from any planned development shall not be permitted to turn left and proceed north on Houses Corner Road. Signage shall be installed to prohibit left turns and these restrictions shall be enforced as a site plan

condition.

3. On-site accessways, driveways, parking and loading facilities shall be paved with all-weather dust-free surfaces or as approved by the Planning Board.
 4. Proper sight lines shall be maintained at all intersections of public streets. Measured along the centerline, there shall be a clear sight triangle of 100 feet from the point of intersection measured along each intersecting centerline in which no vegetation or other major visual obstruction shall be permitted in the line of sight between streets above the height of three feet above the grade of the intersecting streets. Accessways may not be located within 100 feet of an intersection and shall enter a public street at no less than 90° plus or minus 10° acute angle to the public street centerline.
 5. For private access ways, a clear sight triangle measurement of 50 feet along the intersecting center lines shall be maintained as required above. Each accessway shall not be more than 35 feet in width measured at right angles to the centerline of the accessway, except as increased by necessary curb return radii. Accessways may not be located within 100 feet of an intersection, and shall enter a public street at no less than 90°, plus or minus 10° acute angle to the public street centerline.
 6. Except wherein conflict with the five subsections above in which case these subsections shall control, the standards of Subsection **18-5.3h** shall apply.
 7. Where a proposed use or building requires significant material handling a suitable loading dock shall be constructed and such loading areas should be constructed and such loading areas shall be screened from view from a public right-of-way.
- i. Prior to the issuance of a certificate of occupancy (C.O.), each new use or change in use in the Planned Development Resource Management-1 (PDRM-1) Zone shall be required to receive use approval from the Planning Board to ensure compliance with the provisions of this section and site plan ordinance standards.

Section 4. 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 5. Repealer

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

Section 6. 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 February 9, 2021, 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 23, 2021 at 7:30 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.

Kathleen Chambers, RMC
Municipal Clerk

NOTICE

PLEASE TAKE FURTHER NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Sparta Township Council held at the Municipal Building at 65 Main Street, Sparta, New Jersey, on February 9, 2021. The same came up for final adoption at a meeting of the Township Council of the Township of Sparta held on February 23, 2021 and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

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

KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK