

**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 18-4.29e OF THE ED
ZONE DISTRICT ENTITLED “SPECIFICALLY DISCOURAGED
USES”**

WHEREAS, the Planning Board of the Township of Sparta has recommended that Section 18-4.29e of the ED Zone District be amended and updated to use the current New Jersey Department of Environmental Protection (NJDEP) regulated hazardous materials and to change the language of this paragraph to be similar to the language of the PDRM-1 and PDRM zone districts; and

WHEREAS, by way of this Ordinance, the Mayor and Council of the Township intend to update and amend the ED Zone District language as recommended by the Planning Board to be more consistent with the PDRM-1 and PDRM-2 Zone Districts and the current list of hazardous materials in the current NJDEP regulations;

NOW, THEREFORE, BE IT ORDAINED that the Mayor and Council of the Township of Sparta hereby ordains as follows:

Section 1. Section 18-4.29e entitled “Specifically Discouraged Uses” is hereby amended in its entity to state as follows:

“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.”

Section 2. 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 3. Repealer

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 4. 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 March 10, 2020 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 March 24, 2020 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

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on March 10, 2020. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta, to be held on March 24, 2020 where the meeting was canceled. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta to be held on March 27, 2020 at 6:00 p.m. at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law.

KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK