

7003

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF SPARTA AMENDING CHAPTER 18
ENTITLED "ZONING" TO ADD TOWN CENTER ZONING
DISTRICTS AND TO IMPLEMENT THE TOWN CENTER
MASTER PLAN AMENDMENTS**

WHEREAS, the Township Council of the Township of Sparta by way of this ordinance is amending the zoning ordinance and zoning map of the Comprehensive Land Management Code of the Township of Sparta to implement the Town Center Master Plan Amendments and to establish various zones within the Town Center; and

WHEREAS, the Planning Board has determined that this proposed amendment is not inconsistent with the Master Plan and the Town Center Master Plan Amendments;

NOW, THEREFORE, be it ordained by the Township Council of the Township of Sparta that the Comprehensive Land Management Code is hereby amended as follows:

SECTION 1. Section 18-2 entitled Definitions is hereby amended to modify/add the following definitions:

Bed and Breakfast Inn - An Inn for temporary overnight guests providing breakfast service only and meeting the standards of the New Jersey Bed and Breakfast Association.

Density - The permitted number of dwelling units per gross area to be developed.

Hotel/Inn - A Facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, health club and spas and catering facilities with access to guest rooms via hallways from a main lobby.

Motel - A facility offering transient lodging accommodations to the general public with the majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Restaurants - An establishment where food and drink are prepared, served and consumed primarily within the principal building.

SECTION 2: Section 14.8(a) entitled Classes of Districts is hereby amended as follows:

a. Classes of Districts. The Township of Sparta is hereby divided into the following development districts:

- | | |
|------|--|
| R-1 | Residential Zone - 40,250 square foot lot |
| R-2 | Residential Zone - 20,000 square foot lot |
| R-3 | Residential Zone - 8,000 square foot lot |
| R-4 | Residential/Professional Zone - |
| RR | Rural Residential Zone - 5 acre minimum lot with cluster options. |
| RC-1 | Rural Conservation/Residential Zone - 5 acre minimum lot with cluster options |
| RC-2 | Rural Conservation/Residential Zone - 5 acre minimum lot with cluster options. |
| MF | Multi-Family Zone |
| C-1 | Community Commercial - 10,000 square foot lot |

C-1H	Community Commercial Historic - 10,000 square foot lot historic zone.
C-2	Office and Service Zone- 20,000 square foot lot
C-2H	Office and Service Zone/Historic - 20,000 square foot lot historic zone.
TCC	Town Center Commercial Zone
TCCO	Town Center Commercial Office Zone
TCLC	Town Center Limited Commercial Zone
TCPB	Town Center Professional Business Zone
TCLM	Town Center Lower Main Street Commercial Zone
E-D	Economic Development - 80,000 square foot lot
E-D1	Economic Development, Low and Moderate Cost Housing

SECTION 3. Section 18.4.7 entitled Conditional Uses is hereby amended to delete paragraphs 13, 18 and 22 from the end of the Section and to add the text of paragraph 22 as a separate unnumbered paragraph at the end of Section 14.4.7(c). Section 18.4.7 entitled Conditional Uses is hereby amended to delete paragraph 21 and replace in its stead the following additional Conditional Uses in consecutive order:

21. Outdoor Dining. Outdoor dining is permitted as a conditional use in some zones provided the following conditions are met:

- (a) It is associated with and accessory to a restaurant on the same lot or sidewalk adjoining said lot.
- (b) No food or beverage products can be left outside on tables or in the buffet set up.
- (c) No storage of dishware or silverware is permitted outside of the establishment.
- (d) All litter or food debris is required to be removed from the "floor" immediately or outdoor dining area immediately.
- (e) Seating shall be arranged in a manner to insure free flow of pedestrian movement and safety.

22. Senior Citizen age restricted housing in congregate care facilities, assisted living facilities, independent living facilities and/or residential care facilities meeting the following conditions:

- (a) The Applicant shall demonstrate to the Planning Board that the definitions, requirements and regulations, as amended from time to time of the New Jersey Department of Health or the New Jersey Department of Community Affairs.
- (b) Minimum tract - 10 acres.
- (c) Maximum height 35 feet 2-1/2 stories
- (d) The development shall include at least some level of each of the following:
 - (1) health care facilities and services;
 - (2) facilities and services for providing meals for residents except for independent living
 - (3) physical therapy facilities and services, except for independent living units.
 - (4) meeting rooms; and

HAVE BEEN COMPLIED WITH

(5) recreation facilities.

- (e) The development may include houses of worship and religious facilities, facilities to sell or provide personal services to residents, and other ancillary services customarily accessory to the principal use.
- (f) It shall be a condition of site plan approval and there shall be a recorded deed restriction that the aged occupants shall be restricted to persons at least sixty-two (62) years of age, with or without a spouse or other member of such person's housekeeping unit, or to surviving members of that housekeeping unit in the event of death of such resident.

23. Planned residential unit developments pursuant to the following conditions:

(a) Planned residential developments shall not result in the disturbance, grading or construction of structures or development improvements on severe slopes (twenty-five (25%) or within freshwater wetlands or freshwater wetlands transition areas unless a wetland permit is approved by the New Jersey Department of Environmental Protection. The R-4 Residential Professional Zone permits planned residential developments with a gross density of one (1) unit per 1 acre or 1 unit per ½ acre if connected to Public Water and Sewer. Planned residential developments shall be clustered on the lands which do not have severe slopes or freshwater wetlands. Uses permitted in the R-4 Zone planned residential development include single family dwellings, patio homes, duplex homes, and two-and one half (2-1/2) story townhouses with an average number of bedrooms per unit equal to two (2).

(b) Accessory Uses and Structures. The permitted accessory uses and structures within a planned residential development include the accessory uses and structures permitted in the R-4 Zone.

(c) Gross development site areas shall consist of five (5) acres or more.

(d) Dimensional Limitations. For areas to be used for a planned unit residential development, the Applicant shall submit a preliminary site plan application (which shall be subject to final site plan approval), which may be accompanied by a preliminary subdivision application is required (subject to final subdivision approval). The preliminary site plan shall show compliance with the following dimensional limitations:

- (1) Minimum planned development site area: five (5) acres.
- (2) Unit per building: Structure shall contain no more than six (6) dwelling units. Each unit shall have at least (2) entrances.
- (3) Building length: Townhouse buildings shall not exceed a length of one hundred twenty (120) feet. Each unit shall have a front wall offset not less than three (3) feet from adjoining units.
- (4) Minimum lot frontage for residential lots in planned residential neighborhood: seventy-five (75) feet.
- (5) Maximum height of buildings and structures shall be thirty-five (35) feet and not more than two and one-half (2 ½) stories.
- (6) Minimum setback from the street right-of-way line and from the boundary line of an adjoining tract: fifty (35) feet.
- (7) Side yards. There shall be two (2) ten (10) foot side yards for single family dwellings and duplex homes.

Patio homes shall have total combined side yards of twenty (20) feet with one (1) side yard dimension permitted to be zero.

- (8) Wherever appropriate to the intended uses, the site plan of the tract shall divide such uses into visually small groups by such features as quadrangles, loops, cul-de-sac and courts. Efforts shall be made to have abutting structures within and without the zone of a similar scale and type. However, to enhance the variety and attractiveness of the development, monotonous repetition of elements shall be avoided. To avoid a view of more than three (3) identical structures from any single point on a road, the use of curved roads, a variety of architectural design and variable landscape layout, garden walls and gates may be required.
- (9) Privacy within structures having more than one (1) dwelling unit of two (2) or more bedrooms shall be protected by the following provisions
 - (i) Every unit must have direct access to the ground without sharing a hallway, stairway, elevator or fire escape with another unit.
 - (ii) No unit or portion thereof may be placed above another unit or portion thereof.
 - (iii) Lateral sound protection between units shall be provided by construction of a sound transmission barrier at least equivalent to that of an eight (8) inch solid masonry wall.
 - (iv) No building shall be closer than (30) feet from any other building.
 - (v) Every dwelling shall be served by a public central sewer and central water system.
 - (vi) Parking requirements shall be determined in accordance with the Residential Site Improvement Standards (RSIS). Each unit must have at least one (1) garage space, except for senior citizen assisted living or congregate care facilities. Parking spaces and driveways must be paved. All parking areas for six (6) or more cars shall be screened by landscaped earth berms, fences, or suitable landscaping.
 - (vii) Unless, by reason of the size, location, configuration or topographical features of the tract to be developed, the board requires otherwise, common open space shall be provided in a single parcel or parcels of not less than twenty (20%) percent of the gross development site area. Common open space to preserve the steep slopes shall have the highest priority.
- (e) Prior to the approval of any planned development, the planning board shall find the facts and conclusions as required in NJSA 40:53D-45.
- (f) Single family residences, duplex homes, and townhouses constructed after October 1993 shall not be converted to or used for office service uses.

SECTION 4. Section 18-5h1(a) is hereby amended to add the following additional parking standard to the chart after "Nursing Homes":

Senior Citizen Assisted Living,
Residential Care and/or
Independent Living Units

0.20 parking spaces per bed for assisted living or similar use and one space per unit for independent living units or similar use. There shall be at least one space per employee and 10% of the total parking shall be added to the total as visitor parking.

SECTION 5: Section 18-4.8(b)1 entitled "Boundaries of Districts; Zoning Maps; Schedules; Interpretation" is hereby modified with respect to only subparagraph 1 so that subparagraph 1 shall state in its entirety as follows:

"1. The boundaries of the district referred to in paragraph a. are hereby established as shown on the map entitled "Zoning Map, Township of Sparta, Sussex County, New Jersey, " dated September 1983, which map accompanied and was declared to be part of this Code as adopted on September 1983 and as amended from time to time by ordinance and now the attached September 1999 revision to said map is herewith made a part of this Section."

SECTION 6: Section 18-4.(e) entitled "Districts" uses permitted and prohibited is hereby amended to replace the existing subsection 4 entitled "R-4 Residential Professional Zone" to state in its entirety as follows:

4. R-4 Residential/Professional Zone (R-4)

(a) Purpose and General Requirements for all uses in R-4 Zone. The R-4 residential zone is a zone for a single family residential use, and a zone which permits the conversion of existing residential homes, constructed prior to October 1, 1993, fronting on Main street and Glen Road and the proposed service road parallel to Main Street as shown in the Town Center Master Plan Amendment. Professional office and service uses are permitted as a conditional use. Site plans and building shall be designed in a manner that will preserve the rural and historic character of the township, preserve the tax base of the township and promote the viability of the existing and future commercial areas in the central business district, promote the public health, safety, morals and general welfare, provide adequate open space and preservation of environmentally sensitive lands such as freshwater wetlands, transition areas, severe slopes and woodlands, promote development in harmony with the existing Town Center by maintaining the scale, form and proportions of the existing R-4 and the Town Center Zones. The R-4 Residential/Professional Zone therefore promotes the establishment of appropriate single family/residential, planned residential unit developments and office and service uses at locations in accordance with their respective environmental requirements, and the promotion of desirable visual environment through creative development techniques including unified design, conservation of open space and prevention of urban sprawl. Demolition or partial demolition of any structures in the R-4 zone shall comply with Section 18-4.2 regarding Historic Preservation.

(b) Principal Permitted Uses.

- (1) Single family residential uses.
- (2) Public buildings and uses.

- (3) Institutional uses and nonprofit clubs.
- (4) Churches and cemeteries.
- (5) Bed and Breakfast Inns. See definition.
- (6) Construction of new structures for office and service uses such as office buildings for doctors, dentists, veterinarians, architects, engineers, attorneys, or other like professionals, medical clinics, banking, insurance, institutional and real estate offices, profit-making institutional uses, health and child care facilities, antique shops, photography and art studios, per subsection 18-4.2s(historic preservation) New professional office and service buildings shall have a residential appearance in keeping with the goals of the amendment to the appendix of the 1993 Interchange Master Plan and the Town Center Master Plan Amendment.

(c) **Conditional Uses.** The following uses are permitted as conditional uses within the R-4 Residential/Professional Zone subject to site plan approval and consideration of the impact of said use on the neighborhood as outlined in subsection 18-4.7c, Application for a Permitted Conditional Use. A primary consideration in reviewing the suitability of a proposed conditional use is preservation of the existing buildings within the zone to accomplish the following goals of the Township of Sparta:

- To preserve the resources within the Main Street corridor which reflect the elements of the architectural history.
- To encourage the continued use of the existing buildings and to encourage appropriate reuse.
- To maintain the character of the neighborhood and architecturally significant buildings.
- To manage change by preventing alteration or new construction not in keeping with the zone.
- To discourage the unnecessary demolition of historic resources.

The permitted conditional uses are as follows:

- (1) Second floor apartments in office/service buildings in accordance with the provisions of subsection 18-4.7c.11.
- (2) The conversion of existing residential structures constructed prior to October 1, 1993 on properties fronting on Main Street or Glen Road to offices for businesses, executive and professional purposes, antique shops, and photography and art studios. Second floor apartments are permissible in these converted structures in accordance with subsection 18-4.7c, 11 and 12 and subsection 18.4e4g(3,4,6,7,8 and 9).
- (3) Nursing homes, sanitariums pursuant to subsection 18-4.7c,9(e).
- (4) Planned residential unit developments pursuant to the conditions set forth in 18-4.7c(23).
- (5) Essential services pursuant to standards set forth in subsection 18-4.7c,20.

(d) **Accessory Uses.**

- (1) Home occupation.
- (2) Swimming pools, tennis courts, gate houses, community rooms, and any other accessory structures incidental to the principal use.
- (3) Tool shed, maintenance structures, and utilities.
- (4) Private garages.
- (5) Decks.

(e) **Prohibited Uses.**

- (1) Uses which are not permitted uses, conditional uses or accessory uses are hereby prohibited.

