

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF SPARTA AMENDING CHAPTER XVIII ENTITLED “COMPREHENSIVE LAND MANAGEMENT CODE” TO AMEND THE DEFINITIONS, TO AMEND PORTIONS OF SECTION 18-4.29 ENTITLED “ECONOMIC DEVELOPMENT DISTRICT” AND PORTIONS OF SECTION 18-4.35 ENTITLED “PDRM-1 PLANNED DEVELOPMENT AND RESOURCE MANAGEMENT DISTRICT” AND PORTIONS OF SECTION 18-4.7 ENTITLED “CONDITIONAL USES” AND PORTIONS OF SECTION 18-4.31A “PCED PLANNED COMMERCIAL ECONOMIC DEVELOPMENT ZONE” AND PORTIONS OF SECTION 18-4.36 ENTITLED “PDRM-2 PLANNED DEVELOPMENT AND RESOURCE MANAGEMENT AREA” AND PORTIONS OF SECTION 18-6.5 ENTITLED “PRELIMINARY SUBDIVISIONS OR SITE PLANS”**

**Purpose Statement.** The purpose of this Ordinance is to amend certain provisions of the Comprehensive Land Management Code to amend the definitions, to amend portions of the Economic Development Zone District, portions of the PDRM-1 Zone District and the conditional uses.

**Section 1.** Section 18-2.1 entitled “Definitions Purpose” is amended to delete the definition of “Trucking Terminal” in its entirety, and replace it with the following new definition:

“Trucking Terminal shall mean a place where products, goods, and materials are unloaded from one inbound source such as a tractor trailer or railcar, and then either stored on a short-term basis or directly moved onto another outbound transportation source, and the primary storage of any products, goods, and materials occurs within a tractor trailer or railcar. May also be referred to as “cross-docking”.

**Section 2.** Section 18-2.1 entitled “Definitions Purpose” is amended to delete the definition of “Rail Dependent Uses or Structures” and “Warehouse” each in its entirety, and replace it with the following new definitions:

“Rail adjacent use means a principal use that utilizes rail access as a means for the transportation of goods to or from a site, in which the building or buildings in which the principal use is conducted have direct access to the rail for loading or unloading purposes, and in which any part of the principal building is located within five-hundred (500) feet of the railroad or rail siding.”

“Warehouse shall mean a building where raw materials or finished goods are stored, where the primary purpose of the facility is extended storage of product, and typically have a low volume of tractor trailer and non-tractor trailer vehicle traffic. Any building where storage of product is the primary use that contains dock doors on not more than one (1) and a partial second (2<sup>nd</sup>) side of the building shall be considered a warehouse, not a Distribution Center.”

**Section 3.** Section 18-2.1 entitled “Definitions Purpose” is amended to add the following new definitions:

“Distribution Center means a building generally characterized by 1) dock doors on two (2) sides or more; 2) is primarily used for (i) short-term storage of product and (ii) relatively high velocity distribution from the facility to multiple locations, including direct to consumers; and 3) a higher ratio of non-tractor trailer vehicle traffic to tractor trailer traffic generated per square foot of gross floor area, and also have a high volume of tractor trailer traffic”.

“Dock door means a type of sectional door used located on a building façade above

grade, which allows tractor trailer doors to open into the building for the loading and unloading of materials and goods”.

“Drive-in door means a grade level door that is located at grade with ground both inside and outside of the building that vertically opens and closes down to the ground, and allows for the passage of vehicles through it”

“Fulfillment Center” means a type of building for third-party logistics that receives, processes, and fills customer orders on behalf of retailers that is usually freight for final consumption. Fulfillment centers are generally characterized by 1) high turnover of inventory, largely direct to consumers; 2) may have the presence of multiple mezzanine levels; and 3) require a higher ratio of on-site parking for employee vehicles and non-tractor trailer delivery vehicles, and also have a high volume of traffic”.

“Landscape Area Ratio means the amount of Landscaped Area after development compared to the total lot area”.

“Landscaped Area means areas containing trees, shrubs and ground covers, pedestrian and recreation areas, ponds, streams or any other similar areas but not including areas occupied by buildings or structures, paving for parking, loading or access thereto, required buffers or areas utilized for outside storage.”

“Parcel hub means a type of warehouse that typically serves as regional and local freight-forwarder facilities for time sensitive shipments via airfreight and ground carriers that is generally characterized by a building with the following: 1) 150-300 feet wide; and 2) access to dock doors provided on two (2) or more opposites of the building and up to all (4) sides. This use may include tractor trailer maintenance, wash, or fueling facilities.”

**Section 4.** Subsection 18-4.29.b of the ED Zone District entitled “Principal Permitted Uses” is amended to delete “3. Storage buildings, warehouses and wholesale distribution centers” in its entirety, to be replaced with the following:

3. Storage buildings, and warehousing with wholesale storage, subject to the definition of warehouse - which shall not include distribution center uses, fulfillment centers or parcel hubs, standalone or outdoor storage of any kind, standalone parking facilities.

**Section 5.** Subsection 18-4.29.b of the ED Zone District entitled “Principal Permitted Uses” is amended to delete “7. Transshipment facilities for the transfer of goods between rail and trucks” in its entirety.

**Section 6.** Subsection 18-4.29.c of the ED Zone District entitled “Conditional Uses (See regulations for conditional uses)” is amended to delete conditional use “5. Trucking Terminals”, and to renumber the remaining conditional uses accordingly.

**Section 7.** Section 18-4.29.e entitled “Prohibited Uses” is amended to add the following additional prohibited use after number 2:

3. Distribution centers, fulfillment centers, or parcel hubs.
4. Standalone outdoor storage, or standalone parking facilities without a principal building located on the property.
5. Outdoor Storage
6. Trucking Terminals.

**Section 8.** Section 18-4.29.f is hereby amended for 1(b), 7, and 8 as follows:

f. Required Bulk, Area, Yard, and Development Standards for Industrial Development. The following lot area and building height regulations shall apply:

1(b) Maximum Building Height.

- i. The maximum permitted height shall be two and one half (2 ½) stories or thirty-five (35) feet in height.
- ii. *Exceptions for rail adjacent uses.* Uses that meet the definition for rail adjacent use shall be permitted a height of up to two and one half (2 ½) stories and up to forty-eight (48) feet in height.

7. Lot Area Standards.

- (a) Storage and parking areas shall occupy no more than twenty-five (25%) percent of the lot area.
- (b) *Exceptions for rail adjacent uses.* Uses that meet the definition for rail adjacent use be permitted a storage and parking lot area coverage of up to thirty (30%) percent of the lot area.

8. Impervious Coverage.

- (a) The total impervious coverage of any one lot shall not exceed forty (40%) percent of the lot area.
- (b) *Exceptions for rail adjacent uses.* Uses that meet the definition for rail adjacent use shall be permitted a total impervious coverage of up to fifty (55%) percent of the total area.

**Section 9.** Subsection 18-4.29.f is amended to add the following additional standards or conditions at the end of Subsection “F”:

11. Building Coverage.

(a) Building coverage allowances are outlined for cumulative principal and accessory structures on a lot in the ED Zone, shall be permitted a maximum of 25%, but in no case shall total building coverage be greater than 175,000 square feet in area.

12. All rail adjacent uses shall be on lots that have a minimum of 100 feet of property frontage on the New York Susquehanna and Western Railroad mainlines or spurs, as it exists in September 2022.

13. All rail adjacent uses and structures shall be adjacent to and accessible to the main rail line or a spur on the lot.

**Section 10.** Subsection 18-4.29 is hereby amended to add a new item “i”, as follows:

- i. Development Standards for Storage and Warehouse Uses in the ED Zone.
  1. The ratio of dock doors shall be permitted up to a maximum amount as follows:
    - (a) For buildings 0 – 75,000 square feet – 1 per 5,000 SF GFA, or 5 dock doors, whichever greater;
    - (b) For buildings 75,001 or greater – 1 per 8,000 SF GFA;
  2. Dock doors shall be adequately spaced from one another as to provide access to fire safety equipment and vehicles.
  3. There shall be no tractor trailer queuing or parking off-site or on adjacent right-of-ways.

