

**ORDINANCE OF THE TOWNSHIP OF SPARTA
AMENDING CHAPTER 18 ENTITLED
“COMPREHENSIVE LAND MANAGEMENT CODE
OF THE TOWNSHIP OF SPARTA”
TO AMEND THE ZONE MAP TO ADD
A NEW DISTRICT TO BE KNOWN AS THE
“PLANNED COMMERCIAL-ECONOMIC DEVELOPMENT
(PCED DISTRICT)”**

Purpose Statement The purpose of this Ordinance is to amend the Comprehensive Land Management Code and Zoning Ordinance of the Township of Sparta in a manner consistent with the recent amendment to the Sparta Township Master Plan by the Sparta Township Planning Board to add a new zone district to be known as the Planned Commercial Economic Development zone district (PCED) in the area located west of Route 15 between the New York Susquehanna and Western Railroad Right of Way nearest Houses Corner Road railroad tracks and Wilson Drive with frontage on Route 15.

Section 1

The Comprehensive Land Management Code of the Township of Sparta is hereby amended to amend Section A entitled “Class of Districts” to add a new district below the “PCD” District “Planned Commercial Economic Development zone district (PCED).

Section 2

Subsection b of Section 18-4.8 entitled “Boundaries of Districts; Zoning Map; Schedule; Interpretation” is hereby amended in Sections 1 and 2 to replace Sections 1 and 2 with the following and leave the remaining subsections as they exist:

“b. *Boundaries of Districts; zoning map, schedule, interpretation*”

1. The boundaries of the districts referred to in paragraph a are hereby established as shown on the map entitled “Zoning Map, Township of Sparta, Sussex County, New Jersey dated October 10, 2002”, and as amended from time to time, and lastly on November 2, 2016 (Editor’s note: the map referred to herein may be found in the office of the Township Clerk.)

Where permitted, Planned Commercial Development shall be permitted as specified as PCED on the amended zone map and shall apply to Block 12008, Lots 14, 15, 16, 17, 18, 19, 20, and 21.

2. Said zoning map is on file with the Clerk of the Township of Sparta, and is available for inspection; (“copies thereof are available for purchase to interested members of the public.”)

Section 3

Subsection 18-4 entitled “Zoning District” is hereby amended to add a new District 18-4.31(a) entitled “Planned Commercial Economic Development Zone (PCED).” In accordance with the Municipal Land Use Law, the Planned Commercial Economic Development Zone is intended to permit construction of permitted uses provided that a preliminary and final site plan within the zone and any use of property shall comply with the standards set forth in this section.

a. **Purpose** – The purpose of the Route 15 Planned Commercial Economic Development PCED Zone is 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. A Planned Commercial Development will prevent any adverse impacts on the community, and enhance the existing light industrial uses, and permit the free flow of traffic on Route 15 to meet the State 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. Planned Commercial Economic Developments, including any uses permitted in this zone.
2. Office building for business professional executive administrative offices.
3. Banks and banking offices.
4. Retail uses in single use or multi-tenant buildings provided the buildings have a residential appearance of multiple facades and multiple peaked roofs.
5. Restaurants including restaurants where food is sold on premises and served and consumed at tables within the restaurant, and restaurants with drive-through windows.
6. Indoor theaters, indoor cinemas, and indoor recreation areas.
7. Banquet facilities
8. Hotels, motor inns and conference centers which may include health clubs, skating rinks and spas, catering facilities, and restaurants open to the public ancillary to the principal permitted use. Access to all guests shall be via internal hallways from the main lobby.
9. Churches, houses of worship.
10. Agricultural uses on 5 acres or more.
11. Science, research and development laboratories.
12. Processes of manufacture, fabrication, assembly treatment or packaging conversion of products.
13. Micro-breweries, Micro-distilleries, Wineries
14. Indoor recreational uses including gymnastics, basketball, soccer, health clubs, and other similar uses.
15. Outdoor recreation uses including miniature golf and batting cages.
16. Preexisting storage buildings and preexisting warehouses.
17. Multi-tenant professional offices
18. Warehouses and storage buildings located 300 feet from Route 15.

c. Conditional Uses – The following uses are approved as conditional uses in the PCED Zone District.

1. Outdoor dining.
2. Public utilities.
3. Schools and institutions.

d. Prohibited Uses – The following uses are specifically prohibited in the PCED Zone District.

1. Hair and Nail Salons
2. Kennels.
2. Golf courses.
3. Trucking terminals.
4. Soil and rock removal.
5. Gasoline Service and/or Distribution Stations
6. Any uses that are regulated by the underground storage tank (UST) program of the State of New Jersey or Federal

Government.

7. 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.
8. Any use not specified as a permitted use or conditional use shall be prohibited

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

f. Required Standards – All Planned Commercial Economic Development (PCED) district zone uses shall meet the following minimum standards.

1. Height. The height of a principal structure shall not exceed thirty-five (35) feet, except that hotels, motor inns and conference centers may have three stories and a maximum height of forty (40) feet.

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 33 1/3% of the parking spaces shall be located in the front yard.

3. Side Yard. There shall be two 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 parking shall be prohibited.

5. Impervious Coverage. Maximum impervious coverage of 40%. 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 equal to one and a half (1.5) times the area of public right-of-way or public access easement located on the original property. The calculated percentage of impervious coverage shall be based on the original property acreage but shall not exceed 50%.

7. Lot Area. Minimum lot size for any one building shall be one acre, except that the lot size for hotels and conference centers shall be five (5) acres.

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

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

10. Planned Commercial Economic Development uses shall utilize Wilson Drive or the future intersection for northbound access to Route 15. Access from northbound Route 15 shall be from Wilson Drive or the future intersection. There shall be no new left turn in and/or left turn out driveways after <insert date of ordinance> to Route 15 from new or expanded uses within the Planned Commercial Economic Development.

11. Any pre-existing signs on existing properties may continue to be used. Signs located along any internal access drive shall be limited to one 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.

12. 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 (hip, mansard or gable) Different orientations, and types of pitched roofs 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.

13. 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.

(i.) Awning.

[a.] Smallest rectangle that fully encompasses the entire extent of letters, logo and background. The following variations of awnings, with or without signbands are permitted: fixed or retractable, shed or dome awnings.

[b.] Signage or signbands 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 (70%) percent 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.

(ii.) 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 (90%) percent of the width of the building facade or tenant space.

[e.] Band signs shall not project vertically above the roof line. Band signs may be illuminated from dusk to dawn or during business. External lights shall be shielded from direct view to reduce glare.

[f.] No internal lighting shall be permitted.

[g.] 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.

14. 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.

15. Shade trees. A row of shade trees shall be provided along any right-of-way.

16. Planned Commercial Developments. Planned commercial developments shall have either a minimum of 20 acres and are subject to the following standards with at least 200 feet of frontage on Route 15 or access to an access road connecting the property to the new road at the traffic light on Route 15 or access to Wilson Drive. The access to Wilson Drive may be a public or private street or a driveway. There shall be only one Roadway from the Planned Commercial Economic Development District to Route 15 for primary ingress and egress at the planned new traffic light. Existing operating driveways existing as of August 2017 may continue to operate. All driveways shall connect to the one new road to Route 15.

(a) The planned commercial development shall have a unified architectural and design scheme which shall be subject to the review and approval of the reviewing board at the time of preliminary and final site plan approval. The approved unified architectural and design scheme shall be complied with by the Applicant, and any future developers within the Planned Commercial Economic Development (PCED) District. There shall be no changes to the architectural and design scheme without a formal Amendment of the approved planned commercial development or site plans within the PCED District by the Applicant and approval of the Amendment by the reviewing board of the Township of Sparta. The unified architectural and design scheme shall include a unified architectural appearance of all facades of the buildings, and shall provide for common signage theme for all uses in the property and in the zone.

(b) One (1) directory sign along Route 15 for the planned commercial development may be submitted and approved. The directory sign may be up to thirty-two (32) square feet and sixteen (16) feet in height on each side for any property or group of properties in the planned commercial development.

(c) Parking for the planned commercial developments in the Planned Commercial Economic Development (PCED) Zone shall be located within 200 feet of each of the structures for which the parking is provided. Parking may be located under buildings and as an incentive for such under building parking a planned commercial development is hereby authorized to increase the maximum impervious coverage from the maximum percent of 40% to the maximum of 50% in exchange for square footage of any parking space located under the building. No more than 33 1/3% of the parking spaces shall be located in the front yard.

(d) Landscape Plan – Any Planned Commercial Economic Development (PCED) development shall provide a landscape plan for at the time of preliminary site plan approvals setting forth a landscape buffer between the adjacent industrial properties and the planned commercial development and within and between parking lots. The landscape aisles within the parking island shall be located at least every forty (40) parking spaces. The landscape plan shall provide for the initial planting of shade trees at a minimum caliper of four (4) inches in a base of at least one (1) tree every thirty (30) feet of the landscape area within the parking area, or on the perimeter of the parking area and all property boundaries. The landscape plan shall also address streetscape improvements including but not limited to benches, lighting poles and fixtures (all downward facing), and sidewalk pavers/materials. Lighting shall provide a minimum of 0.5 foot candle in parking lots.

(e) Common Access Between Parking Lots. Any Planned Commercial Economic Development (PCED) development shall provide for common access and egress from

parking lots and for common areas between parking lots even if owned by separate owners within the planned commercial development. A deed of common driveway easement shall be submitted with any planned commercial development shall be subject to the review and approval of the Planning Board Attorney and the Planning Board Engineer. The common driveway shall be intended to prevent the need for new left turn out and left turn in driveways to Route 15. The accessways may be a common driveway, private or public road.

