**ORDINANCE NO 2024-01**

**AN ORDINANCE OF THE TOWNSHIP OF PLUMSTED, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 15 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF PLUMSTED, ENTITLED “ZONING”, ARTICLE 4, ENTITLED “ZONES” and ARTICLE 5 ENTITLED “GENERAL REGULATIONS”**

**WHEREAS**, the Township of Plumsted recognizes that warehousing facilities generate economic activity, jobs and ratables, it should not be at the expense of the public good; and

**WHEREAS,** these warehousing facilities produce negative impacts to the public, including noise, truck traffic and air pollution; and

**WHEREAS**, the Township has the right to protect the public health, safety and welfare of its residents and preserve the natural landscape of the community which directly aligns with multiple goals of the Master Plan and the Township Committee believes the removal of Warehouses from C-2, Commercial Zone, C-3 Commercial Zone, C-5 Commercial Zone and Light Industrial Zone 1 and 2 is necessary to do so; and

**WHEREAS**, the Township recognizes the need to amend the General Regulations and Definition sections of Chapter 15 is necessary to do so.

**BE IT ORDAINED,** by the Township Committee of the Township of Plumsted, County of Ocean, State of New Jersey that Chapter 15 of theGeneral Ordinances of the Township of Plumsted, entitled “Zoning”, Article 4, entitled “Zones”, and Article 5, entitled “General Regulations”, are hereby amended and supplemented as follows:

**SECTION 1.** Section 15-4.7 entitled “C-2 Commercial Zone” subsection (b) Entitled “Conditional Uses.” is hereby amended to remove Item 2 “Warehouses under circumstances where the property is at least five (5) acres in area.”, in its entirety.

**SECTION 2.** Section 15-4.8 entitled “C-3 Commercial Zone” subsection (b) Entitled “Conditional Uses.” is hereby amended to remove Item 2 “Warehouses under circumstances where the property is at least five (5) acres in area.”, in its entirety.

**SECTION 3.** Section 15-4.14 entitled “C-5 Commercial Zone” subsection (b) Entitled “Conditional Uses.” is hereby amended to remove Item 2 “Warehouses under circumstances where the property is at least five (5) acres in area.”, in its entirety.

SECTION 4. Section 15-4.10 entitled “Light Industrial Zone 1 and 2” subsection (a) Entitled “Permitted Uses.” Is hereby amended to remove Item 4 “Warehouses and terminal facilities, in its entirety.

**SECTION 5.** Section 15-5 entitled “General Regulations” Subsection 1 Entitled “General Information”, Item (g) is hereby amended so as to read as follows:

(g) In all residential zones, except the R-10 zone, it shall be unlawful to subdivide any parcel of land for residential use unless all of the following criteria are met:

1. All proposed lots and dwellings are to be served by both a public or other central water and sewer system

2. All proposed lots have a minimum lot area of 40,000 square feet.

3. The minimum lot area shall be increased in accordance with the following:

|  |  |  |
| --- | --- | --- |
| PERC RATE | LOT AREA INCREMENT | PERME-ABILITY RATE |
| (minutes/ inch) | (Square feet) | (in/hr) |
| DEPTH TO SHWT (feet) |
|   | 6 | 5 | 4 | 3 | 2 | 1 |   |
| Up to 30 | 0 | 21,800 | 43,560 | 65,300 | 87,000 | N/A | 2 |
| (1 acre) |
| 30-35 | 7,260 | 29,060 | 50,800 | 72,500 |   | N/A | 2.0 - 1.4 |
| 35-40 | 14,520 | 36,320 | 58,000 | 80,000 |   | N/A | 1.4 - 1.0 |
| 40-45 | 21,780 | 43,560 | 65,300 | 87,000 |   | N/A | 1.0 - 0.6 |
| (1 acre) |
| 45-50 | 29,000 | 50,800 | 72,500 |   |   | N/A | 0.6 - 0.4 |
| 50-55 | 36,300 | 58,000 | 80,000 |   |   | N/A | 0.4 - 0.3 |
| 55-60 | 43,560 | 63,300 | 87,000 |   |   | N/A | 0.3 - 0.2 |

1. [](https://ecode360.com/34932424%22%20%5Cl%20%2234932424)
2. The following increments have been determined for various conditions and shall apply. A percolation rate of 60 minutes per inch and greater is not acceptable under state standards. All blank categories shall have the maximum increment.
3. All state standards, specifically New Jersey Department of Environmental Protection Standards for the Construction of Individual Subsurface Sewage Disposal Systems.

**SECTION 6.** Section 15-5 entitled “General Regulations” Subsection 1 Entitled “General Information”, Item (j) is hereby added:

j. So as to protect the rural nature of the township, structures shall conform to a rural design:

1. Rural shall mean in relating to, or characteristic of the countryside rather than the town.
2. Rural Structures shall consist of distinctive materials, features, finishes, and construction techniques that characterize the natural character of the zone as further defined by the American Institute of Architects (AIA) as Farmhouse or Barn Style.
3. Rural Design shall add focus to open land and minimize environmental impact to facilitate blending with nature and wildlife.