(f) **Required Conditions for Single Family Residential Use.**

- (1) Single family residential development shall not result in the disturbance, grading or construction of structures or development improvements on severe slopes (twenty-five (25%) percent or more) or within the freshwater wetlands or freshwater wetlands transition areas unless a wetland permit is approved by the New Jersey Department of Environmental Protection and Energy. The R-4 Residential Professional Zone permits a gross density of one unit per two (2) acres. The residential structures shall be clustered on the lands which do not have severe slopes or freshwater wetlands and may have a minimum clustered lot area of twenty thousand (20,000) square feet measured within two hundred (200) feet of the front street. The lands within the subdivision not utilized for cluster lots and roads shall be dedicated to open space pursuant to subsection 18-5.4.
- (2) **Height.** The height of a principal structure shall not exceed thirty-five (35) feet or two and one-half (2 ½) stories, whichever is less.
- (3) **Front yard.** There shall be a front yard of not less than thirty (30) feet.
- (4) **Side yard.** There shall be two (2) side yards which shall not be less than fifteen (15) feet each. When the lot in question is a corner lot, the side yard adjoining the side street shall conform to the front yard setback.
- (5) **Rear yard.** There shall be a rear yard of at least fifty (50) feet.
- (6) **Land Coverage.** The maximum land area to be covered by all impervious surfaces shall not exceed fifteen (15%) percent of the total site area.
- (7) **Minimum Frontage.** Minimum frontage at the right-of-way line shall be seventy-five (75) feet. Minimum lot width at the building line shall be one hundred (100) feet. Minimum frontage on the turnaround at the end of a permanent cul-de-sac shall be sixty-five (65) feet and the minimum width at the building line shall be eight-five (85) feet.
- (8) Single family residential structures constructed prior to October 1, 1992 may be expanded provided the structure conforms to the required yard setback requirements of the R-4 Zone and may be rebuilt if totally or partially destroyed.
- (9) Single family residences, duplex homes, and single story townhouses constructed after October 1993 shall not be converted to or used for office service uses.
- (10) **Streetscape.** All properties with frontage on Main Street, Sparta Avenue, Woodport Road, Mohawk Avenue, the connector and parallel service road to Main Street shall provide streetscape improvements consistent with the Town Center Master Plan including but not limited to the following:
 - (a) Street trees every 40 feet or as deemed appropriate by the Board after review of the landscape plan.
 - (b) Decorative street lighting, spacing as required.
 - (c) Sidewalks.
 - (d) Concrete paver/utility strip.
 - (e) Benches.
 - (f) Trash receptacles.

(g) **Required Conditions for New Office and Services Uses Planned Commercial Development.**

- (1) New office and service uses shall include features to promote harmony with the character of the existing town center scale, form, and proportions of the **Town Center Zones**. Buildings shall have a residential appearance in keeping with the goals of Town Center Master Plan Amendment and the appendix to the 1993 amendment to the Interchange Master Plan.
- (2) Planned commercial developments shall have a unified site architectural and signage design. Planned commercial developments shall not result in disturbance, grading or construction of structures or development improvements on severe slopes (twenty-five (25%) percent or more) or within the freshwater wetlands or freshwater wetlands transition areas unless a wetland permit is approved by the New Jersey Department of Environmental Protection and Energy.
- (3) Buildings and signs shall be in keeping with the rural character of the area and the goals of the Town Center Master Plan Amendment.
- (4) Height. The height of a principal structure shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet, whichever is the lesser.
- (5) Building Length. No building shall have a continuous façade in any direction exceeding one hundred twenty (120) feet.
- (6) Front yard. There shall be a front yard setback of not less than (30) feet.
- (7) Side Yard – thirty (20) feet.
- (8) Rear Yard. Fifty (50) feet.
- (9) Impervious Cover. The total impervious cover of any planned commercial development shall not exceed forty (40%) percent
- (10) Lot Area. The gross lot area of a planned commercial development shall consist of a minimum of four (4) acres. The planned commercial development may be subdivided into smaller net lot areas of not less than ten thousand (10,000) square feet as may be suitable for the proposed development plan of each use provided the planned development has a simultaneous site plan and subdivision approval and provided the development has a common design theme.
- (11) Off-street parking as regulated in subsection 18-5.3 is permitted in side and rear yards provided the following minimum setbacks are maintained from property line and right-of-way lines of any approved road:

Side Yard Setback – 10 feet from edge of parking to property line, except where interconnections to adjacent lots are approved by the Board.

Rear Yard Setback – 30 feet from edge of parking to property line, except where interconnections to adjacent lots are approved by the Board.

- (12) Loading areas shall be screened by architectural features, walls or landscape berms.
- (13) Distance between unattached buildings shall not be closer than thirty (30) feet to any other building situated on the same lot.
- (14) A planned commercial development shall be served by a central water system.
- (15) Prior to the approval of any planned development, the planning board shall find the facts and conclusion as required NJSA 40:53D-45.
- (16) Streetscape. All properties with frontage on Main Street, Sparta Avenue, Woodport Road and Mohawk Avenue shall provide streetscape improvements consistent with the Town Center Master Plan including but not limited to the following:

- a. Street trees every 40 feet or as deemed appropriate by the Board after review of the landscape plan.
- b. Decorative Street lighting, spacing as required.
- c. Sidewalks.
- d. Belgian block curbs.
- e. Concrete paver/utility strip.
- f. Benches.
- g. Trash receptacles.

SECTION 7: Section 18.4.8(e) is amended to renumber District 13 entitled, Economic Development District to District 18, to renumber District 14 entitled "E D-1, Economic Development Low and Moderate Income Housing Zone to District 19 and to remove in its entirety District 15 entitled "RRV; Rural Residential Village Zone".

Section 18-4.8(e)

12. Town Center Commercial Zone. TCC

(a) Purpose. This zone provides for community commercial uses to compliment and enhance the existing retail and service use and historic character in the Town Center area. The Master Plan establishes guidelines for proper site plan development which is referenced as a part of this ordinance. The goals of community design and historic preservation of the Town Center is intended to accomplish the following:

- (1) To accomplish the protection, enhancement and perpetuation of the Town Center area, which has been designated as a historic landmark, and other structures and resources within the Town Center area which reflect the elements of the architectural history of the township. To encourage construction and reconstruction with a residential appearance in keeping with the goals of the Town Center and the Appendix to the 1993 Master Plan Amendment to the Interchange Master Plan.
- (2) To encourage the continued use of the existing buildings and to appropriate reuses.
- (3) To maintain the character of the neighborhood and architecturally significant buildings.
- (4) To manage change by preventing alteration or new construction not in keeping with the zone.
- (5) To discourage the unnecessary demolition of historic resources.
- (6) To maintain economic viability of the existing Land Uses.
- (7) To improve access, circulation and parking.
- (8) To maintain a stable and balanced community fiscal structure.
- (9) To maintain and improve the traffic circulation by implementing the Master Plan concepts and by limiting access to the Route 517 By-Pass properties to the proposed connector road, Main Street and Sparta Avenue.

(b) Principal Permitted Uses. This zone is limited to business uses of a retail sales and service type. Only the following uses are permitted:

- (1) Stores or shops for retail business or wholesale display entirely within the confines of a building.
- (2) Banks and offices for business, executive and professional purposes.
- (3) Opera houses and theatrical and motion picture theaters, but not including open air theaters.
- (4) Bed and Breakfast establishments, access to all guest rooms shall be via hallways from a central area. See definition.
- (5) Restaurants, but not including drive-in restaurants.
- (6) Public buildings and uses.

(7) Second floor apartments over retail commercial and office establishments but not over service stations or public garage or dry cleaning establishments.

(8) Bowling alleys and sports centers.

(9) Institutional uses and nonprofit clubs, lodges and fraternal organizations.

(c) Permitted Accessory Uses. Parking, Signs, Essential Services and other accessory uses and customary incidental to the permitted uses.

(d) Prohibited Uses. The following uses are specifically prohibited:

(1) Residential construction or conversion except apartments constructed on the second floor as set forth in subsection 18-4.8, paragraphs e.9(a)(7) and e.9(d).

(2) Any business conducted outside the confines of a building unless specifically permitted.

(3) Any industry, process of manufacture, fabrication, assembly, disassembly, conversion or alteration. For the purpose of this section, any business use shall be deemed to be an industry where it employs more than five (5) persons in the processing or manufacturing of a product or uses more than a total of twenty-five (25) horsepower machinery in the direct processing or manufacturing operations, but is not intended that a retail store or service establishment such as a hotel, department store or bank be limited in the number of its employees or in the horsepower used for heating, air conditioning and other similar non-processing or manufacturing operations.

(4) Carousels, merry-go-rounds, miniature golf, outdoor theaters, pony tracts or other similar commercial outdoor amusements.

(5) Junk yards, warehouses, storage buildings and coal or fuel yards

(6) Gasoline Service Stations. However, Gasoline Service Stations in existence on January 1, 1999 are hereby grandfathered and authorized to be expanded and/or rebuilt even if totally destroyed. However, any expansion or rebuilding shall be pursuant to the conditional use requirements set forth in Section 18-4.7c1 entitled Conditional Automotive Service Stations and Public Garages.

(7) Any other uses not specifically permitted.

(e) Required Conditions. The following requirements must be complied with in the TCC zone:

(1) **Height.** The height of a principal structure shall not exceed two and one-half (2 ½) stories or thirty-five (35) feet, whichever is the lesser.

(2) **Front yard.** There shall be a front yard setback of not less than twenty-five (25) feet, except that where existing buildings within two hundred (200) feet form an average established setback, new buildings shall conform to such established line.

(3) **Side Yard.** There shall be a minimum side yard of ten (10 feet). Off street parking is permitted in the side yard provided no parking area is closer than five (5) feet to any building and not closer than 15 feet to any residential zone boundary line.

(4) **Rear yard.** There shall be a rear yard of at least sixty (60) feet unobstructed by buildings or other permanent structures. Off-street parking is permitted within the rear yard, provided no parking area is closer than five (5) feet to any building nor fifteen (15) feet to any residential zone boundary line.

(5) **Impervious Coverage.** The total impervious coverage of any site shall not exceed forty (40%) percent of the total site area.

(6) **Site Plan Approval.** Prior to the issuance of a building permit or a Certificate of occupancy where no building permit is required, the planning board shall review a site plan according to subsections 18-

4.2c and 18-4.2d of the proposed use to ascertain that all the requirements of this section are complied with.

(7) **Lot area.** There shall be a minimum lot area of ten thousand (10,000) square feet measured within one hundred twenty-five (125) feet of the front street right-of-way line.

(8) **Minimum Frontage.** There shall be a minimum lot frontage of sixty (60) feet.

(9) **Site Design-Spatial Requirements.**

- (a) The organization of buildings, streets, drives, parking areas, walks, service areas and other site components shall have a functional relationship and be compatible with existing site features and adjacent areas.
- (b) Alignment of buildings. The alignment of the major access of a building shall be related to the prevailing orientation of adjacent buildings and street.
- (c) Compact groupings of buildings are required to achieve the density and Spatial relationships desired to establish a consistent development character relating to the historic architecture.
- (d) Physical site elements such as accessory buildings, fences, walls, tree grates and other plantings shall relate from one parcel to another to provide overall visual continuity within the Town Center.

(10) **Architectural Requirements.**

- (a) Style. New construction or renovations shall be of similar architectural style to the established theme, and compatible with the Town Center Master Plan and the Appendix of the 1993 Amendment to the Interchange Master Plan.
- (b) Materials, Texture and Color. Materials for new construction shall be similar to the types of and textures of materials established in the Town Center. Renovations, restoration and maintenance work should match existing materials and textures.
- (c) Architectural Elements and features. Architectural features, including but not limited to, cornices, windows, doors and trim, prevailing in the immediate area are important. It is not intended that the details of historical buildings be duplicated precisely, but they shall be regarded as a reference for new buildings or alterations. Details and architectural elements shall reinforce established architectural theme and shall be included in drawings submitted for review.
- (d) Continuity of Architecture and Site Details. The design continuity and coordination of architecture and site details, especially walls, fences, ornamental metal work, steps, walkways, plating beds and landscaping is especially critical to the character of the Town Center.
- (e) Mechanical Equipment and Roof Projections. 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 historic character and approved by the board.
- (f) Building Massing and Scale.
Nonresidential.
(1) Large single rectangle block buildings greater than 25,000 sq. feet, with undifferentiated facades, especially with curtain walls or large areas of glass, are inappropriate. Where large structures are required, massing shall be broken up through the use of gables,

indentations, variation in rooflines, arcades and other design techniques.

(2) A human scale shall be achieved at ground level and along street frontages and entryways through the use of windows, arcades, porches, doors, columns, canopies and architectural details such as cornices, window and door trim, transoms, etc.

(3) Building facades shall be articulated with a base, a lower and upper façade 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.

(4) Roofs. All buildings shall have pitched roofs, except where technical considerations require a flat roof or where a detailed cornice treatment reflecting an historical style is used. Roof shape (flat, hip, mansard or gable) and material shall be architecturally compatible with the rest of the building and should reflect the general pattern along the street.

(5) Individual commercial retail and office buildings shall be designed to reflect the pedestrian scale of a traditional Town Center.

(6) Each façade must be treated architecturally, not just the main entrance façade. 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.

(7) All buildings shall also be harmoniously related to the existing and proposed road network, as well as to open spaces and other civic spaces. Linkages to adjacent development including streets and pedestrian ways, are required.

11. **Parking/Circulation.**

(a) Shade trees and parking aisles plantings shall be provided. All islands shall contain shade trees. Open space areas shall contain shade trees. All trees in parking areas impacting vehicular circulation shall have all branches removed below 8 feet to assure good sight distance.

(b) Interior parking lot islands should be designed so as to channel traffic in accordance with the approved circulation design and to provide sight triangles at aisle intersection, reduce heat and glare and soften the view of large areas of parking.

(c) Shared access and cross easements to adjacent parking areas shall be provided where feasible. Infill, redevelopment and conversions of residential to nonresidential properties shall provide accessways and parking lots in a manner so as to permit shared access areas and parking areas between adjacent property.

12. **Signs and Graphics. Refer to Ordinance Section 18-5.3n (Signs), which is also applicable..**

(a) Internally lit box signs are prohibited in the R-4 and all Town Center Zones.

(b) The design of a sign shall be subservient to, and consistent with, the building or use it serves. Signs shall

be compatible with the architecture and details of the building, and oriented to pedestrians.

- (c) The size of free standing signs in the Town Center zones may be increased in proportion to the area of the building as set forth below:

Building area less than 15,000 = 12 square feet

Building area 15,000-25,000 = 20 square feet

Building area 25,000-30,000 = 28 square feet

Building area 30,000 and above = 32 square feet

- (d) A business establishment may display one (1) or more signs relating to its business. The total area for all signs affixed to the building face fronting on the street shall not exceed five (5%) percent of the area of said face. No individual sign shall exceed twenty-four (24) square feet. The maximum height of any sign shall not exceed ten (10%) percent of the wall height or two (2) feet, whichever is less. The maximum width of any sign shall not exceed fifty (50%) percent of the width of the wall to which it is attached or twelve (12) feet, whichever is less.
- (e) Where a building or buildings are developed together and require several different signs, they should be similar in size, materials, colors and lettering. The Applicant shall submit to the Planning Board for approval a comprehensive sign plan showing the size, configuration, location, color, and letter style proposed for each sign.
- (f) For shops and stores, recommended signage is a graphically consistent system of darker colored traditional style letters, routed or applied to a neutral background over the store window area, hanging signs, or a combination thereof. Letter size shall be subordinate to the background. Sign lighting shall be indirect or external to the sign. Internal box lit signs are prohibited. Lettering should not conflict with the historical time period of building architecture.
- (g) No more than 3 colors for background, lettering and emphases and no more than two type faces shall be permitted for any sign. Signs should be constructed of natural materials.
- (h) Signs must be located at the places of business to which they refer.
- (i) A sign shall not obscure, conflict with, or cover any architectural detail (i.e. cornice), and must be aligned with major building elements, such as windows, trim and structure lines.

13. **Streetscape.** All properties with frontage on Main Street, Sparta Avenue, Woodport Road and Mohawk Avenue shall provide streetscape improvements consistent with the Town Center Master Plan including but not limited to the following:

- (a) Street trees every 40 feet or as deemed appropriate by the Board after review of the landscape plan.
- (b) Decorative street lighting, spacing as required.
- (c) Sidewalks.
- (d) Concrete paver/utility strip.
- (e) Benches.
- (f) Trash receptacles.
- (g) The connector road shall be required to place the streetscape on the development side of the road.

Appropriate connections to the open space shall be provided as directly by the Planning Board.

14. **Landscape buffers** shall be required along Route 517 for a distance of twenty (20) feet and parking areas along other roadways for a distance of fifteen (15) feet measured from the right-of-way line.
- (e) **Conditional Uses.** The following conditional uses may be permitted by the planning board acting in accordance with the listed conditions:
 - (1) drive-in restaurants pursuant to Section 1-4(c)2;
 - (2) outdoor dining accessory to and associated with a restaurant pursuant to Section 18-4(c)20.

Section 18-4.8(e)

13. **Town Center Commercial Office Zone, TCCO**

- a. **Purpose.** This zone provides for community commercial uses to compliment and enhance the existing office uses and historic character and natural resources in the Town Center area. The Master Plan establishes guidelines for proper site plan development which is referenced as a part of this ordinance. The goals of community design and historic preservation of the Town Center is intended to accomplish the following:
 - (1) To accomplish the protection, enhancement and perpetuation of the Town Center area, which has been designated as a historic landmark, and other structures and resources within the Town Center which reflect the elements of the architectural history of the township. To encourage construction and reconstruction with a residential appearance in keeping with the goals of the Town Center and the Appendix to the 1993 Master Plan Amendment to the Interchange Master Plan.
 - (2) To encourage the continued use of the existing buildings and to appropriate reuses.
 - (3) To maintain the character of the neighborhood and architecturally significant buildings.
 - (4) To manage change by preventing alteration or new construction not in keeping with the zone.
 - (5) To discourage the unnecessary demolition of historic resources.
 - (6) To maintain economic viability of the existing Land Uses.
 - (7) To improve access, circulation and parking.
 - (8) To maintain a stable and balanced community fiscal structure.
 - (9) To maintain and improve traffic circulation by implementing the Master Plan concepts and by limiting access to the Route 517 By-Pass properties to the proposed connector road, Main Street and Sparta Avenue.
- b. **Principal Permitted Uses.** This zone is limited to office and service uses. Only the following uses are permitted:
 - (1) Offices for business, executive and professional purposes entirely within the confines of a building.
 - (2) Banks and offices for business, executive and professional purposes.
 - (3) Public buildings and uses.
 - (4) Recreational uses, sports centers.
 - (5) Schools and institutional uses.
 - (6) Churches.
- c. **Permitted Accessory Uses.** Parking, Signs, Essential services and other accessory uses customary and incidental to the permitted uses.
- d. **Prohibited Uses.** The following uses are specifically prohibited:

- (1) Residential construction of conversion except apartments constructed on the second floor as set forth in subsection 18-4.8, paragraph e.9(a)(7) and e.9(d).
- (2) Any business conducted outside the confines of a building unless specifically permitted.
- (3) Any industry, process, of manufacture, fabrication, assembly, disassembly, conversion or alteration. For the purpose of this section, any business use shall be deemed to be an industry where it employs more than five (5) persons in the processing or manufacturing of a product or uses more than a total of twenty-five (25) horsepower manufacturing operations, but is not intended that a retail store or service establishment such as a hotel, department store or bank be limited in the number of its employees or in the horsepower used for heating, air conditioning and other similar non-processing or manufacturing operations.
- (4) Carousels, merry-go-rounds, miniature golf, outdoor theaters, pony tracts or other similar commercial outdoor amusements.
- (5) Junk yards, warehouses, storage buildings and coal or fuel yards.
- (6) Drive-in restaurants.
- (7) Gasoline service stations.
- (8) Any use not specifically permitted.

e.. **Required Conditions.** The following requirements must be complied with in the TCCO Zone;

- (1) Height. The height of a principal structure shall not exceed two and one half (2-1/2) stories or thirty-five (35) feet, whichever is the lesser.
- (2) Front yard. There shall be a front yard setback of not less than twenty-five (25) feet, except that where existing buildings within two hundred (200) feet from an average established setback, new buildings shall conform to such established line.
- (3) Side yard. There shall be a minimum combined side yards of thirty (30) feet. Off-street parking as regulated in subsection 18-5.3 is permitted in the side yard provided no parking area is closer than five (5) feet to any building nor closer than fifteen (15) feet to any residential zone boundary line.
- (4) Rear yard. There shall be a rear yard of at least sixty (60) feet unobstructed by buildings or other permanent structures. Off-street parking as regulated in subsection 18-5.3 is permitted within the rear yard, provided no parking area is closer than five (5) feet to any building nor fifteen (15) feet to any residential zone boundary line.
- (5) Impervious coverage. The total impervious coverage of any site shall not exceed forty (40%) percent of the total side area.
- (6) Site Plan Approval. Prior to the issuance of a building permit or a Certificate of occupancy where no building permit is required, the planning board shall review a site plan according to subsections 18-4.2c and 18-4.2d of the proposed use to ascertain that all the requirements of this section are complied with. In addition, the planning board may require compliance with section 18-5 and such other requirements as the board deems necessary for the general welfare of the public.
- (7) Lot area. There shall be a minimum lot area of twenty thousand (20,000) square feet measured within one hundred (100) feet of the front street right-of-way line.
- (8) Accessory uses. Off-street parking.
- (9) Town Center Zones Required Standards. Any development in the Town Center Commercial Office Zone (TCCO) shall comply

with the Town Center Zones Required Standards set forth in 18-4.8(c) 12(e), 9, 10, 11, 12, 13 & 14.

Section 18-4.8(e)

14. **Town Center Limited Commercial Zone. (TCLC).**

- (a) **Purpose.** This zone provides for community commercial uses to compliment and enhance the existing retail or service use and historic character in the Town Center area. The Master Plan establishes guidelines for proper site plan development which is referenced as a part of this ordinance. The goals of community design and historic preservation of the Town Center is intended to accomplish the following:

- (1) To accomplish the protection, enhancement and perpetuation of the Town Center area, and other structures and resources within the Town Center which reflect the elements of the architectural history of the township. To encourage construction and reconstruction with a residential appearance in keeping with the goals of the Town Center and the appendix to the 1993 Master Plan Amendment to the Interchange Master Plan.
- (2) To encourage the continued use of the existing buildings and to appropriate reuses.
- (3) To maintain the character of the neighborhood and architecturally significant buildings.
- (4) To manage change by preventing alteration or new construction not in keeping with the zone.
- (5) To discourage the unnecessary demolition of historic resources.
- (6) To maintain economic viability of the existing Land Uses.
- (7) To improve access, circulation and parking.
- (8) To maintain a stable and balanced community fiscal structure.
- (9) To maintain and improve traffic circulation by implementing the Master Plan concepts and by limiting access to the Route 517 By-Pass properties to the proposed connector road, Main Street and Sparta Avenue.
- (10) To concentrate development in the appropriate buildable areas.

- (b) **Principal Permitted Uses.** This zone is limited to the following business uses of a retail sales and service type subject to an explicit requirement that the site plan, architecture and signs shall be consistent with the Town Center Plan. Only the following uses are permitted:

- (1) Planned Town Center Limited Commercial Development with more than one of the following uses.

- (a) Stores or shops for retail business or wholesale display entirely within the confines of a building.
- (b) Banks and offices for business, executive and professional purposes.
- (c) Restaurants, including drive-in restaurants with architecture and signs compatible with the historic character of Main Street.
- (d) Public buildings and uses.
- (e) Office establishments.
- (f) Institutional uses and non-profit clubs, lodges and fraternal organizations.

- (3) Limited Commercial Use: Platted tax lots of no more than 1.5 acres, existing as of April 1998, may be used for the permitted uses in the TCC Zone subject to the required conditions of the TCC Zone. Such lots may continue to be used as a single family residential use

- (c) **Permitted Accessory Uses.** Parking, Signs, Essential services and other accessory uses customary and incidental to the permitted uses.

- (d) **Prohibited Uses.** The following uses are specifically prohibited:

- (1) Any business conducted outside the confines of a building unless specifically permitted.
 - (2) Any industry, process of manufacture, fabrication, assembly, disassembly, conversion or alteration. For the purpose of this section, any business use shall be deemed to be an industry where it employs more than five (5) persons in the processing or manufacturing of a product or uses more than a total of twenty-five (25) horsepower machinery in the direct processing or manufacturing operations, but is not intended that a retail store or service establishment such as a hotel, department store or bank be limited in the number of its employees or in the horsepower used for heating, air conditioning and other similar non-processing or manufacturing operations.
 - (3) Carousels, merry-go-rounds, miniature golf, outdoor theaters, pony tracks or other similar commercial outdoor amusements.
 - (4) Junk yards, warehouses, storage buildings and coal or fuel yards.
 - (5) Gasoline Service Stations.
 - (6) Any uses not specifically permitted.
- (e) **Required Standards for Planned TCLC Developments.** Any site plan or subdivision application in this zone shall include a preliminary site plan for a planned development for the entire area of the lot or lots owned or controlled by the Applicant and located in the TCLC zone. Certain Bulk standards are not included to permit flexibility in the planned development. The following requirements must be complied within the TCLC zone:
- (1) **Impervious Coverage.** The total impervious coverage of any TCLC development shall not exceed 12.5%. The impervious coverage shall be located on the portion of the property north of the new collector road to be constructed between Main Street and the 517 by-pass. The land south of the connector road shall be restricted open space organization requirements section 18-5.4, Open Space and Recreation Element of the Master Plan and the M.L.U.L. except as provided in section e(2) below.
 - (2) **Impervious Coverage Incentive for Public Dedication of Open Space.** The total impervious charge of a TCLC may be increased to a maximum of 23% provided that the applicant dedicates all the land south of the new connector road but not less than 17 acres of open space and recreational uses to the Township and provided that the development area shall be limited to the portion of the property north of the collector road and approximately two acres located along Route 517 and the collector road south of the collection and north of the existing tree row. The tree row shall be preserved by any such development.
 - (3) **Acreage requirements:** 10 acres.
 - (4) **No direct access driveways** shall be permitted along the Route 517 bypass. On the south side of the bypass, Lot 48, Block 19.03, the development plan must include a collector street located between Main Street and the bypass per the Master Plan.
 - (5) **Height.** The height of a principal structure shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet, whichever is the lesser. An exception would include a house of worship steeples or clock towers which shall not exceed 50 feet.
 - (6) **Maximum building size** of a single building is 60,000 square feet.
 - (7) **Town Center Zones Required Standards.** Any development within the TCLC shall comply with the Town Center Zones

Required Standards set forth in §18-4.8(e) 12(d), 9, 10, 11, 12, 13 and 14.

Section 18-4.8(e)

15. **Town Center.Lower Main Street Commercial Zone (TCLM)**

(a) **Purpose.** This zone provides for community commercial uses to compliment and enhance the existing retail and service use and historic character in the Town Center area. The Master Plan establishes guidelines for proper site plan development which is referenced as a part of this ordinance. The goals of community design and historic preservation of the Town Center is intended to accomplish the following:

- (1) To accomplish the protection, enhancement and perpetuation of the Town Center area, which has been designated as a historic landmark, and other structures and resources within the Town Center area which reflect the elements of the architectural history of the township. To encourage construction and reconstruction with a residential appearance in keeping with the goals of the Town Center and the Appendix to the 1993 Master Plan Amendment to the Interchange Master Plan.
- (2) To encourage the continued use of the existing buildings and to appropriate reuses.
- (3) To maintain the character of the neighborhood and architecturally significant buildings.
- (4) To manage change by preventing alteration or new construction not in keeping with the zone.
- (5) To discourage the unnecessary demolition of historic resources.
- (6) To maintain economic viability of the existing Land Uses.
- (7) To improve access, circulation and parking.
- (8) To maintain a stable and balanced community fiscal structure.
- (9) To maintain an improve the traffic circulation by implementing the Master Plan concepts and by limiting access to the Route 517 By-Pass properties to the proposed connector road, Main Street and Sparta Avenue.

(b) **Principal Permitted Use.** This zone is limited to business uses of limited retail sales and service type. Only the following uses are permitted:

- (1) Banks and offices for business, executive and professional purposes.
- (2) Pharmacy, clothing store, gift shop, antique shops and photography studio and other similar lower intensity retail uses.
- (3) Bed and Breakfast establishments, access to all guest rooms shall be via hallways from a central area. See definition.
- (4) Restaurants, but not including drive-in restaurants.
- (5) Public buildings and uses.
- (6) Apartments over retail commercial and office establishments.
- (7) Institutional uses and nonprofit clubs, lodges and fraternal organizations.
- (8) Churches.
- (9) Apartments. In any building containing a retail store or service establishment upon the first floor. With the exception of public garages and service stations, apartments may be constructed on the second floor..
- (10) Patio homes, duplexes and triplexes at a density of 4 dwelling units per acre with a 15% mandatory set aside of affordable housing meeting the requirements of the Housing Section.

(c) **Permitted Accessory uses.** Parking, signs, Essential services and other accessory uses customary and incidental to the permitted uses.

(d) **Prohibited Uses.** The following uses are specifically prohibited:

(1) Any business conducted outside the confines of a building unless specifically permitted.

(2) Any industry, process of manufacture, fabrication, assembly, disassembly, conversion or alteration. For the purpose of this section, any business use shall be deemed to be an industry where it employs more than five (5) persons in the processing or manufacturing of a product or uses more than a total of twenty-five (25) horsepower machinery in the direct processing or manufacturing operations, but is not intended that a retail store or service establishment such as a hotel, department store or bank be limited in the number of its employees or in the horsepower used for heating, air conditioning and other similar non-processing or manufacturing operations.

(3) Carousels, merry-go-rounds, miniature golf, outdoor theaters, pony tracts or other similar commercial outdoor amusements.

(4) Junk yards, warehouses, storage buildings and coal or fuel yards.

(5) Gasoline Service stations. However, Gasoline Service station in existence on January 1, 1999 are hereby grandfathered and are authorized to be expanded and a rebuilt even if totally destroyed. However, any expansion or rebuilding shall be pursuant to the conditional use requirement set forth in Section 18-4.7c1 entitled "Conditional Automotive Service Stations and Public Garages."

(6) Intense retail uses convenience stores, fast food restaurants, dry cleaners and other similar quick stop retail.

(e) **Required Conditions.** The following requirements must be complied with in the TCLM zone:

(1) **Height.** The height of a principal structure shall not exceed two and one-half (2 1/2) stories or thirty-five (35) feet, whichever is the lesser.

(2) **Front yard.** There shall be a front yard setback of not less than twenty-five (25) feet, except that where existing buildings within two hundred (200) feet form an average established setback, new buildings shall conform to such established line.

(3) **Side Yard.** There shall be a minimum side yard of ten (10) feet.

