

Chapter 18. Comprehensive Land Management Code

§ 18-4.29. ED Economic Development District.

[Ord. No. 1003 § 7; Ord. No. 01-14 § 3; Ord. No. 02-20 § 25; Ord. No. 05-03 § 2; amended 3-27-2020 by Ord. No. 2020-05; 2-23-2021 by Ord. No. 2021-01; 12-13-2022 by Ord. No. 2022-21; 7-23-2024 by Ord. No. 2024-07]

- 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, and warehousing with wholesale storage, subject to the definition of warehouse - which shall not include distribution center uses, fulfillment centers or parcel hubs, stand-alone or outdoor storage of any kind, stand-alone parking facilities.
 - 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 Commercial Recreation, Health Clubs, and Fitness Studios.
- c. Conditional Uses. (See regulations for Conditional Uses.)
 - 1. Public utilities.
 - 2. Kennels.
 - 3. Miniature and regular golf courses.
 - 4. Golf driving range.
 - 5. Soil removal operations.
 - 6. Schools and institutions.
 - 7. 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. 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."
 - 3. Distribution centers, fulfillment centers, or parcel hubs.
 - 4. Stand-alone outdoor storage, or stand-alone parking facilities without a principal building located on the property.
 - 5. Outdoor storage.
 - 6. Trucking Terminals.
- f. Required Bulk, Area, Yard, and Development Standards 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.
 - (1) The maximum permitted height shall be 2 ½ stories or 35 feet in height.
 - (2) Exceptions for rail adjacent uses. Uses that meet the definition for rail adjacent use shall be permitted a height of up to 2 ½ stories and up to 48 feet in height.
 - 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 Standards.
 - (a) Storage and parking areas shall occupy no more than 25% 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 30% of the lot area.
8. Impervious Coverage.
 - (a) The total impervious coverage of any one lot shall not exceed 40% 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 (50%) percent of the total 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.
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.
- 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 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.
- 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 zero square feet to 75,000 square feet - one per 5,000 square feet GFA, or five dock doors, whichever greater;
 - (b) For buildings 75,001 or greater - one per 8,000 square feet 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 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 tenants, subject to the requirements set forth under Subsection **18-4.29h**.
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:
 - (1) A minimum Landscape Area Ratio (LAR) of 0.40 shall be required.
 - (2) Landscaping shall conform to the requirements of Subsection **18-5.3o** of the design standards.
 - (3) 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.
 - (4) Additional evergreen plantings shall be required to screen any parking areas and utility areas.
 - (5) Landscaping shall provide a visual screen and an aesthetic setting consistent with the character of the surrounding area.
 - (6) 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.
 - (7) On slopes, the landscape plan shall recommend plantings that prevent erosion.

(8) 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 four sides.

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 Subsection **18-6.5c4** 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:
 - (1) Trip generation rates at the a.m. and p.m. 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 square feet 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.
- (d) For all other industrial uses, the Traffic Study shall show that the following standards are met:
 - (1) Trip generation rates at the a.m. and p.m. 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 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:
 - (1) 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.
 - (2) 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.

- (3) 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.
- (4) 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.

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.