**SECTION 7.** Section 15-5 entitled “General Regulations” Subsection 6 Entitled “Height Limitations”, is hereby amended so as to read as follows:

The height limitations of this chapter shall not apply to church spires, silos, belfries, cupolas, and domes not used for human occupancy, nor to chimneys, ventilators, skylights, water tanks and necessary mechanical appurtenances usually carried above the roof level. Roof mounted equipment shall be screened from public view. Such features, however, shall be erected only to such heights as are necessary to accomplish the purposes they are to serve and then only in accordance with any other governmental regulations. Additionally, if physical screening is to be factored into calculation of building height- it would seem to be in direct conflict with ordinance as a waiver from height limitations for certain roof mounted items- spires, silos, belfries, cupolas, domes, and necessary mechanical appurtenances.

**SECTION 8.** Section 15-7 is hereby amended so as to read as follows:

Prohibited Uses-

(a) All uses not specifically permitted in each zone are prohibited.

(b) Warehouses are prohibited in all zones.

(Are there other uses that we want to explicitly prohibit in all zones).

 **SECTION 9**. Section 15-10 entitled “Definitions” section (a) item 7 is hereby amended so as to read as follows:

7. BUILDING HEIGHT - Shall mean the vertical distance measured from the mean elevation of the finished grade along the front of the building to the highest point of the roof, subject to height limitations contained herein.

**SECTION 10.** Section 15-10 entitled “Definitions” section (a) item 46 is hereby amended so as to read as follows:

46. STRUCTURE – Shall mean anything that is constructed, built, or arranged according to a plan.

**SECTION 11.** Section 15-10 entitled “Definitions” section (a) item 70 is hereby amended so as to read as follows:

70. LOT COVERAGE – Shall mean the area of a lot covered by any material placed on or above the earth which prevents or reduces the natural percolation of water through the surface. Examples include, but are not limited to: structures, including eaves, roofs and roof overhangs, parking areas and driveways (whether hard surfaced or not), sidewalks, patios and decks, sport courts and pools. Lot coverage shall be expressed as a percentage equaling the sum of the impervious surfaces divided by the overall lot area.

**SECTION 12.** Section 15-10 entitled “Definitions” section (a) item 84 is hereby amended so as to read as follows:

84. IMPERVIOUS COVER — Shall mean any material placed in, on or above the earth, the artificial impacting of the earth, or any material change in the natural surface of the earth which essentially reduces, prevents, or could prevent the natural percolation of water or which reduces the undisturbed open space areas on the lot. Examples include, but are not limited to: structures, including eaves, roofs and roof overhangs, parking areas and driveways (whether hard surfaced or not), sidewalks, patios and decks, sport courts and pools.

**SECTION 13**. Section 15-10 entitled “Definitions section (a) item 91 is hereby added so as to read as follows:

91. WAREHOUSE- Shall mean any building used for storing goods and materials in inventory for extended periods of time and releasing them on demand. Warehouses may also include multitenant facilities that are usually rented through short to medium-term leases. Warehouses may also include facilities that require cold storage of temperature sensitive products not associated with a permitted principal use.

**SECTION 14.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 15.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct, independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 16.** Since this ordinance is legislative in nature, there shall be the codification of same in the General Ordinance Book of the Township of Plumsted.

**SECTION 17.** This ordinance shall take effect after the second reading and publication as required by law.

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| NAME | BOWEN | GRILLETTO | HAMMERSTONE | MARINARI | CUOZZO |
| AYES |  |  |  |  |  |
| ABSTAIN |  |  |  |  |  |
| NAYS |  |  |  |  |  |
| ABSENT |  |  |  |  |  |

## NOTICE

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Plumsted held on the **15TH** day of **FEBRUARY, 2024** and will be considered for second reading and final passage at a regular meeting of the Township Committee to be held on the **7th** day of **MARCH, 2024** at 7:00 PM, at the Municipal Building, 121 Evergreen Road, New Egypt, NJ 08533, at which time and place any person desiring to be heard upon the same will be given the opportunity to be so heard.

Pursuant to N.J.S.A. 40:49-2, as amended, further notice is hereby given that he purpose of the Ordinance- is to remove warehousing as a conditional use from all commercial zones, i.e., C-2 Commercial Zone, C-3 Commercial Zone, C-5 Commercial Zone  and to remove it as a permitted use in the Light Industrial Zones 1 & 2 within the Township.

Members of the general public may obtain a copy of the ordinance without cost during normal business hours from the Municipal Clerk’s Office, 121 Evergreen Road, New Egypt, New Jersey.

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**JENNIFER WITHAM, RMC, CMR**

**Municipal Clerk**