(4) **Rear yard.** There shall be a rear yard of at least sixty (60) feet unobstructed by buildings or other permanent structures. Off-street parking is permitted within the rear yard, provided no parking area is closer than five (5) feet to any building nor fifteen (15) feet to any residential zone boundary line.

(5) **Impervious Coverage.** The total impervious coverage of any site shall not exceed forty (40%) percent of the total site area.

(6) **Site Plan Approval.** Prior to the issuance of a building permit or a Certificate of occupancy where no building permit is required, the planning board shall review a site plan according to subsections 18-4.2c and 18-4.2d of the proposed use to ascertain that all the requirements of this section are complied with.

(7) **Lot area.** There shall be a minimum lot area of ten thousand (10,000) square feet measured within one hundred twenty-five (125) feet of the front street right-of-way line.

(8) **Minimum Frontage.** There shall be a minimum lot frontage of sixty (60) feet.

(9) **Town Center Zones Required Standards.** Any development within the TCLM zone shall comply with the Town Center Zones Required Standards set forth in §18-4.8(e)12(e), 9, 10, 11, 12, 13 and 14.

(e) **Conditional Uses.** The following conditional uses may be permitted by the planning board acting in accordance with the provisions

- (1) outdoor dining accessories to and associated with a restaurant.
Pursuant to Section 18-4(c)20..

Section 18-4.8(e)

17. Town Center Professional Business Zone. (TCPB).

(a) Purpose. This zone provides for community commercial uses to compliment and enhance the existing professional business or service use, historic character and natural resources in the Town Center area. The Master Plan establishes guidelines for proper site plan development which is referenced as a part of this ordinance. The goals of community design and historic preservation of the Town Center is intended to accomplish the following:

- (1) To accomplish the protection, enhancement and perpetuation of the Town Center area, which has been designated as a historic landmark, and other structures and resources within the Town Center which reflect the elements of the architectural history of the township. To encourage construction and reconstruction with a residential appearance in keeping with the goals of the Town Center and the Appendix to the 1993 Master Plan Amendment to the Interchange Master Plan.
- (2) To encourage the continued use of the existing buildings and to appropriate reuses.
- (3) To maintain the character of the neighborhood and architecturally significant buildings.
- (4) To manage change by preventing alteration or new construction not in keeping with the zone.
- (5) To discourage the unnecessary demolition of historic resources.
- (6) To maintain economic viability of the existing Land Uses.
- (7) To improve access, circulation and parking.
- (8) To maintain a stable and balanced community fiscal structure.
- (9) To maintain and improve traffic circulation by implementing the Master Plan concepts and by limiting access to the Route 517 By-Pass properties to the proposed connector road, Main Street and Sparta Avenue.
- (10) To concentrate development in the appropriate buildable areas.

(b) Principal Permitted Uses. This zone is limited to business uses of a retail sales and service type. The following uses are permitted:

(1) Planned Town Center Professional Business Development with more than one of the following uses:

- (a) Inn/hotel with associated catering facilities, conference rooms, and restaurant as accessory uses.
- (b) Banks, and offices for business, executive and professional purposes.
- (c) Restaurants, but not including drive-ins.
- (d) Public buildings and uses.
- (e) Emergency care facility.
- (f) Health and indoor athletic facilities.
- (g) Institutional uses and nonprofit clubs, lodges and fraternal organizations.
- (h) Churches

(2) Town Center Professional Business Use: Platted tax lots of no more than 2.5 acres, existing as of April 1998 are subject to the required standards of the TCC zone. Such lots may continue to be used as a single family residential use.

(c) Permitted Accessory Uses. Parking, Signs, Essential Services and other accessory uses customary and incidental to the permitted uses.

(d) Prohibited Uses. The following uses are specifically prohibited:

- (1) Any business conducted outside the confines of a building unless specifically permitted.
- (2) Any industry, process of manufacture, fabrication, assembly, disassembly, conversion or alteration. For the purpose of this section, any business use shall be deemed to be an industry where it employs more than five (5) persons in the processing or manufacturing of a product or uses more than a total of twenty-five (25) horsepower machinery in the direct processing or manufacturing operations, but is not intended that a retail store or service establishment such as a hotel, department store or bank be limited in the number of its employees or in the horsepower used for heating, air conditioning and other similar non-processing or manufacturing operations.
- (3) Carousels, merry-go-rounds, miniature golf, outdoor theaters, pony tracks or other similar commercial outdoor amusements.
- (4) Junk yards, warehouses, storage buildings and coal or fuel yards.
- (5) Drive-in restaurants.
- (6) Gasoline Service Stations.
- (7) Any uses not specifically permitted..

(e) Required Standards for Planned TCPB Developments. Any site plan or subdivision in the zone shall include a preliminary site plan for a planned development for the entire area of the lot or lots owned or controlled by the Applicant and located in the TCPB zone. Certain Bulk standards are not included to permit flexibility in the planned development. The following requirements must be complied with in the TCPB-zone:

(1) Impervious Coverage. The total impervious coverage of any TCPB shall not exceed 4%. The impervious coverage shall be located on the portion of the property along the 517 Bypass in the buildable land as indicated in the Town Center Master Plan. At least 60 acres of the remaining land west of the 517 Bypass shall be restricted open space and recreation in accordance with the open space organization requirements section 18-5.4, Open Space and Recreation Element of the Master Plan and the Municipal Land Use Law, except as provided in Section e(2) below.

(2) Impervious Coverage Incentive for Public Dedication of Open Space. The total impervious coverage for commercial, assisted living are permitted uses (not including townhouses) of a TCPB may be increased to a maximum of 7% provided that the applicant dedicates at least 60 acres of the remaining land west of the 517 Bypass to the Township and provided that the major development area is limited to the portion of the property along the Route 517 bypass in the buildable land as indicated on the Town Center Master Plan.

(3) Acreage requirements: 10 acres.

(4) No direct access driveways shall be permitted along the Route 517 bypass. On the north side of the bypass, Lot 48, Block 19.02, the development plan must include an internal circulation plan consistent with the Master Plan.

(5) Height. The height of a principal structure shall not exceed two and one-half (2-1/2) stories or thirty-five (35) feet, whichever is the lesser. An exception would be a house of worship steeple or clock towers which shall not exceed 50 feet.

(6) Town Center Zones Required Standards. Any development within the TCPB zone shall comply with the Town Center Zones required standards set forth in §18-4.8(e)12(e), 9, 10, 11, 12, 13 & 14

(f) Conditional Uses. The following conditional uses may be permitted by the planning board acting in accordance with the provisions,

- 1) outdoor dining accessory to and associated with a restaurant pursuant to Section 18-4.7(c)21.

- 2) Senior age restricted housing in congregate care facilities, assisted living facilities and/or residential care facilities pursuant to Section 18-4.7(c)22 but only as part of an overall planned TCPB development.
- 3) Planned residential unit development of up to 50 units pursuant to the conditions set forth in Section 18-4.7(c)23.

SECTION 8. Severability.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 9. Repealer.

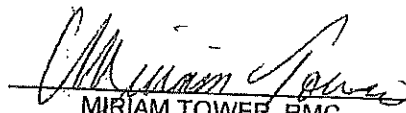
All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 10. This ordinance shall take effect within twenty (20) days of the date of adoption hereof.

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 October 12, 1999, 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 Sparta Middle School, 350 Main Street, Sparta, New Jersey, on November 9, 1999 at 8:00 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.


MIRIAM TOWER, RMC
TOWNSHIP CLERK

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF SPARTA AMENDING CHAPTER 18
ENTITLED "ZONING" TO ADD TOWN CENTER ZONING
DISTRICTS AND TO IMPLEMENT THE TOWN CENTER
MASTER PLAN AMENDMENTS**

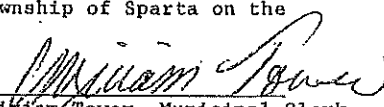
NOTICE

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, New Jersey on Tuesday, October 12, 1999. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta, held on Tuesday, November 9, 1999 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.

**MIRIAM TOWER, RMC
TOWNSHIP CLERK**

CERTIFICATION:

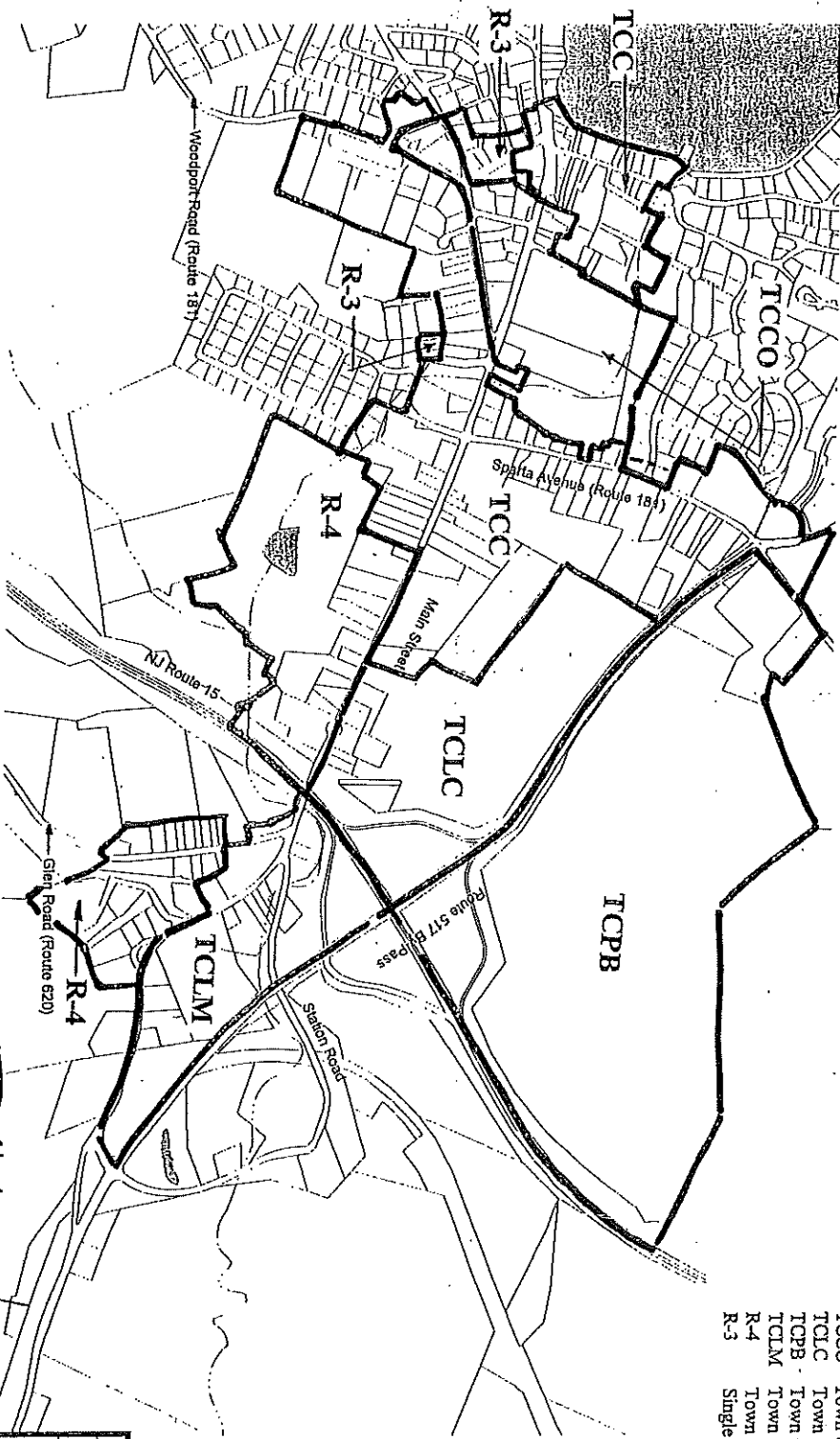
I, Miriam Tower, Municipal Clerk of the Township of Sparta, do hereby certify this to be a true copy of the ordinance duly adopted by unanimous vote of the Township Council of the Township of Sparta on the 9th of November 1999.


Miriam Tower, Municipal Clerk

Town Center Zoning Plan

Legend

- TCC Town Center Commercial
- TCCO Town Center Commercial Office
- TCLC Town Center Limited Commercial
- TCPB Town Center Professional Business
- TCLM Town Center Lower Main Street
- R-4 Town Center Residential/Professional
- R-3 Single Family Residential - 8,000 S.F. Lot Area



David R. Trubast, P.E., AICP, CLA.
Sparta, NJ
LD005150

Town Center Plan
Zoning Plan
TOWNSHIP OF SPARTA,
Sussex County, New Jersey
Prepared By:
Township of Sparta Planning Department
September 1999

The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document. The title is "The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document." The author's name is "The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document." The date of the document is "The first part of the document is a title page. It contains the title of the document, the author's name, and the date of the document."

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF SPARTA AMENDING CHAPTER 18
ENTITLED "ZONING" TO ADD THREE ZONING DISTRICTS
TO PERMIT RESIDENTIAL DEVELOPMENT TO IMPLEMENT
THE TOWNSHIP'S FAIR SHARE PLAN/HOUSING ELEMENT
OF THE MASTER PLAN AS APPROVED AND CERTIFIED BY
THE COUNCIL ON AFFORDABLE HOUSING**

WHEREAS, the Township Council of the Township of Sparta by way of this ordinance is amending the zoning ordinance and zoning map of the Comprehensive Land Management Code of the Township of Sparta to implement the Fair Share/Housing Element of the Master Plan by establishing two zoning districts within the Town Center as approved and certified by the Council on Affordable Housing;

WHEREAS, the Planning Board has determined that the proposed amendment is not inconsistent with the Master Plan and the Fair Share/Housing Element;

NOW THEREFORE, be it ordained by the Township of Sparta that the Comprehensive Land Management Code is hereby amended as follows:

SECTION 1: Section 18-4.8(a) entitled Classes of Districts is hereby amended as follows:

a. Classes of Districts. The Township of Sparta is hereby divided into the following development districts:

- R-1 Residential Zone – 40,250 square foot lot
- R-2 Residential Zone – 20,000 square foot lot
- R-3 Residential Zone – 8,000 square foot lot
- R-4 Residential/Professional Zone
- RR Rural Residential Zone – 5-acre minimum lot with cluster options.
- RC-1 Rural Conservation/Residential Zone – 5 acre minimum lot with cluster options
- RC-2 Rural Conservation/Residential Zone – 5 acre minimum lot with cluster options
- MF Multi-Family Zone
- MF-1 Multi-Family Zone-1, Inclusionary Housing District
- MF-2 Multi-Family Zone-2, Inclusionary Housing District
- MF-3 Multi-Family Zone-3
- C-1 Community Commercial – 10,000 square foot lot
- C-1H Community Commercial Historic – 10,000 square foot lot historic zone.
- C-2 Office and Service Zone – 20,000 square foot lot.
- C-2H Office and Service Zone/Historic – 20,000 square foot lot historic zone.
- TCC Town Center Commercial Zone
- TCCO Town Center Commercial Office Zone
- TCLC Town Center Limited Commercial Zone
- TCPB Town Center Professional Business Zone
- TCLM Town Center Lower Main Street Commercial Zone
- E-D Economic Development – 80,000 square foot lot
- E-D1 Economic Development – Low and Moderate Cost Housing

SECTION 2: Section 18-4.8(b) 1 entitled "Boundaries of Districts; Zoning Maps; Schedules; Interpretation" is hereby modified with respect to only subparagraph 1 so that subparagraph 1 shall state in its entirety as follows:

"1. The boundaries of the district referred to in paragraph a. are hereby established as shown on the map entitled 'Zoning Map, Township of Sparta, Sussex County, New Jersey,' dated September 1983, which map accompanied and was declared to be part of this Code as adopted on September 1983 and as amended from time to time by ordinance and now the attached April 2001 revision to said map is herewith made a part of this Section."