4. There shall be two means of ingress and egress, of which one may include an emergency access road, subject to approval by the Township Fire Official.
5. Tractor trailer Parking.
  - (a) Tractor trailer parking stalls shall be provided that are not directly adjacent to the building.
  - (b) One (1) tractor trailer parking stall per dock door shall be provided.
  - (c) Tractor trailer parking stalls shall be provided at a minimum dimension of 50 feet in length by 10 feet in width.
  - (d) Tractor trailer stalls shall not be utilized as overnight quarters.
  - (e) Trucks shall be subject to NJDEP vehicle idling standard requirements and adequate signage shall be installed to enforce idling standards.
6. Number of building tenants. For warehouse uses and structures over 100,000 square feet, no single building shall be subleased or divided for more than two (2) tenants, subject to the requirements set forth under Section 18-4.29.h.
7. Landscape Area Ratio. All areas of the site not occupied by a building and required improvements shall be landscaped by the planting of shrubs, and trees, or the preservation of existing ground cover, shrubs, and trees, in accordance with a landscape planting plan approved by the approving Board.
  - (a) A Landscape Plan prepared by a Licensed Landscape Architect shall meet the following standards:
    - i. A minimum Landscape Area Ratio (LAR) of 0.40 shall be required.
    - ii. Landscaping shall conform to the requirements of Subsection 18-5.3o of the design standards.
    - iii. At property boundaries, evergreen trees shall be planted at fifteen-foot intervals in a minimum of two offset rows along all adjoining properties to obscure views from upper floors of nearby buildings and shall supplement other landscaping. Linear rows of evergreen trees shall be avoided.
    - iv. Additional evergreen plantings shall be required to screen any parking areas and utility areas.
    - v. Landscaping shall provide a visual screen and an aesthetic setting consistent with the character of the surrounding area.
    - vi. The overall landscaping plan shall "break up" long buildings and screen off parking, service, and utility areas. The plan shall provide for a variety of different species to protect against disease attacking all of the plantings. A variety shall be selected with consideration for various seasons and of different colors, textures, shapes, blossoms and foliage, as well as deer-resistant, non-invasive, and native species.
    - vii. On slopes, the landscape plan shall recommend plantings that prevent erosion.
    - viii. Plant material used shall not be of the exotic variety requiring substantial maintenance or material highly

subject to pollution, salt damage along highways and current insect disease manifestations.

- (b) Dead and dying materials shall be replaced by the developer during the two growing seasons following planting and the estimated costs of such replacement shall be included in the estimate prepared for any maintenance guarantees which the developer is required to post under this chapter.

8. Design Standards.

- a. The materials used on building facades play a large part in determining the appearance of a building. The building's frontage needs to be considered in both aesthetic and design for the purposes of softening up the street appearance of the site and meeting the zone purpose of a campus-like setting. The design of outside walls, exterior lighting, landscaping, and streetscape improvements shall promote a safe and pleasant environment. The following architectural and design standards shall be followed:
  - 1. Reduce large building volumes to a scale consistent with the existing setting through the use of massing, design, and architectural features/elements.
  - 2. Any entryways along the main frontage shall serve as aesthetic focal points of the building and be inviting to visitors.
  - 3. Exposed metal buildings, sheet or corrugated metal, asbestos, and similar materials used on exterior walls on the frontage of the building are prohibited.
  - 4. All mechanical equipment, generators, HVAC equipment and similar equipment shall be ground-mounted and screened from view in a manner that is consistent with the architecture of the building and shall be acoustically buffered.
  - 5. Building facades shall be constructed of the same material and quality on all 4 sides.

**Section 11.** Subsection 18-4.29 amended to add a new item "j", as follows:

j. Required Impact Studies.

1. Environmental Impact Study.

- a. An environmental impact study (EIS) shall be prepared by a qualified Environmental professional which includes elements relating to soil erosion, preservation of trees, protection of watercourses and resources, noise, topography, soil and animal life, air quality, floodplains, wetlands, preservation of trees and vegetation, coastal zones and groundwater resources shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements. 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.

- b. 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 as well as the increase in traffic volumes expected from other developments within the area; and any problem spots in the overall road network, including unsafe intersections, turns or grades.
- c. For warehouse uses, the Traffic Study shall show that the following standards are met:
  - i. Trip generation rates at the AM and PM peak hours shall be provided within the study.
  - ii. The maximum allowable peak hour trip generation rate shall be 0.25 trips per 1,000 SF gross floor area.
  - iii. The additional traffic resulting from the proposed use will not reduce the level of service (LOS) at any impacted intersection to "C" or below. An impacted intersection shall be considered one where 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.
- d. For all other industrial uses, the Traffic Study shall show that the following standards are met:
  - i. Trip generation rates at the AM and PM peak hours shall be provided within the study.
  - ii. The additional traffic resulting from the proposed use will not reduce the level of service (LOS) at any impacted intersection to "C" or below. An impacted intersection shall be considered one where 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 in the ED Zone shall be accompanied by a community impact statement 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:
  - i. 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.