(f) Prior to the commencement of the site work, the Applicant shall enter into a Developer's Agreement with the Council of the Township of Sparta as authorized by the Municipal Land Use Law establishing certain minimum conditions relating to water, septic or sewer, fire protection, ingress and egress from Wilson Drive standards to ensure no new left turn in and left turn out driveway to and from Route 15, timing and rate of development, construction of private and public improvements, dedication of open space, performance guarantees and any common accessways and public improvements, maintenance guarantees for any common accessways or public improvements, and in such other time period or statutory protection period applicable to the development, and such standards and provision as shall be deemed appropriate by the governing body of the Township of Sparta.

(g) **Pedestrian Walkways Between Buildings.** All commercial buildings within a planned commercial development shall provide for safe vehicular and pedestrian ingress to and egress from parking lots and drives and building areas. In addition, a pedestrian plan shall be submitted within the application at the time of preliminary site plan application providing for pedestrian access from parking spaces devoted to particular uses to the buildings to which the parking spaces are devoted. The architectural scheme for the planned commercial development shall provide for internal pedestrian circulation within buildings and between uses within buildings and for connection between buildings. Sidewalks shall be provided along any public right-of-way, excluding Route 15.

(h) **Evaluation Standards and Criteria.** In order to foster the attractiveness of a site designated as a PCED, planned commercial development and the surrounding neighborhoods and thereby preserve property values, and in order to provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning and better serve the public health, safety and general welfare, the following standards and criteria shall be utilized by the Planning Board in reviewing all site plans and subdivision plats relating to a PCED, planned commercial development. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation.

(1) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. All planned commercial developments shall provide a minimum front yard of one hundred (100) feet from Route 15 which shall be a landscaped with a row of shade trees spaced no more than 75 feet apart and dedicated to perpetual open space.

(2) Proposed buildings shall be related harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.

(3) The distance between buildings shall be sufficient to provide adequate light and air.

(4) With respect to vehicular and pedestrian and handicapped circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.

(5) Special attention shall be given to property site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system.

(6) All permanent utility lines, pipes and conduits shall be located below ground, and all other installations and appurtenances shall be adequately screened.

(7) The size, location, design, color, texture, lighting and materials of all temporary and permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.

(8) Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.

(9) Adequate provision shall be made for a sewage disposal system which shall be of sufficient size, capacity and design to collect and dispose of all sewage from all present and proposed buildings in the PCED, planned commercial development and which shall be otherwise constructed and maintained in conformity with all applicable State, County and municipal regulations and requirements.

(10) Adequate provision shall be made for a storm drainage and surface water detention system which shall be of sufficient size, capacity and design to collect, carry off and dispose of all predictable surface water runoff within the PCED, planned commercial development and which shall be otherwise constructed and maintained in conformity with all applicable State, County and municipal regulations and requirements.

(11) Adequate provision shall be made for a water system which shall be of sufficient size, capacity and design to supply potable water and fire protection to each of the buildings within the PCED, planned commercial development and which shall be otherwise constructed and maintained in conformity with all applicable State, County and municipal regulations and requirements.

(12) Adequate provision shall be made for the collection and disposal and, where possible, recycling of garbage, trash and solid waste generated by the PCED, planned commercial development, and such system shall be maintained in conformity with all applicable State, County and municipal regulations and requirements.

(13) Adequate provision shall be made for a system of interior roads sufficient to accommodate predictable vehicular traffic within the PCED, planned commercial development and to ensure safe and efficient vehicular access, including access of fire-fighting equipment to and from each of the buildings within the PCED, planned commercial development.

(14) In the event that PCED, planned commercial development is to be constructed in sections over a period of years, then the provisions for the sewage and garbage disposal, storm drainage and water supply and for interior roads, specified in paragraphs (i), (j), (k), (l) and (m) above, need to be adequate only in respect to the sections of development which have previously received final approval and the section of development for which final approval is being sought. The developer shall supply to the Planning Board information disclosing such adequacy and obtain the Planning Board's approval thereof.

(15) There shall be a minimum front yard setback of fifty (50) feet for buildings and twenty-five (25) feet for any parking area. Except as otherwise provided in this section, there shall be no minimum width or frontage, no requirement as to front, side or rear yards, and no requirement concerning the location of accessory buildings or structures for any land use in the PCED, planned commercial development. However, no plan for a PCED, planned commercial development shall be approved unless the lot widths, depths, and frontages, building setbacks, percentages of lot coverage, front, side and rear yards and locations of accessory buildings or structures provided for in the site plan and subdivision plan are consistent with the public health, safety and general welfare.

(16) No building or structure, other than a fence or garden wall less than seven (7) feet in height, or a sign, shall be located within a distance of fifty (50) feet of any exterior boundary line of the site designated for a PCED, planned commercial development, and no such building or structure other than those excepted above shall be located within a distance of fifty (50) feet of any State or County road.

(17) Maximum building size. No building shall be larger than forty thousand (40,000) square feet.

(18) Areas along the adjacent Railroad right-of way shall be buffered and include adequate security to limit public access to the Railroad right-of-way.

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 September 11, 2018, 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 September 25, 2018 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, Township 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 September 11, 2018. The same came up for final adoption at a meeting of the Township Council of the Township of Sparta held on September 25, 2018 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.

Kathleen Chambers, Township Clerk