SECTION 3: ~~Section 18-4.8(e)~~ is amended to renumber District C-1 to 12, District C-1H to 13, District C-2 to 14, District C-2H to 15, District TCC to 16, District TCCO to 17, District TCLC to 18, District TCPB to 19, District TCLM to 20, District E-D to 21, District E-D1 to 22 and adding District MF-1 as 9, District MF-2 as 10 and District MF-3 as 11.

SECTION 4: A new Section 18-4.8(e) 9 **MULTI-FAMILY 1 ZONE (MF-1)** shall be added as follows:

- a. **PURPOSE:** The purpose of the Multi-family 1 Zone District is to provide opportunities for alternate housing for all income levels in the Sparta Town Center consistent with the Master Plan and the certification granted by the Council on Affordable Housing.
- b. **PERMITTED USES:**
 - (a) Multifamily attached units (for sale)
 - (b) "Stacked flats" (for sale only)
 - (c) Townhouses (for sale only)
 - (d) Assisted living residential healthcare facilities
- c. **ACCESSORY USES** – All uses customarily incidental to the above permitted uses
- d. **GROSS DENSITY** – Six (6) dwelling units per acre of which twenty (20%) percent shall be set aside for occupancy by low and moderate income household
- e. **MINIMUM TRACT AREA** – 20 acres
- f. **MINIMUM TRACT FRONTAGE** – 110 feet
- g. **PROPERTY BOUNDARY SETBACK** - 50 feet from all property boundaries, except that parking spaces, driveways, lighting and drainage structures may be located within 10' of a commercial zone and 15' from a residential zone. Exempted from these standards are emergency access ways and the entrance road up to the first residential unit.
- h. **DISTANCE BETWEEN BUILDINGS** –

End to End	30'
Front to Front	50'
Back to Back	50'
Back to Front	50'
- i. **BUILDING HEIGHT** - Thirty-five (35) feet (The definition of "height" set forth in the BOCA CODE shall govern).
- j. **IMPERVIOUS COVERAGE** – Fifty (50%) percent.
- k. **RSIS** – The New Jersey Residential Site Improvements Standards, pursuant to N.J.A.C. 5:21-1, as amended from time to time, shall govern in accordance with law.
- l. **ARCHITECTURAL** – The development and architectural character of the Town Center residential developments shall be consistent with the historic character in the Town Center as shown in the Master Plan.
- m. **CONDITIONAL USES** – None
- n. **COMMON OPEN SPACE OWNERSHIP AND MAINTENANCE** – The Developer shall provide for and establish an organization for the ownership and

maintenance of all common space pursuant to the New Jersey Department of Community Affairs' rules and requirements.

- o. **BEDROOM DISTRIBUTION** - The bedroom distribution for low and moderate units shall comply with the Administrative Regulations of the New Jersey Council on Affordable Housing. The remaining market units shall have no more than 50% of three bedroom units, with the remaining percentage one or two bedroom units.

SECTION 18-4.8(e) 10 MULTI-FAMILY 2 ZONE (MF-2) shall be added as follows:

- a. **PURPOSE:** The purpose of the Multi-family 2 Zone District is to provide opportunities for alternate housing for all income levels in the Sparta Town Center consistent with the Master Plan and the certification granted by the Council on Affordable Housing.
- b. **PERMITTED USES:**
 - (a) Multifamily attached units (for sale)
 - (b) "Stacked flats" (for sale only)
 - (e) Townhouses (for sale only)
 - (f) Assisted living residential healthcare facilities
- c. **ACCESSORY USES** - All uses customarily incidental to the above permitted uses
- d. **GROSS DENSITY** - Five (5) dwelling units per acre of which twenty (20%) percent shall be set aside for occupancy by low and moderate income household
- e. **MINIMUM TRACT AREA** - 3 acres
- f. **MINIMUM TRACT FRONTAGE** - 110 feet
- g. **PROPERTY BOUNDARY SETBACK** - 50 feet from all property boundaries, except that parking spaces, driveways, lighting and drainage structures may be located within 10' of a commercial zone and 15' from a residential zone. Exempted from these standards are emergency access ways and the entrance road up to the first residential unit.
- h. **DISTANCE BETWEEN BUILDINGS** -

End to End	30'
Front to Front	50'
Back to Back	50'
Back to Front	50'
- i. **BUILDING HEIGHT** - Thirty-five (35) feet (The definition of "height" set forth in the BOCA CODE shall govern).
- j. **IMPERVIOUS COVERAGE** - Fifty (50%) percent.
- k. **RSIS** - The New Jersey Residential Site Improvements Standards, pursuant to N.J.A.C. 5:21-1, as amended from time to time, shall govern in accordance with law.
- l. **ARCHITECTURAL** - The development and architectural character of the Town Center residential developments shall be consistent with the historic character in the Town Center as shown in the Master Plan.
- m. **CONDITIONAL USES** - None
- n. **COMMON OPEN SPACE OWNERSHIP AND MAINTENANCE** - The Developer shall provide for and establish an organization for the ownership and

maintenance of all common space pursuant to the New Jersey Department of Community Affairs' rules and requirements.

- o. BEDROOM DISTRIBUTION** - The bedroom distribution for low and moderate units shall comply with the Administrative Regulations of the New Jersey Council on Affordable Housing. The remaining market units shall have no more than 50% of three bedroom units, with the remaining percentage one or two bedroom units.

SECTION 18-4.8(e) 11 MULTI-FAMILY 3 ZONE (MF-3), "SENIOR PROJECT," "RESIDENTIAL PROJECT," AND "AGE RESTRICTED PROJECT" (OVERLAY ZONE)

a. Purpose: The purpose of this Section is to establish alternate housing opportunities consistent with the Sparta Town Center, COAH Mediation Agreement and to implement the Housing Element/Fair Share Plan approved and certified by the Council on Affordable Housing.

b. PERMITTED USES: The following uses shall be to permit independently, but not a combination of:

1. A planned **Senior Residential Housing Development**, not exceeding 140 units, that provides adequate provisions to meet the unique requirements of Senior Citizens and the aging population. A planned environment will nurture the comfort of "aging-in-place" amongst several levels and types of Senior housing, making available personal care elements and convenience of services within an independent and dignified setting. This Planned Residential Development Senior Housing ("Senior Project") shall be a contiguous area of land controlled by a landowner, to be developed as a comprehensively planned environment for a number of dwelling units, principal and ancillary uses. The Senior Project shall comply with the definitions, requirements and regulations, as amended from time to time, by the New Jersey Department of Health and Senior Services (NJDOHSS) or the New Jersey Department of Community Affairs (NJCA). Uses of an institutional or commercial nature ancillary to the residential housing facilities in the Senior Project shall be intended primarily, but not exclusively for use of the residents of the planned development. The commercial spaces shall be harmonious with the Senior Project and the neighborhood and shall be provided to care and assist daily living activities and to provide other uses and activities customarily and incidental to the residential development for seniors "aging-in-place."

2. A planned **Residential Housing Development** of multi-family dwelling units ("Residential Project"), not exceeding 54 units, in a planned environment that shall be a contiguous parcel of land, with attached or detached structures to be configured to permit development, together with other accessory uses customary and incidental to a multi-family development.

3. A planned **Residential Housing Development** of multi-family dwelling units, not exceeding 75 units, restricted by age where at least one of the members of the residential unit is 55 years of age or older ("Age Restricted Project") in a planned environment that shall be a contiguous parcel of land, with attached or detached structures to be configured to permit development, together with other accessory uses customary and incidental to a multi-family development.

c. PERMITTED STRUCTURES: Any one of the following structures set forth in either Section b. 1 or b.2 or b. 3

1. Senior Residential Housing Development

a. An Independent Living Facility (ILF) consisting of a housing complex, multi-family, single family or a combination of uses thereof, catering to senior citizens with minimal services; a Congregate Seniors' Housing Facility (CSH) consisting of a multi-family complex catering to Senior citizen, with a common dining facility and sometimes with limited support services such as housekeeping and transportation; and an Assisted Living Facility (ALF) consisting of multi-family complex including a central dining room designed with features and staff to assist the frail elderly and daily activities. Support services shall be available.

b. The age of occupants shall be restricted to: persons where at least one member of the residential unit is at least fifty-five (55) years of age, with or without a spouse, and other members of such person's residential unit; and surviving members of that residential unit in the event of death of such resident who is at least 55 years of age, subject to applicable local, state, and federal law.

c. These uses in the Senior Project may be combined in various ways and may include skilled nursing facilities for those who require medical, nursing or rehabilitative services on a continuous basis.

d. Accessory Uses:

1. Garages for the storage of grounds equipment, or ancillary transport service vehicles available for use in delivering services to the PRD residents.

2. Greenhouses, gardens, outdoor game area, gazebos, clubhouses for the uses of the residents of single, or combined uses in PRD.

3. Medical and/or specially designed spaces inherent to the medical and social service professionals to administer services on a transient basis, as needed, or daily scheduled basis, i.e., physical therapies, occupational therapies, clinical and therapeutic services, for access by residents of complex. Overnight accommodations shall not be permitted within these uses.

4. Fences, retaining walls, landscape structures, trellises, gazebos, storm water management structure or related structures to maintain resident and complex services.

5. Public utility substations.

6. Interior defined spaces/areas for worship, religious activities, provisions for personal care services to residents, food preparation, dining, laundry and linen, beauty/barber shops, the sale of convenience products and sundries.

7. Individual commercial, retail, and medical office spaces for use specific to the PRD and its residents.

8. All other uses customarily associated with, and incidental to, the principal uses of ILF, CSH, and ALF as determined by the Board.

2. **Residential Project:** Multi-family residential housing, whether in fee simple ownership or rental-based accommodations, attached or detached.

- a. **Accessory Uses:** All customary and accessory uses incidental to a multifamily residential complex as determined by the Board, including but not limited to recreational facilities, fences, garages, satellite dishes, antennas, carports, and sheds.

3. **Age Restricted Project:** Multi-family residential housing, whether in fee simple ownership or rental-based accommodation, attached, or detached.

- a. **Accessory Uses:** All customary and accessory uses incidental to a residential complex as determined by the Board, but not limited to recreational facilities, fences, garages, satellite dishes, antennas, carports, and sheds.

d. **PHASING OF DEVELOPMENT:** Any of the Project uses and structures permitted under this section c. may be developed and constructed in phases. As part of its development application, the Applicant shall identify and describe the phases of development of the proposed Project, including the number of units and structures proposed to be constructed in each phase and an estimated timetable for development of each phase. The Board's review and approval of the phasing element of the application shall be conducted in accordance with the standards for site plan review set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and as supplemented by the provisions of the Township Code of Sparta.

e. **AREA AND BULK REQUIREMENTS:** The area and bulk requirements of the permitted uses shall be as follows, except as otherwise modified herein, for any of the permitted uses:

1. **Lot Size:** Not less than ten (10) acres.
2. **Lot width:** A minimum lot width of 300 feet, measured anywhere on the property, shall be required.
3. **Street Frontage:** A minimum street frontage of fifty (50) feet shall be required.
4. **Setbacks:** Fifty (50) feet from the property line.
5. **Maximum Gross Lot Coverage and Area Ratios:**
 - a. Total maximum building coverage of all combined uses, principal or accessory, may not exceed 35% of total, gross property area.
 - b. Total impervious surfaces coverage for all combined uses, principal or accessory, may not exceed 50% of total, gross property area.
6. **Total floor ratio (FAR)** for all combined uses, principal or accessory, may not exceed 0.35.
7. **Maximum Gross Density:**
 - a. Senior Project: up to 140 dwelling units
 - b. Residential Project: up to 54 dwelling units

c. **Age Restricted Project:** up to 75 dwelling units

8. **Building Height:** Maximum height shall not exceed thirty-five (35) feet, or two and one-half (2 ½) stories, whichever is less, exclusive of HVAC, satellite dishes, antennas, or other customary elements on the roof. Height shall mean the vertical distance from the average ground elevation of the finished grade to the top of a structure, or the highest point of the roof surface of a building.

9. **Spacing Between Two (2) or More Structures:** The minimum distance between any two structures containing a window or door opening to occupied rooms shall be forty (40) feet, or one half (1/2) of the combined height of the facing walls, whichever is greater, but in no case shall it be more than eighty (80) feet. Where the facing walls contain no windows or doors other than kitchen or bathroom windows, the minimum distance shall be thirty (30) feet regardless of the height of the facing walls.

10. **Payments In Lieu of On Site Construction:** Payments shall be made in lieu of on site construction of affordable housing units in accordance with the terms of the Township's substantive certification, including any mediated agreements.

11. **Additional Requirements Applicable to Residential Project Only:**

a. **Parking:** Residential Site Improvement Standards shall apply.

b. **Dwelling Unit Size:** The size of dwelling units, in all residential structures erected under this permitted use, converted or altered, with respect to floor area or number of dwelling limits, shall be exclusive of steps, porches, walls, bays, and utility room.

c. **Bedroom Mix:** No more than 5 % of the units in the Project shall have 3 bedrooms, no fewer than 10% of the units shall have 1 bedroom or less, and the balance shall be 2 bedroom units. In the event of a fraction, the number shall be rounded up. Examples: (1) 5% of 54 units equal 2.7; thus, 2.7 shall be rounded up to 3; (2) 10% of 54 equals 5.4; thus, 5.4 shall be rounded up to 6.

12. **Additional Requirements Applicable to Senior Project Only:**

a. The age of occupants shall be restricted to: persons where at least one member of the residential unit is at least fifty-five (55) years of age, with or without a spouse, and other members of such person's residential unit; and surviving members of that residential unit in the event of death of such resident who is at least 55 years of age, subject to applicable local, state, and federal law.

b. **Facility Services Criteria Guidelines for Components of the Senior Project:**

1. "Assisted Living Residence" – A facility which is licensed by the Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed by its residences. Residential living units must include, at a minimum, an unfurnished room, a private bathroom, a kitchenette inclusive of: (counter top/sink/microwave/small refrigerator), and a door able to be locked at the unit entrance. The age of

its residents shall be restricted to 55 years of age and older, except in the case of a younger spouse who cohabits with a resident, and is younger than the restrictive age. Further exceptions may be allowed in "need driven" cases, where, for example, a younger adult requires the specific services provided in an assisted living residence and meets other facility admissions criteria.