- ii. 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.
- iii. 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.
- iv. 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 12.** Subsection 18-4.29 amended to add a new item “k”, as follows:

- k. For all rail adjacent uses, a general transportation logistics plan shall be provided which includes the following information:
  - 1. Hours of tractor trailering unloading and loading operations;
  - 2. Hours of rail unloading and loading operations;
  - 3. Estimate of number of rail delivery frequency;
  - 4. Written approval from the main railroad, if obtained at time of application. Proof of approval shall be provided to the Township as a condition of any approval.
  - 5. Location of tractor trailer staging and queuing.
  - 6. All rail adjacent uses shall make arrangements with the railroad to ship and receive all shipments to and from the northern section of rail that connects to Warwick, New York or during nighttime hours of 10:00 P.M. through 5:00 A.M., if the shipment will be crossing Route 15 in Sparta at the grade crossing. Proof of the arrangement with the railroad shall be provided to the Board and Township.

**Section 13.** Subsection 18-4.35.b entitled “Principal Permitted Uses” of the PDRM-1 District is hereby amended to delete “5. Public Transportation Facilities”.

**Section 14.** Subsection 18-4.35.b.6(c) entitled “(c) Storage buildings, warehouses and wholesale distribution centers” in its entirety, to be replaced with the following:

- (c) Storage buildings, and warehousing with wholesale storage, subject to the definition of warehouse, which shall not include distribution center uses, fulfillment centers or parcel hubs, standalone or outdoor storage of any kind, standalone parking facilities.

**Section 15.** Subsection 18-4.35.e entitled “Prohibited Uses” of the PDRM-1 Zone is amended to add the following additional prohibited uses after number 2:

- 3. Distribution centers, fulfillment centers, or parcel hubs.

4. Standalone outdoor storage or standalone parking facilities without a principal building located on the property.

5. Outdoor Storage.

6. Trucking Terminals.

**Section 16.** Section 18-4.35.f is hereby amended for 2, 8, and 9 as follows:

2. Maximum Building Height.

(a) The maximum permitted height shall be two and one half (2 ½) stories or thirty-five (35) feet in height.

(b) *Exceptions for rail adjacent uses.* Uses that meet the definition for rail adjacent use shall be permitted a height of up to two and one half (2 ½) stories and up to forty-eight (48) feet in height.

8. Lot Area Standards.

(a) Storage and parking areas shall occupy no more than twenty-five (25%) percent of the lot area.

(b) *Exceptions for rail adjacent uses.* Uses that meet the definition for rail adjacent use shall be permitted a storage and parking lot area coverage of up to thirty (30%) percent of the lot area.

9. Impervious Coverage.

(a) The total impervious coverage of any one lot shall not exceed forty (40%) percent of the lot area.

(b) *Exceptions for rail adjacent uses.* Uses that meet the definition for rail adjacent use shall be permitted a total impervious coverage of up to fifty (55%) percent of the total area.

**Section 17.** Section 18-4.35.f is amended to add the following additional standards:

13. Building Coverage.

(a) Building coverage allowances are outlined for cumulative principal and accessory structures on a lot in the PDRM-1 Zone, shall be permitted a maximum of 25%, but in no case shall total building coverage be greater than 175,000 square feet in area.

14. All rail adjacent uses shall be on lots that have a minimum of 100 feet of property frontage on the New York Susquehanna and Western Railroad mainlines or spurs, as it exists in September 2022.

15. All rail adjacent uses and structures shall be adjacent to and accessible to the main rail line or a spur on the lot.

16. All applications for development in the PDRM-1 Zone shall provide for a road or street entering and exiting to and from Houses Corner Road near its intersection with Route 15. The road or street shall run through the approximate center of the lots existing in 2022. The new road or street shall be connected to the PDRM-2 Zone and shall provide vehicular access to and from the PDRM-2 Zone. The new lots in the PDRM-1 Zone on the east side of the new road or street shall not be connected to rail and shall not be rail adjacent uses.



