

ORDINANCE NO. 15-24

AN ORDINANCE TO AMEND CHAPTER XIII OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ROXBURY, LAND DEVELOPMENT ORDINANCE, ARTICLE VII, ZONING REGULATIONS, SECTION 13-7.21A, GENERAL PROVISIONS FOR COMMERCIAL/INDUSTRIAL ZONES

WHEREAS, on April 13, 2021, the Township Council adopted Ordinance No. 05-21, in which it imposed limitations on warehouse development in the Township, including maximum floor area per building of 50,000 square feet;

WHEREAS, among the stated purposes of Ordinance No. 05-21 were avoidance of adverse effects excessive of truck traffic, including traffic congestion, noise impacts and potential for degradation of the residential character of the Township;

WHEREAS, the findings of the Township Council in support of Ordinance No. 05-21 were supported by data presented by the Institute of Transportation Engineers (ITE), “Trip Generation” manual, 11th Edition, evidencing that average vehicle trip generation rates for warehousing is directly proportional to gross floor area;

WHEREAS, the Master Plan Committee of the Township Planning Board has reviewed information, provided by the Board’s traffic consultant, indicating that warehousing is now broken down by the ITE into several different categories, having different trip generation rates;

WHEREAS, the data published by the ITE indicates that the “Fulfillment Center” warehouse, ITE Land Use Category 155, generates high traffic volumes of “sprinter van” delivery vehicles, and that “Parcel Hub” warehouse, ITE Land Use Category 156, has the highest peak-hour truck trip generation rate of all warehouse categories;

WHEREAS, “Fulfillment Center” warehouses are also known as “Last-Mile” warehouses, such as those associated with e-commerce, and “Parcel Hub” warehouses are also known as

“Cross-Dock” facilities, which involve minimal storage of goods, and therefore do not meet the definition of “warehouse” in Township Ordinance §13-1.2;

WHEREAS, in order to supplement the warehouse requirements adopted in Ordinance No. 05-21, so as to more comprehensively regulate warehouse facilities and minimize their adverse impacts, the Master Plan Committee has recommended that the Township Council adopt a new Ordinance Amendment further restricting warehousing in the Township according to warehouse categories to be defined in Chapter XIII “Land Development Ordinance”;

SECTION 1. Chapter XIII, “Land Development Ordinance,” Section 13-7.21A, “GENERAL PROVISIONS FOR COMMERCIAL/INDUSTRIAL ZONES,” shall be amended by adding a new Subsection 13-7.21A05, entitled “Warehouse Use Restrictions,” to read as following:

§13-7.21A05. Warehouse Use Restrictions. The following warehouse use restriction provisions shall apply to principal and accessory warehouse uses in the I-1, I-3, I-5 and I-10 Limited Industrial Districts, as well as flexible office/warehouse uses in the OR-5 Office Research District and the LI/OR Light Industrial/Office Research District, and the warehouse (maximum 60% building floor area) use in the PO/LI Planned Office/Light Industrial District.

- A. Definition:** A “building principal use” is one which accounts for 80% or more of the gross floor area of the building.
- B. Permitted:** Warehouse buildings for which the building principal use is one in which goods are received from manufacturers, distributors and/or wholesale suppliers and stored within the building, for a storage duration prior to being staged and processed for shipment, and thereafter shipped to parties, who are neither the end-users of the goods nor consignees for the end-users, in vehicles no smaller than box trucks.
- C. Prohibited:**
 - (a) “Last mile” facilities, in which the building, or any portion thereof, is used for direct distribution of goods to the end-users thereof, or their consignees, in vehicles smaller than box trucks.
 - (b) “Cross-Dock” facilities, where goods are delivered to the building in trailers, are unloaded, and are re-loaded, after storage within the building for an average period of less than ten (10) days, into trucks or vans, in which the goods are shipped out.

D. Procedure:

The foregoing Warehouse Use Restrictions shall be included as conditions of any preliminary site plan resolution granting approval for a warehouse building or buildings, which resolution conditions shall require that Applicants, prior to issuance of a zoning permit, in the course of resolution compliance, must obtain, for all proposed warehouse occupancies and/or tenancies, a determination by the Township Planner confirming resolution compliance with respect to the foregoing Warehouse Use Restrictions; provided that the Township Planner may refer the resolution compliance determination to the Planning Board in cases where the Board's interpretation of resolution compliance with respect to the Warehouse Use Restrictions is reasonably deemed necessary. The aforesaid resolution conditions shall further require that Applicants obtain, prior to issuance of a zoning permit for all changes in warehouse occupancies and/or tenancies, and for all changes in operations of existing warehouse occupancies and/or tenancies, which materially affect their compliance with the foregoing Warehouse Use Restrictions, a determination by the Township Planner confirming resolution compliance with respect to the foregoing Warehouse Use Restrictions; provided that the Township Planner may refer the resolution compliance determination to the Planning Board in cases where the Board's interpretation thereof is reasonably deemed necessary.

SECTION 2. The Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the Morris County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

SECTION 3. This Ordinance may be renumbered for codification purposes.

SECTION 4. All ordinances of the Township of Roxbury which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining

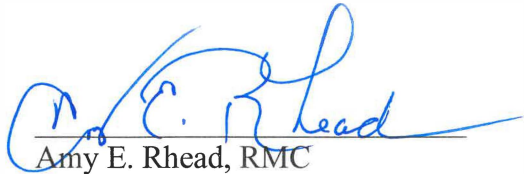
portions of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately.

INTRODUCED: June 11, 2024

ADOPTED: July 23, 2024

Attest:

A handwritten signature in blue ink, appearing to read "Amy E. Rhead", is written over a horizontal line.

Amy E. Rhead, RMC
Township Clerk

EFFECTIVE DATE: August 19, 2024