2. "Assisted Living Services" – A coordinated array of supportive personal care services and health care services available 24 hours per day to residents who have been assessed to need these services, in order to promote resident self-direction and participation in decisions that emphasize independence, individuality, privacy, dignity and home-like surroundings.
3. "Personal Care Services" – Services supportive to residents' care and comfort including assistance with activities of daily living.
4. "Health Care Services" – Any service provided to a resident of an Assisted Living Residence that is ordered by a physician and required to be provided or delegated by a licensed, registered or certified health care professional. Certified health care professional shall not include a certified homemaker/home health aide or certified nurse aide.
5. "Social Services" – Services provided to residents that address their interactions in the social environment and which affect the ability of people to accomplish their tasks, alleviate distress, and realize their aspirations and values.
6. Elements of Facility Design Standards: The following Minimum design standards shall be permitted as part of the Senior Project:
 - a. Outdoor recreational facilities planned for residents;
 - b. Indoor recreational facilities for activities;
 - c. designated rest/sitting areas;
 - d. congregate dining, and meal provisions as applicable to regulatory requirements;
 - e. health care facilities and services including, but not limited to, security facilities, administrative offices, storage facilities; any such administrative office shall be located entirely within the principal use(s) and shall be used to provide administrative services for singular or combined uses;
 - f. gift shop/convenience shop with hygiene aids, sundries and reading materials;
 - g. walking facilities which shall include landscaped seating areas at its beginning, mid and end points; laundry facilities or linen services for residents and living units;
 - h. physical therapy facilities;
 - i. planned social events and activities;

- j. area for worship provided;
 - k. indoor exercise area;
 - l. evergreen buffers provided around perimeter of site, as determined by the Planning Board.
 - m. parking requirements to follow standards published by the American Seniors Housing Association (ASHA);
 - n. facilities and grounds to be universally accessible to all residents;
 - o. illuminated walking paths, parking areas, drivers and internal roadways.
- c. The minimum size of a residential living unit; in all structures erected, converted or altered, with respect to floor area or number of dwelling units, exclusive of steps, porches, walls, bays; or utility rooms shall be as follows:
- 1. three hundred (300) square feet for each unit designated as a single occupancy unit within any principal, or accessory use;
 - 2. five hundred (500) square feet for each unit designated as a double occupancy unit within any principal or accessory use;
 - 3. adjoining units shall be limited to be configured into a maximum of a two bedroom dwelling unit;
 - 4. in case of a two bedroom configuration in a dwelling unit, occupancy shall be limited to a maximum of four persons.

SECTION 5: Section 18-4.2(r) is deleted in its entirety. Substituted in its place is the Ordinance entitled, "An Ordinance Creating a Fair Share Ordinance and Affirmative Marketing Program for Affordable Housing in Accordance with COAH Regulations" in its entirety adopted January 19, 2001, and now in effect.

SECTION 6: Severability.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 7: The Township Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

SECTION 8: Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency,

SECTION 9: This ordinance shall take effect as permitted by law.

Notice

NOTICE is hereby given that the above ordinance was introduced and passed at first reading at a meeting of the Township Council of the Township of Sparta, held on June 12, 2001 and will be considered for final passage at a meeting to be held on Tuesday,

July 10, 2001 at 8:00 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

MIRIAM TOWER, RMC
MUNICIPAL CLERK

Notice

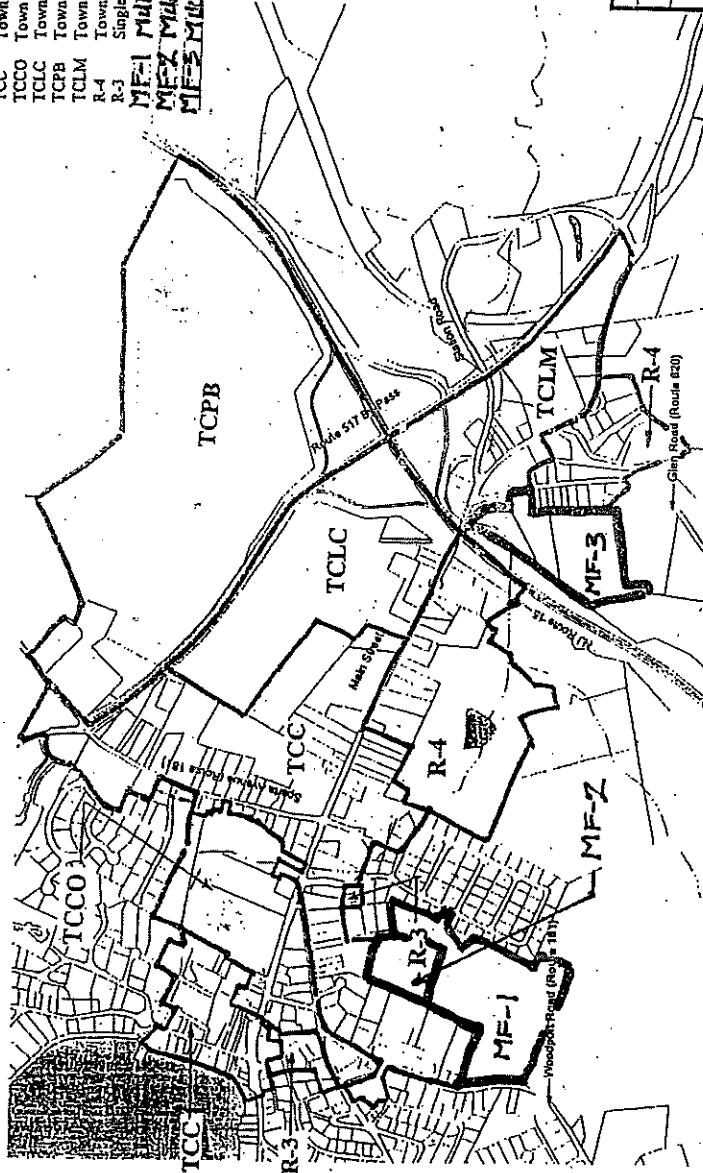
NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on Tuesday, June 12, 2001. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta, held on Tuesday, July 10, 2001 at the Municipal Building, 65 Main Street, Sparta, New Jersey 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.

MIRIAM TOWER, RMC
MUNICIPAL CLERK

Town Center Zoning Plan

Legend

- TCC Town Center Commercial
- TCCO Town Center Commercial Office
- TCLC Town Center Limited Commercial
- TCPB Town Center Professional Business
- TCLM Town Center Lower Main Street
- R-4 Town Center Residential - 8,000 S.F. Lot Area
- R-3 Single Family Residential - 8,000 S.F. Lot Area
- MF-1 MULTI-FAMILY ZONE - 1
- MF-2 MULTI-FAMILY ZONE - 2
- MF-3 MULTI-FAMILY ZONE - 3



Town Center Plan
Zoning Plan
TOWNSHIP OF SPARTA
Sussex County, New Jersey
Prepared By:
Township of Sparta Planning Department
September 1999

David R. Truist, P.P., A.I.C.P., C.L.A.
Spaia, NJ
LJ005150

5/22/01 COAH ZONING
DATE REVISION

ORDINANCE OF THE TOWNSHIP COUNCIL
OF THE TOWNSHIP OF SPARTA VARIOUS SECTIONS OF
CHAPTER XVIII ENTITLED "COMPREHENSIVE
LAND MANAGEMENT CODE"

SECTION 1. Section 18-2 entitled "Definitions" of the Comprehensive Land Management Code is hereby amended to state as follows:

- a. Clear Cutting means the removal of all standing trees on a lot or portion of a lot.
- b. Diameter at Point of Measurement means the diameter of a tree measured four and one half (4 ½) feet (forestry method) above the ground level on the downhill side of existing trees. Trees utilized in the replacement of existing trees or proposed in a landscape plan shall be measured Twelve inches (12") above the ground level for trees over four inch in caliper: the measurement shall be six inches above nursery grade for trees up to four (4) inch caliper (nursery method).
- c. Drip Line or Tree Canopy shall mean a limiting line established by a series of perpendicular drop points marking the maximum radius of the crown of an existing tree, but not less than 6 feet from the trunk.
- d. Replacement Tree shall mean a nursery-grown certified tree, properly balled and burlapped, marked with a durable label indicating genus, species and variety and satisfying the standards established for nursery stock and installation as set forth by American Association of Nurserymen.
- e. Selective Cutting shall mean the removal of larger trees on an individual basis while leaving trees of lesser size.
- f. Sign shall mean and include every device, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, model, emblem, object, logo or reading matter, which is used or intended to be used to attract attention or convey information when placed outdoors in view of the general public; in addition, any of the above shall be considered a sign within the meaning of this chapter, when placed near the inside surface of a window in such a way as to be used to convey information to the public.
- g. Silviculture shall mean the management of any wooded tract or lot of land to insure its continued survival and welfare, whether for commercial or non-commercial purposes, pursuant to a plan approved by the New Jersey Department of Forestry.
- h. Story shall mean a set of rooms on one floor level of a building. For purposes in this code, a basement as defined in this section shall be considered a ½ story. A cellar as defined in this section shall be considered a ½ story if more than four feet of the total height is above the finished grade.
- i. Thinning shall mean the removal of undesirable, competitive, diseased or damaged trees so as to cultivate and improve the remaining trees on the site.
- j. Tree shall mean any deciduous or coniferous species, which reaches a mature height of twelve (12) feet or more at maturity and has a typical DPM of four (4) inch caliper or greater.

SECTION 2. Section 18-4.2 entitled "General Provisions" is hereby amended to add a new subsection 4.2t changing the required procedures set forth in items 1 through 8 to state as follows:

1. Permit Required. No person shall commence any construction, grading, filling, or other form of land disturbance, nor shall any use be commenced in furtherance of any approved preliminary and/or final subdivision or site plan, unless a permit for same shall have first been obtained from the issuing authority, which shall be the office of the Township Planner.
2. Prerequisites. Prior to the issuance of any such permit, the Township Planner shall have first determined that:
 - a. All conditions of board approval have been met;
 - b. All fees and escrow monies due the Township have been paid or deposited.
 - c. All required permits have been obtained and documentation of permit issuance has been submitted.
 - d. All proposed construction will be in accordance with approved plans.
 - e. A pre-construction meeting has been held with the Township Engineer.
 - f. All off-tract improvements contributions have been deposited with the Township.
 - g. All required surety has been posted and accepted by the Township Council.
 - h. A developer's agreement, if required has been executed with the Township Council.
 - i. The developer has made arrangements with the Sparta police and provider of other emergency services with respect to traffic control and circulation considerations during construction activities as required by the Board.
3. Issuance of Permit. No such permit shall be issued unless, at least ten (10) days prior to the date on which construction is proposed to commence, the applicant shall have applied, in writing, on an approved application form, accompanied by written documentation that the conditions attending the underlying approval (subdivision or site plan review), including but not limited to, all requisite third party approvals, have been satisfied and all requisite third party permits have been secured. Three (3) copies of all approvals should be bound and submitted to the Planning Department.
4. Term. Such permit shall be valid for a period of one year from date of issuance and shall automatically expire, by limitation, unless construction pursuant thereto shall have been actually commenced within such period and shall have been diligently pursued.
5. Fee. The application fee for such permit, which shall be payable at the time of application therefore, shall be as set forth in the fee ordinance.
6. Site Restoration Guarantees may be required as a condition of approval.
 - a. It is the intent of this subsection, in the event of cessation of land disturbance and/or construction activities for a period of more than 120 consecutive days, when adverse weather conditions are not the cause

of such cessation of operation or the applicant has not satisfactorily explained to the Township Engineer and Planner the reason for cessation of operation and when the Township Engineer and Planner shall not have found that such cessation of operation is of a temporary nature, only, to assure restoration of so much of the site as is reasonably required to result in a safe and stable condition and one which does not create a risk to the public health and safety.

In the event of the anticipated cessation of land disturbance and/or construction activities, for a period of more than 90 consecutive days, the applicant shall have provided advance notice thereof, in writing, to the Township Engineer and Township Planner setting forth, in detail, the reasons for the proposed cessation of such activities and stating, to the best of the applicant's ability, the anticipated date upon which the activities will recommence.

- b. Consequently, it shall be required that, prior to the issuance of a land disturbance-construction permit, the applicant shall first have posted with the Township a restoration guarantee, meeting the requirements of NJSA 40:55D-6 and NJSA 40:55D-53, to assure the prompt and proper restoration of only so much of the site as, in the opinion of the Township Engineer, is unsafe, unstable or presents a risk to the public health and safety.
 - c. The amount of restoration guarantee shall be equal to 120 percent of the estimated cost of restoration of the site to a safe and stable condition, assuming all land disturbance and construction activities are in full progress when the cessation thereof has taken place. A written estimate of the cost of site restoration shall be prepared by the applicant's engineer and approved by the Township Engineer and Township Planner.
 - d. The applicant shall have the option of posting separate restoration guarantees for various separate phases of land disturbance or construction activities upon the site, in order that, upon the satisfactory completion of a particular phase of land disturbance or construction, the applicant may apply for and secure the release of the restoration guarantee posted for that particular phase.
 - e. Such restoration guarantee shall be posted with the Township, shall be approved by the Township attorney and accepted by the Township Council prior to the issuance of any land disturbance-construction permit pursuant to this section.
7. Exemptions: The following activities shall not be subject to the requirements of this ordinance:
- a. Septic repair.
 - b. Farm activities meeting the standards of State laws governing the right to farm.
 - c. A project less than 1 acre.
8. Violations and Penalties.
- a. Any person violating this section, upon conviction, shall be subject to a fine up to \$1,000.00 per day for any such violation and each and every day such violation continues shall be considered a separate and distinct violation; or shall be imprisoned for a period not to exceed 90 days, or both.

- b. In addition to the foregoing, the Township shall be entitled to apply to the Superior Court for an injunction to prohibit the commencement and/or continuation of such construction undertaken in violation of this section.