**Section 18.** Section 18-4.35.f.6 is repealed and replaced in its entirety as follows:

6. Landscape Area Ratio. All areas of the site not occupied by a building and required improvements shall be landscaped by the planting of shrubs, and trees, or the preservation of existing ground cover, shrubs, and trees, in accordance with a landscape planting plan approved by the approving Board.

(a) A Landscape Plan prepared by a Licensed Landscape Architect shall meet the following standards:

- i. A minimum Landscape Area Ratio (LAR) of 0.40 shall be required.
- ii. Landscaping shall conform to the requirements of Subsection 18-5.3o of the design standards.
- iii. At property boundaries, evergreen trees shall be planted at fifteen-foot intervals in a minimum of two offset rows along all adjoining properties to obscure views from upper floors of nearby buildings and shall supplement other landscaping. Linear rows of evergreen trees shall be avoided.
- iv. Additional evergreen plantings shall be required to screen any parking areas and utility areas.
- v. Landscaping shall provide a visual screen and an aesthetic setting consistent with the character of the surrounding area.
- vi. The overall landscaping plan shall "break up" long buildings and screen off parking, service, and utility areas. The plan shall provide for a variety of different species to protect against disease attacking all of the plantings. A variety shall be selected with consideration for various seasons and of different colors, textures, shapes, blossoms and foliage, as well as deer-resistant, non-invasive, and native species.
- vii. On slopes, the landscape plan shall recommend plantings that prevent erosion.
- viii. Plant material used shall not be of the exotic variety requiring substantial maintenance or material highly subject to pollution, salt damage along highways and current insect disease manifestations.

(b) Dead and dying materials shall be replaced by the developer during the two growing seasons following planting and the estimated costs of such replacement shall be included in the estimate prepared for any maintenance guarantees which the developer is required to post under this chapter.

**Section 19.** Subsection 18-4.35.g.10 is amended in its entirety to state as follows:

10. Maximum Building Height.

- a. The maximum permitted height shall be two and one half (2 ½) stories or thirty-five (35) feet in height.
- b. *Exceptions for rail adjacent uses.* Uses that meet the definition for rail adjacent use shall be permitted a height of up to two and one half (2 ½) stories and up to forty-eight (48) feet in height.

**Section 20.** Subsection 18-4.35.g is amended to add the following additional standards:

12. Building Coverage.

(a) Building coverage allowances are outlined for cumulative principal and accessory structures on a lot in the PDRM-1 Zone, shall be permitted a maximum of 25%, but in no case shall total building coverage be greater than 175,000 square feet in area.

13. All rail adjacent uses shall be on lots that have a minimum of 100 feet of property frontage on the New York Susquehanna and Western Railroad as it exists in September 2022.
14. All rail adjacent uses and structures shall be adjacent to and accessible to the main rail line or a spur on the lot.
15. Landscape Area Ratio. All areas of the site not occupied by a building and required improvements shall be landscaped by the planting of shrubs, and trees, or the preservation of existing ground cover, shrubs, and trees, in accordance with a landscape planting plan approved by the approving Board.

(a) A Landscape Plan prepared by a Licensed Landscape Architect shall meet the following standards:

- i. A minimum Landscape Area Ratio (LAR) of 0.40 shall be required.
- ii. Landscaping shall conform to the requirements of Subsection 18-5.3o of the design standards.
- iii. At property boundaries, evergreen trees shall be planted at fifteen-foot intervals in a minimum of two offset rows along all adjoining properties to obscure views from upper floors of nearby buildings and shall supplement other landscaping. Linear rows of evergreen trees shall be avoided.
- iv. Additional evergreen plantings shall be required to screen any parking areas and utility areas.
- v. Landscaping shall provide a visual screen and an aesthetic setting consistent with the character of the surrounding area.
- vi. The overall landscaping plan shall "break up" long buildings and screen off parking, service, and utility areas. The plan shall provide for a variety of different species to protect against disease attacking all of the plantings. A variety shall be selected with consideration for various seasons and of different colors, textures, shapes, blossoms and foliage, as well as deer-resistant, non-invasive, and native species.
- vii. On slopes, the landscape plan shall recommend plantings that prevent erosion.
- viii. Plant material used shall not be of the exotic variety requiring substantial maintenance or material highly subject to pollution, salt damage along highways and current insect disease manifestations.

(b) Dead and dying materials shall be replaced by the developer during the two growing seasons following planting and the estimated costs of such replacement shall be included in the estimate prepared for any maintenance guarantees which the developer is required to post under this chapter.

**Section 21.** Subsection 18-4.35.h.1 is amended in its entirety to state as follows:

1. All applications for development in the PDRM-1 Zone shall provide for a road or street entering and exiting to and from Houses Corner Road near its intersection with Route 15. The road or street shall run through the approximate center of the lots existing in 2022. The new road or street shall be connected to the PDRM-2 Zone and shall provide vehicular access to and from the PDRM-2 Zone. The new lots in the PDRM-1 Zone on the east side of the new road or street shall not be connected to rail and shall not be rail adjacent uses.

**Section 22.** Subsection 18-4.35 is amended to add the following section “j”:

- j. Development Standards for Storage and Warehouse Uses in the PDRM-1 Zone.
1. The ratio of dock doors shall be permitted up to a maximum amount as follows:
    - (a) For buildings 0 – 75,000 square feet – 1 per 5,000 SF GFA, or 5 dock doors, whichever greater;
    - (b) For buildings 75,001 or greater – 1 per 8,000 SF GFA;
  2. Dock doors shall be adequately spaced from one another as to provide access to fire safety equipment and vehicles.
  3. There shall be no tractor trailer queuing or parking off-site or on adjacent right-of-ways.
  4. There shall be two means of ingress and egress, of which one may include an emergency access road, subject to approval by the Township Fire Official.
  5. Tractor trailer Parking.
    - (a) Tractor trailer parking stalls shall be provided that are not directly adjacent to the building.
    - (b) One (1) tractor trailer parking stall per dock door shall be provided.
    - (c) Tractor trailer parking stalls shall be provided at a minimum dimension of 50 feet in length by 10 feet in width.
    - (d) Tractor trailer stalls shall not be utilized for overnight quarters.
    - (e) Trucks shall be subject to NJDEP vehicle idling standard requirements and adequate signage shall be installed to enforce idling standards.
  6. Number of building tenants. For warehouse uses and structures over 100,000 square feet, no single building shall be subleased or divided for more than two (2) tenants, subject to the requirements set forth under Section 18-4.29.h.
  7. Landscape Area Ratio. All areas of the site not occupied by a building and required improvements shall be landscaped by the planting of shrubs, and trees, or the preservation of existing ground cover, shrubs, and trees, in accordance with a landscape planting plan approved by the approving Board.

(a) A Landscape Plan prepared by a Licensed Landscape Architect shall meet the following standards:

- i. A minimum Landscape Area Ratio (LAR) of 0.40 shall be required.
- ii. Landscaping shall conform to the requirements of Subsection 18-5.3o of the design standards.
- iii. At property boundaries, evergreen trees shall be planted at fifteen-foot intervals in a minimum of two offset rows along all adjoining properties to obscure views from upper floors of nearby buildings and shall supplement other landscaping. Linear rows of evergreen trees shall be avoided.
- iv. Additional evergreen plantings shall be required to screen any parking areas and utility areas.
- v. Landscaping shall provide a visual screen and an aesthetic setting consistent with the character of the surrounding area.
- vi. The overall landscaping plan shall "break up" long buildings and screen off parking, service, and utility areas. The plan shall provide for a variety of different species to protect against disease attacking all of the plantings. A variety shall be selected with consideration for various seasons and of different colors, textures, shapes, blossoms and foliage, as well as deer-resistant, non-invasive, and native species.
- vii. On slopes, the landscape plan shall recommend plantings that prevent erosion.
- viii. Plant material used shall not be of the exotic variety requiring substantial maintenance or material highly subject to pollution, salt damage along highways and current insect disease manifestations.

(b) Dead and dying materials shall be replaced by the developer during the two growing seasons following planting and the estimated costs of such replacement shall be included in the estimate prepared for any maintenance guarantees which the developer is required to post under this chapter.

8. Design Standards.

(a) The materials used on building facades play a large part in determining the appearance of a building. The building's frontage needs to be considered in both aesthetic and design for the purposes of softening up the street appearance of the site. The design of outside walls, exterior lighting, landscaping, and streetscape improvements shall promote a safe and pleasant environment. The following architectural and design standards shall be followed:

1. Reduce large building volumes to a scale consistent with the existing setting through the use of massing, design, and architectural features/elements.
2. Any entryways along the main frontage shall serve as aesthetic focal points of the building and be inviting to visitors.
3. Exposed metal buildings, sheet or corrugated metal, asbestos, and similar materials used on exterior walls on the frontage of the building are prohibited.
4. All mechanical equipment, generators, HVAC equipment and similar equipment shall be ground-mounted and screened from view in a manner that is consistent with the architecture of the

building and shall be acoustically buffered.

5. Building facades shall be constructed of the same material and quality on all 4 sides.

**Section 23.** Section 18-4.7 entitled “Conditional Uses” is amended to delete Subsection 18-4.7(c)(7) entitled “Trucking Terminals” and to renumber the remaining conditional uses accordingly.

**Section 24.** Subsection 18-4.35 is amended to add new Item “k”, as follows:

- k. Required Impact Studies.

1. Environmental Impact Study.

- a. An environmental impact study (EIS) shall be prepared by a qualified Environmental professional which includes elements relating to soil erosion, preservation of trees, protection of watercourses and resources, noise, topography, soil and animal life, air quality, floodplains, wetlands, preservation of trees and vegetation, coastal zones and groundwater resources shall be reviewed, and the design of the plan shall minimize any adverse impact on these elements. 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.

- i. 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 as well as the increase in traffic volumes expected from other developments within the area; and any problem spots in the overall road network, including unsafe intersections, turns or grades.

- ii. For warehouse uses, 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 maximum allowable peak hour trip generation rate shall be 0.25 trips per 1,000 SF gross floor area.
3. The additional traffic resulting from the proposed use will not reduce the level of service (LOS) at any impacted intersection to "C" or below. An impacted intersection shall be considered one where 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.

- iii. For all other industrial uses, 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 "C" or below. An impacted intersection shall be considered one where 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 in the PDRM-1 Zone shall be accompanied by a community impact statement 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:
  - i. 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.
  - ii. 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.
  - iii. 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.
  - iv. 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 25.** Subsection 18-4.35 amended to add a new item "l" at the end of the subsection, as follows:

- l. For all rail adjacent uses, a general transportation logistics plan shall be provided

which includes the following information:

1. Hours of tractor trailering unloading and loading operations;
2. Hours of rail unloading and loading operations;
3. Estimate of number of rail delivery frequency;
4. Written approval from the main railroad, if obtained at time of application. Proof of approval shall be provided to the Township as a condition of any approval.
5. Location of tractor trailer staging and queuing.
6. All rail adjacent uses shall make arrangements with the railroad to ship and receive all shipments to and from the northern section of rail that connects to Warwick, New York or during nighttime hours of 10:00 P.M. through 5:00 A.M., if the shipment will be crossing Route 15 in Sparta at the grade crossing. Proof of the arrangement with the railroad shall be provided to the Board and Township.

**Section 26.** Section 18-4.31A.d entitled “Prohibited Uses” of the PCED Zone is amended to add the following additional prohibited uses after number 9:

10. Distribution centers, fulfillment centers, or parcel hubs.

**Section 27.** Section 18-4.36.b entitled “Permitted Planned Development Uses” of the PDRM-2 Zone is amended to delete “11. Storage buildings, warehouses and wholesale distribution centers” in its entirety, to be replaced with the following:

11. Storage buildings, and warehousing with wholesale storage, subject to the definition of warehouse - which shall not include distribution center uses, fulfillment centers or parcel hubs, standalone or outdoor storage of any kind, standalone parking facilities.

**Section 28.** Section 18-4.36.e entitled “Prohibited Uses” of the PDRM-2 Zone is amended to add the following additional prohibited uses after number 2:

3. Distribution centers, fulfillment centers, or parcel hubs.
4. Standalone outdoor storage, or standalone parking facilities without a principal building located on the property.
5. Outdoor Storage
6. Trucking Terminals.

**Section 29.** Section 18-6.5 entitled “Preliminary Subdivisions or Site Plans”, Item c.6 shall be repealed and replaced in its entirety as follows:

6. Community Impact Statement.

- (a) All applications shall be accompanied by a community impact statement 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:
  - (i) 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.

- (ii) **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.
- (iii) **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 30. 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 31. Repealer**

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

**Section 32. 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 November 22, 2022, 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 December 13, 2022 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.

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 November 22, 2022. The same came up for final adoption at a meeting of the Township Council of the Township of Sparta held on December 13, 2022 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