SECTION 3. Subsection u. entitled "Tree Preservation" of Section 18-4.2 entitled "General Provisions" is hereby added to Ordinance 18-4.2 to state as follows:

- u. *Tree Preservation:*
1. Purpose: The findings of the Township Council, the Planning Board and the Environmental Commission conclude the indiscriminate, uncontrolled and excessive destruction, removal and cutting of trees upon lots and tracts of land within the township causes increased drainage control costs, increased soil erosion and sedimentation, degradation of water resources, decreased groundwater recharge, increased buildup of air pollutants and dust tending to impact the character of the Township and a decrease in property values, which adversely affects the public health, safety and general welfare of the township residents, business owners and visitors. The Township desires to regulate and control indiscriminate and excessive removal and cutting of trees within the Township, preserve the maximum possible number of quality trees in the course of development of a site or lot, seek to protect larger specimen trees and encourage innovative design and grading to promote the preservation of existing trees.
 2. The Governing Body and the Planning Board recognizes a strong relationship between the integrity of the Township and the region's water resources and the development on constrained land (steep slopes, wetlands, depth to ground water etc.), tree removal, soil disturbance, storm water management, and the general use of the land resources. Therefore, the appropriate management of the Township's resources is an important health, safety and general welfare issue to be regulated.
 3. Definitions: The listed definitions or terms in Section 18-2 as used in the ordinance section shall apply.
 4. Cutting or removal restricted: With the exceptions of the exemptions established in this ordinance no person shall cut or remove, or cause to be cut or remove, any existing tree with a diameter at the point of measurement of 4 inch caliper or greater upon any lands within the Township unless the cutting and removal can be accomplished in accordance with the provisions set forth in this ordinance.
 5. Exemptions: The following shall be exempted from the requirements of this ordinance:
 - a. Commercial nurseries or fruit orchards.
 - b. Christmas tree farms.
 - c. Any tree which is a part of a cemetery.
 - d. Trees directed to be removed by the Township, county, State or Federal authority pursuant to law.
 - e. Removal of dead, dying or diseased, or damaged trees, or trees whose angle or growth makes them an immediate hazard to structures or human life.

f. Pruning or removal of trees within the right of way by utility companies or maintenance of utility wires or pipelines and the pruning of trees within sight easements.

g. Trees removed in conjunction with farmland greater than 25 acres that will be actively devoted primarily to agricultural uses and that yield a minimum annual income of \$500 per year from said farming activities. A plan must be submitted to the Planning Department for review and approval. In the event the expanded farmlands are not actively farmed for a period of 2 years, the tree replacement provisions contained in this ordinance will apply.

h. Parcels of land with a forest management plan approved by the NJDEP Division of Forestry. The approved plan must be submitted to the Planning Department as a matter of record.

i. Single family lots with tree removal of an area less than 5,000 square feet for the purposes of additions, accessory structures and expanded yard area except in restricted areas such as conservation easements, wetlands or wetland buffers. Separate tree removal events on a lot over a 3-year period, which exceeds 5,000 square feet are not exempt for the ordinance.

j. Parcels of land with preliminary site plan or subdivision approval. Removal of trees prior to Board approval is prohibited, unless it is part of site investigation such as percolation test for septic system suitability.

6. Residential Lots (excluding major and minor subdivisions and site plans):

a. Tree removal on residential lots exceeding an area of 5,000 square feet requires an application to the Site Plan Subcommittee of the Planning Board to waive the requirement of a tree removal site plan. The Subcommittee may choose to require a notice hearing before the full Board based on the information presented.

b. Application Form: The application form shall be available at the Planning Department and shall include the following information.

- i. Name, address and telephone number of owner of the premises.
- ii. Block and Lot, and address of property where the tree removal is located.
- iii. Name, address and telephone number of person performing the work.
- iv. A list of trees to be removed with a DPM equal or greater than 4 inches identified by size and species, including total number of each species to be removed.
- v. Purpose of tree removal (construction, driveway, recreation area, patio, parking area or other similar activity).
- vi. A property survey indicating the area of the tree removal activity and existing tree line to remain.

7. Site Plan: Tree removal shall be permitted only after Board approval and only for those trees necessary to construct the project. Appropriate protective measures for trees to be preserved shall be in place prior to construction. Refer to the Ordinance Checklist for the required information.

8. Minor or Major Subdivisions: Tree removal shall be permitted only after Board approval and only for those trees necessary to construct the project. Appropriate protective measures for trees to be preserved shall be in place prior to construction. Refer to the Ordinance Checklist for the required information for plan submission.

9. Review and Design Standards:

a. Trees shall be permitted to be removed as necessary to permit the construction of buildings, structures, decks, pools, driveways, septic field, lawn area for recreational use for the residents of the dwelling and any other authorized improvements. Existing vegetation shall be preserved to the greatest extent feasible.

b. Existing lots with tree cover shall maintain a minimum of 30% of the lot area with a tree canopy. This standard may be waived if the Board finds that the intent of the ordinance has been met or relief can be granted without negatively impacting the purposes of zoning.

c. Site or Tree protection measures including a field delineated area of disturbance with a silt fence or construction fence in place prior to removal and other any measure as deemed appropriate by the Board or Subcommittee.

d. Healthy trees outside of the building setback requirements should be retained to maintain resource protection and buffering to neighboring properties, unless the trees pose a hazard to person or property or where by the approved construction grading or disturbance would cause damage to a tree creating an unsafe condition.

e. Trees and vegetation shall not be removed in wetlands, wetland buffers or dedicated conservation easements except for exempted activities or as approved by NJDEP.

10. Protection of Trees: Whenever an application for tree removal has been granted, whether by site plan, subdivision or site plan waiver the following tree protection measures shall be observed.

a. Where practical, no material or temporary soil deposits shall be placed within the drip of a tree to be preserved. A minimum of 6 feet must be maintained.

b. Except while engaged in tree removal, no equipment shall be operated within 6 feet of any tree to be preserved.

c. A temporary tree protection detail is included in the ordinance. Other methods must be submitted and approved by the Board.

11. Violations and Penalties:

a. Where a site has been cleared and/or constructed on a site which results in accidental removal or severe damage which will result in death of any tree noted for preservation, the owner/developer shall replace the tree(s) on a one to one basis per individual tree in accordance with the following table:

Caliper of Existing Tree Removed	# of Replacement Trees 2 1/2" cal.
Between 18 and 24 inches	3
Between 24 and 30 inches	5
Between 30 and 36 inches	7
36 inches or greater	10

i. Replacement tree(s) shall be located on the site.

ii. The type of replacement tree(s) shall be the same as the species removed or as approved by the Director of Planning.

b. Penalty: Ordinance 18-7 administration and Enforcement shall apply to any violation of the Tree Removal ordinance.

12. Permit Approval:

a. Where tree removal is a part of an application for site plan or subdivision, the Municipal Land Use Law governs.

b. Where the application is made in connection with a single-family lot (not part of a subdivision) the Township Planner shall have 10 days for completeness review. After the application is complete the Board shall have 30 days to act or extended with consent of the applicant.

c. No approval shall be granted, if the Board finds that the proposed tree removal is contrary to the best interests of the public health, safety or general welfare.

d. The duration of the tree removal approval for a site plan or subdivision or variance application is based on the Municipal land Use Law. The single-family lot with no variances shall be 1 year from the date of Board action.

e. The applicant must notify the Planning Department in writing 5 days prior to start of work.

13. Fees:

a. Application for Site Plan Waiver for Tree Removal \$50.00.

b. Application for Site Plan to full Board for Tree Removal \$200.00.

c. Escrow fee \$300.00.

SECTION 4. Paragraph 18-4.2s3 of Section 18-4.2 entitled "Historic Preservation" is hereby amended by the addition of the following new subparagraph:

- (h) The Board with jurisdiction over an application in the White Deer Plaza Historic District shall refer the application to the Lake Mohawk Board of Trustees for comments concerning the impact on the National and State Historic Designation. This shall include any Variance, Site Plan, Subdivision or Site Plan Waiver Request. Prior to the application being deemed complete and prior to any Board approval, the applicant shall demonstrate that it has obtained written approval from the Lake Mohawk Association in compliance with the Lake Mohawk Association design approval deed restriction.

SECTION 5. The checklists for completeness in Appendix B for all of the applications are hereby amended to add the following additional item required for completeness:

"In the White Deer Plaza Historical District, written confirmation from the Lake Mohawk Association that the plan complies with the Lake Mohawk design approval deed restrictions."

SECTION 6 – Ordinance 18-4.3c entitled "Prohibited Accessory Structures in all zones" is hereby amended to state as follows:

- c. *Prohibited Accessory Structures in all zones:*

1. Any accessory structures not associated with the function of the principal use or structure.
2. Tent structures, does not include temporary party or display tents as permitted under the ordinance.

SECTION 7 – Subsection d. entitled "Outdoor Storage" of Section 18-4.5 is hereby amended to replace the first two paragraphs with the following and to renumber the remaining paragraph to 2 through 6 instead of 1 through 5.

Outdoor Storage. Outdoor storage or display of any article or material as an accessory use to any commercial operation is permitted in the ED, ED-1, TCC, TCCO, TCLC, TCPB, TCLM, C-1 and C-2 zones subject only to the following regulations:

1. All Commercial districts and uses shall have an enclosed outdoor trash and recycling area. The area shall include a concrete pad and an enclosure that is architecturally compatible with the principal structure. Appropriate landscape buffers are required to enhance the buffer and appearance.

SECTION 8 – Section 18-4.5 entitled "General Restrictions" is hereby amended to add the following additional subsections:

h. *Prohibited Uses in all Districts:*

All uses not specifically permitted in the zone district are prohibited. In addition the following uses are prohibited in all districts. The Township hereby finds and concludes based upon a survey of the surrounding region that the region has adequate sexually oriented businesses and uses and that additional facilities are not required within the Township.

- a. Sexually oriented business including, but not limited to, sexually oriented retail sales, sexually oriented video and book stores, sexually oriented entertainment uses, houses of prostitution, strip clubs, nude entertainment uses and any similar sexually oriented uses or businesses.

- b. Tatoo parlors.

SECTION 9 – Subsection 4.8e5 entitled "RR – Rural Residential Zone" is hereby amended to add the following subparagraph 9 at the end of subsection E entitled "Required Conditions":

- "(9) Existing lots platted or approved prior to August 11, 1998 with less than five (5) acres:

Existing lots platted or approved prior to August 11, 1998 which are less than the five (5) acre minimum lot size may be used for a new single family residential structure or an expansion of an existing residential structure in accordance with the standards of the former RR zone which are as follows:

- (1) Height. The height of the principal structure shall not exceed two and one-half (2 ½) stories or thirty five (35') feet, whichever is lesser.
- (2) Front Yard. There shall be a front yard of not less than seventy-five (75') feet.
- (3) Side Yard. There shall be two (2) side yards, each of which shall have a minimum of thirty (30') feet.

- (4) Rear Yard. There shall be a rear yard of at least seventy-five (75') feet.
- (5) Minimum Lot Area. The minimum lot area shall be the actual pre-existing lot area but not less than 40,000 square feet.
- (6) Land Coverage. The maximum land coverage area to be covered by all impervious surfaces shall not exceed ten (10%) percent of the total site area.
- (7) Minimum Frontage. Minimum frontage at the right of way line shall be one hundred thirty-five (135') feet.
- (8) Minimum Width. Minimum width of the building line shall be one hundred seventy-five (175') feet to two hundred fifty (250') feet. Minimum frontage at the turn around at the end of a cul-de-sac shall be one hundred (100') feet. The minimum width of the building line of a cul-de-sac lot shall be one hundred fifty (150') feet.

SECTION 10 – Subsection 4.8e6 entitled "RC-1 Rural Conservation Residential Zone" is hereby amended to add the following subparagraph (8) at the end of subsection E entitled "Required Conditions":

- "(8) Existing lots platted or approved prior to August 11, 1998 with less than 5 acres:

Existing lots platted or approved prior to August 11, 1998 which are less than the five (5) acre minimum lot size may be used for a new single family residential structure or an expansion of an existing residential structure in accordance with the standards of the former RC-1 zone which are as follows:

- (1) Height. The height of the principal structure shall not exceed two and one-half (2 ½) stories or thirty-five (35') feet, whichever is lesser.
- (2) Front Yard. There shall be a front yard of not less than one hundred fifty (150') feet.
- (3) Side Yard. There shall be two (2) side yards, each of which shall be a minimum of fifty (50') feet.
- (4) Rear Yard. There shall be a rear yard of at least one hundred (100') feet.
- (5) Minimum Lot Area. The minimum lot area for each lot shall be the actual size of the pre-existing lot but no less than two (2) acres.
- (6) Minimum Floor Area. Deleted.
- (7) Land Coverage. The maximum land areas to be covered by all impervious surfaces shall not exceed five (5%) percent of the total site area.

SECTION 11 – Subsection 4.8e6 entitled "RC-2 Rural Conservation Residential Zone" is hereby amended to add the following subparagraph (11) at the end of subsection E entitled "Required Conditions":

- "(11) Existing lots platted or approved prior to August 11, 1998 with less than 5 acres:

Existing lots platted or approved prior to August 11, 1998 which are less than the five (5) acre minimum lot size may be used for a new single family residential structure or an expansion of an existing residential structure in accordance with the standards of the former RC-2 zone which are as follows:

- (1) Height. The height of the principal structure shall not exceed two and one-half (2 ½) stories or thirty-five (35') feet, whichever is lesser.
- (2) Front Yard. There shall be a front yard of not less than one hundred fifty (150') feet.
- (3) Side Yard. There shall be two (2) side yards, each of which shall be a minimum of fifty (50') feet.
- (4) Rear Yard. There shall be a rear yard of at least one hundred (100') feet.
- (5) Minimum Lot Area. The minimum lot area for each lot shall be the actual size of the pre-existing lot but no less than two (2) acres.
- (6) Minimum Floor Area. Deleted.
- (7) Land Coverage. The maximum land areas to be covered by all impervious surfaces shall not exceed five (5%) percent of the total site area.

SECTION 12 – Subsection 18-4.8e17e(9) is hereby amended to change the existing Section to state in its entirety as follows:

- "(9) Town Center Zones Required Standards – Any development in the Town Center Commercial Office Zone (TCCO) shall comply with the Town Center Zones required standards set forth in 18-4.8(c)(16)(e) 9, 10, 11, 12, 13 & 14."

SECTION 13. – Subsection 18-4.8(e)18(e)(7) is hereby amended to change the existing Section to state in its entirety as follows:

- "(7) Town Center Zones Required Standards – Any development in the Town Center Limited Commercial Zone (TCLC) shall comply with the Town Center Zones required standards set forth in 18-4.8(c)(16)(e) 9, 10, 11, 12, 13 & 14."

SECTION 14. – Subsection 18-4.8(e)20(e)(9) is hereby amended to change the existing Section to state in its entirety as follows:

- "(9) Town Center Zones Required Standards – Any development in the Town Center Lower Main Zone (TCLM) shall comply with the Town Center Zones required standards set forth in 18-4.8(c)(16)(e) 9, 10, 11, 12, 13 & 14."

SECTION 15 - Subsection 18-4.8(e)19(e)(6) is hereby amended to change the existing Section to state in its entirety as follows:

- "(6) Town Center Zones Required Standards – Any development in the Town Center Professional Business Zone (TCPB) shall comply with the Town Center Zones required standards set forth in 18-4.8(c)(16)(e) 9, 10, 11, 12, 13 & 14."

SECTION 16 – Subsection 18-5.3h(1)(a) of Section 18-5.3h(1) entitled "Parking Standards" of Ordinance 18-5 is hereby amended to add the following additional parking standards to the existing chart:

Type of Use	Specific Uses	Required Spaces
Commercial	Dance Studio, Karate Studio or similar use	1/100 square ft. of gross area.
Office	Real Estate Offices for Commercial and Residential Properties	1/100 square ft. of gross area.

SECTION 17 – Subsection 5.3.o entitled "Fences and Walls" of Section 18-5.3 is hereby amended to add the following paragraphs to state as follows and renumber the paragraphs accordingly:

3. All fences must have finished side facing out from property.
4. Electrified fences shall be permitted in all residential zones in the side and rear yard only under the following conditions. The electric fence must be placed 5 feet from any property boundary. A traditional fence must be placed along the property line in front of the electric fence. Permitted agricultural uses in the RR, RC-1, RC-2 and commercial zones are exempt from this standard.
5. No walls shall be located in the proposed right of way of a public or private road. No walls shall be higher than four (4) feet in height.

SECTION 18. Section 18-5.4e entitled "Dedication of Open Space to the Municipality" of Ordinance 18-5.4 is hereby replaced with the following new section:

e. *Dedication of Open Space to the Municipality.*

The Township may, at any time and from time to time, accept the dedication of land or any interest therein for public use and maintenance. If an applicant offers to dedicate open space to either the Township or a Homeowners or Open Space organization, the applicant shall provide the following documentation, at its sole cost and expense, to the Homeowners or Open Space organization or the Township, whichever is proposed to receive the dedication:

- (1) A survey for the property being dedicated.
- (2) A Title Insurance Commitment and Title Insurance Policy in a nominal amount of \$1000, confirming that the property is insurable at regular rates.
- (3) A Phase I Environmental Site Assessment and if necessary a Phase II Environmental Site Assessment by a qualified environmental consultant and certified to the party to whom the land is dedicated in accordance with the ATSM standards and federal and state laws sufficient to provide that the Township or the Homeowner's Association or Open Space Organization will be an "innocent owner" pursuant to federal and state statutes.
- (4) A bargain and sale covenants against the grantors act deed and affidavit of title.
- (5) The above documents shall be provided prior to the recording of the final plat and shall be subject to the review and approval of the Township Attorney, Planning Board Attorney and Planning Board Engineer.

SECTION 19 – Subsection 4.8e3(e)(3), entitled "Minimum Lot Area, R-3 Residential Zone" is hereby replaced by the following paragraph to state as follows:

3. "Minimum Lot Area"

"The Minimum Lot Area of 14,000 square feet is required. Existing conforming platted lots prior to the July 1, 2002 effective date shall adhere to the following lot standards. No residential building shall be erected on an existing platted lot less than eight thousand (8000) square feet measured within one hundred (100) feet of the street sideline.

SECTION 20 – Subsection 4.8e12(e)(16) entitled "Architectural Requirement" is hereby amended to replace subparagraph 4 entitled "Roofs" with the following subparagraph to state as follows:

Roofs: All buildings shall have pitched roofs, except where technical considerations require a flat roof, a mansard roof treatment shall be used to reflect the historic character of Main Street (hip, mansard or gable) and material shall be architecturally compatible with the rest of the building and should reflect the general pattern along the street."

SECTION 21 – Subsection 4.8e12(e)(16) entitled "Signs and Graphics" is hereby amended to add a new subparagraph:

- (d). "A business establishment may display one (1) or more signs not exceeding three (3) relating to its business."

SECTION 22 – Subsection 4.8e14(e)(18) entitled "Town Center Limited Commercial Zone District, Height" is hereby amended to change the standard for the height of a principal structure to a maximum of 38 feet instead of 35 feet.

SECTION 23 – Subsection 4.8e17(e)(19) entitled "Town Center Professional Business Zone District, Height" is hereby amended to change the standard for the height of a principal structure to a maximum of 38 feet.

SECTION 24 – Subsection 4.8e18 (b)(1) entitled "Planned Town Center Limited Commercial Development Zone District" is hereby amended to add the following paragraph to state as follows:

- (g). "Second floor apartments over retail commercial and office uses, but not over dry cleaning establishments."

SECTION 25 – Subsection 4.8e21(f) entitled "Economic Development District, Required Conditions for Industrial or Planned Development" of Ordinance 18-4 is hereby amended to add the following paragraph to state as follows:

- (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.

SECTION 26 – Subsection 4.8e19(b)(1) entitled "Planned Town Center Professional Business Zone District" is hereby amended to add the following paragraph to state as follows:

- (i). "Second floor apartments over retail commercial and office uses, but not over dry cleaning establishments."

SECTION 27 – Ordinance 18-4.8(b) entitled "Boundaries of districts; Zoning Maps; Schedules; Interpretation" is hereby modified with respect to only subparagraph 1 so that subparagraph 1 shall state in its entirety as follows:

- "1. The boundaries of the district referred to in paragraph a. are hereby established as shown on the map entitled Zoning map, Township of Sparta, Sussex County, New Jersey, dated September 1983, which map accompanied and was declared to be part of this code as adopted on September 1983 and as amended from time to time by ordinance and now the attached July 2002 revision to said map is herewith made a part of this Section."

SECTION 28. Severability.

If any section, paragraph, subdivision, clause or provision of this ordinance shall be judged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision, and the remainder of this ordinance shall be deemed valid and effective.

SECTION 29. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 30. This ordinance shall take effect within twenty (20) days of the date of adoption hereof.

NOTICE

PLEASE TAKE NOTICE that the above ordinance was introduced and passed upon first reading on July 9, 2002 at 7:30 p.m. at a regular meeting of the Sparta Township Council held at the Municipal Building, 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, on August 13, 2002 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

MIRIAM TOWER, C.M.C.
MUNICIPAL CLERK

PLEASE TAKE FURTHER NOTICE that the Township Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance pursuant to the Sussex County Planning Board and to all others entitled thereto pursuant to the provisions of NJSA 40:55D-15. Upon adoption of this ordinance, after a public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this ordinance, as finally adopted, with the Sussex County Planning Board as required by NJSA 40:55D-16.

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 Tuesday, July 9, 2002. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta, held on Tuesday, August 13, 2002 at the Municipal Building, 65 Main Street, Sparta, New Jersey 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.

MIRIAM TOWER, CMC
MUNICIPAL CLERK

16-21

**AN ORDINANCE OF THE TOWNSHIP OF SPARTA AMENDING SECTION 18-4.8
ENTITLED "DISTRICTS" AND TO ADD A NEW DISTRICT ENTITLED "SECTION 18.4.37
TOWN CENTER MAIN STREET BUSINESS (TCMSB)" ZONE OF CHAPTER 18 ENTITLED
"COMPREHENSIVE AND MANAGEMENT CODE" AND AMENDING SECTION 18-4.14
ENTITLED "TOWN CENTER COMMERCIAL (TCC) ZONE" TO LIST CHURCHES,
HOUSES OF WORSHIP AND CEMETERIES AS PERMITTED USES**

Purpose Statement: The purpose of this Ordinance is to add a new zone district entitled "Town Center Main Street Business District (TCMSB)" to allow professional office, specialty retail, multi-family housing units, and mixed uses in the zone on a portion of Main Street, and to amend the Town Center Commercial (TCC) Zone to explicitly permit "houses of worship, churches and cemeteries" as permitted uses in the TCC Zone.

Section 1 – Section 18-2 entitled "Definitions" is amended to add a new definition as follows: "Specialty retail" shall mean: "A small retail outlet that focuses on selling a particular product range and associated items. Specialty store business operators should maintain considerable depth in the type of product that they specialize in selling, in addition to providing higher service quality and expert guidance to shoppers. Specialty retail may include antique shops, art studios and galleries, restaurants, café's, bakeries, gift shops, and similar specialty retail uses.

Section 2 – Subsection a. entitled "Classes of Districts" of Section 18-4 entitled "Districts" is amended to add a new district entitled "TCMSB – Town Center Main Street Business Zone."

Section 3 – Section 18-4.24 entitled "Town Center Commercial Zone (TCC)" is amended in subsection b entitled "b. Principal Permitted Uses" to add "10. Houses of worship, churches and cemeteries" as explicitly permitted uses.

Section 4 – Section 18-4. entitled "Zoning" is amended to add a new Section 18-4.37 entitled "Town Center Main Street Business Zone (TCMSB)" which shall state as follows:

18.4.37 Town Center Main Street Business Zone (TCMSB)

a. Purpose and General Requirements for all Uses in TCMSB Zone.

The TCMSB Zone is a district in which professional office, specialty retail, service uses, multifamily residential uses and mixed uses of any permitted uses are allowed. Site plans and building shall be designed in a manner that will preserve and mimic the rural and historic character of the area and the Township, preserve the tax base of the Township and promote the viability of the existing and future commercial areas in the central business district, promote the public health, safety, morals and general welfare, provide adequate open space and preserve environmentally sensitive lands such as freshwater wetlands, transition areas, severe slopes and woodlands, promote development in harmony with the existing Town Center by maintaining the scale, form and proportions of the adjacent and nearby R-4 and the Town Center Zones. The TCMSB Zone, therefore, promotes the establishment of appropriate office, service uses, specialty retail, multi-family residential uses and mixed uses of permitted uses at appropriate locations in accordance with their respective environmental requirements. The TCMSB Zone promotes a desirable visual environment through creative development techniques including unified design, conservation of open space and prevention of urban sprawl. Demolition or partial demolition of any structures in the TCMSB Zone shall comply with subsection 18-4.2 regarding Historic Preservation. A primary consideration in reviewing the suitability of a proposed use is preservation of the character of the existing buildings within the zone to accomplish the following goals of the Township of Sparta:

1. To preserve the resources within the Main Street corridor which reflect the elements of the architectural history.
2. To encourage the continued use of the existing buildings and to encourage appropriate reuse.

3. To maintain the character of the neighborhood and architecturally significant buildings.
4. To manage change by preventing alteration or new construction not in keeping with the zone.
5. To discourage the unnecessary demolition of historic resources and to encourage renovations and modifications and additions on new structures which preserve front facades and streetscape appearance.

b. Principal Permitted Uses.

1. Professional Offices
2. Specialty Retail
3. Public buildings and uses.
4. Cafes/Restaurants without drive through service.
5. Studios/Galleries
6. Bed and breakfast inns. See definition (subsection 18-2.1).
7. Multi-family units with mixed uses (mixes of multi-family with other permitted or conditional uses) in existing buildings or additions and new buildings.
8. Shared parking with interconnected driveways. Shared parking arrangements may be approved by the Board to waive or defer implementation of parking spaces based on demonstrations to the Board of adequate parking spaces on site or off site.
9. Houses of worship and churches.

c. Conditional Uses

The following uses are permitted as conditional uses within the TCMSB Zone subject to site plan approval and consideration of the impact of said use on the neighborhood as outlined in section 18-4.7c, Application for a Permitted Conditional Use.

1. Essential services pursuant to standards set forth in subsection 18-4.7c, 18.

d. Accessory Uses.

1. Home occupation.
2. Swimming pools, tennis courts, gate houses, community rooms, and any other accessory structures incidental to the principal use.
3. Tool shed, maintenance structures, and utilities.
4. Private garages.
5. Decks.
6. Parking lots and shared parking lots.

e. Prohibited Uses.

1. Uses which are not permitted uses, conditional uses or accessory uses are hereby prohibited.
2. Beauty salons, hair cutting, and nail salons
3. Fueling stations and automobile services
4. Tattoo parlors
5. Dry Cleaners
6. Motorized vehicle dealerships
7. Convenience stores
8. Discount Stores

f. Required Standards.

1. Height. The height of a principal structure shall not exceed forty-five (45) feet or three and one-half (3 ½) stories, whichever is less. Existing structures with height greater than 35 feet or 2 ½ stories may be modified or enlarged with the same height as the existing height. Conversions, additions and new buildings containing one or more affordable units may be up to three and one-half (3 ½) stories high and up to 45 feet in height.
2. Front Yard. There shall be a front yard of not less than twenty-five (25) feet.
3. Side Yard. There shall be two (2) side yards which shall not be less than fifteen (15) feet each. When the lot in question is a corner lot, the side yard adjoining the side street shall conform to the front yard setback.

4. Rear Yard. There shall be a rear yard of at least fifty (50) feet.
5. Land Coverage. The maximum land area to be covered by all impervious surfaces shall not exceed fifteen (15%) percent of the total site area for properties served by a septic system, and forty (40%) percent for properties connected to the Sparta sewer and water systems. If the lot is connected to the Sparta water and sewer system and provides at least one (1) affordable housing unit, the impervious coverage may be increased to fifty (50%) percent as an incentive to the mandatory set aside for affordable housing. Impervious coverage may be increased up to 60% if two (2) units of affordable housing are provided on site.
6. Minimum Frontage. Minimum frontage at the right-of-way line shall be seventy-five (75) feet. Minimum lot width at the building line shall be one hundred (100) feet. Minimum frontage on the turnaround at the end of a permanent cul-de-sac shall be sixty-five (65) feet and the minimum width at the building line shall be eighty-five (85) feet.
7. Single family residential structures constructed prior to October 1, 1992 may be expanded provided the structure conforms to the required yard setback requirements of the R-4 Zone and may be rebuilt if totally or partially destroyed.
8. Streetscape. All properties with frontage on Main Street, the connector and parallel service road to Main Street shall provide streetscape improvements consistent with the Town Center Master Plan including but not limited to the following:
 - (a) Street trees every forty (40) feet or as deemed appropriate by the Board after review of the landscape plan.
 - (b) Decorative street lighting, spacing as required.
 - (c) Sidewalks.
 - (d) Concrete paver/utility strip.
 - (e) Benches.
 - (f) Trash and recycling receptacles.
9. New office, service, specialty retail, and multifamily units with mixed uses shall include features to promote harmony with the character of the existing Town Center scale, form, and proportions of the Town Center Zones. Building additions, renovations and alterations shall have a historic character consistent in appearance with the goals of 1997 Town Center Master Plan Amendment.
10. New buildings or conversions of existing buildings may also have mixed uses of multi-family units with office and/or specialty retail uses. The number of multi-family units may be up to six (6) dwelling units per acre provided twenty (20%) percent of the units are affordable units in accordance with the Township's Affordable Housing Ordinances, COAH rules and the New Jersey Uniform Affordable Housing Controls (UHAC) rules and at least 13% of affordable units shall be affordable to very low income households
11. New construction must connect to available infrastructure.
12. Distance between unattached buildings shall not be closer than thirty (30) feet to any other building situated on the same lot.
13. More than one principal building and use are allowed on the same lot.

Section 5 – The zone map of the Township of Sparta dated October 25, 2013 and revised on November 2, 2016 is amended to add the new Town Center Main Street Business (TCMSB) Zone District as shown on the updated zone map of December 2016.

Section 6 – Severability. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared severable.

Section 7 – Repealer. All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this Ordinance are to the extent of such inconsistency repealed.

Section 8 – Effect. This ordinance shall take effect after publication and passage according to 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, 2016, 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, 2016 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

MARY J. COE, 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 November 22, 2016. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta, held on December 13, 2016 at 7:30 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.

MARY J. COE, RMC
MUNICIPAL CLERK