

## **ORDINANCE NO. 02-2023**

### **AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 95 “LAND USE AND ZONING,” ARTICLE VII “ZONING”, SECTION 95-53.6 “SED (SPECIAL ECONOMIC DEVELOPMENT) INDUSTRIAL DISTRICT REGULATIONS” TO AMEND THE PERMITTED USES WITHIN THE SED DISTRICT**

**WHEREAS**, the New Jersey State Planning Commission adopted a policy entitled *Distribution Warehousing and Goods Movement Guidelines*, also known as “Warehouse Siting Guidance” (hereinafter “WSG”), on September 7, 2022, which addresses the observation that, “In recent years, industrial-scale warehousing for goods storage and distribution to businesses and retail customers has undergone rapid change with the growth of e-commerce and rising consumer expectations for same-day delivery services.”; and

**WHEREAS**, the WSG notes that, “The continuing evolution of logistics industries will have profound implications on the nexus between land use and the intermodal transportation network for years to come.”; and

**WHEREAS**, the WSG states that, “...large-scale regional warehousing, can if not properly sited and scaled, result in significant negative impacts, from the intensive consumption of underdeveloped land to the degradation of habitat, air and water resources, quality of life, public health, safety, infrastructure, and transportation networks.”; and

**WHEREAS**, the WSG states that, “Guiding such development effectively will require a whole-of-government approach and commitment to long-range planning with a greater focus on the nexus between local and regional land use and transportation planning.”; and

**WHEREAS**, the WSG states, “Given the scale and intensity of new and emerging warehousing trends and building types, zoning that simply permits generic warehousing may not be sufficient to address the different types of warehousing uses, nor to give a municipality the performance standards it needs to adequately review an application or require developers to properly minimize and mitigate impacts.”; and

**WHEREAS**, the WSG recommends, “At a minimum, communities should conduct a Master Plan reexamination and update their zoning ordinance, relevant redevelopment plans, and land development policies.”; and

**WHEREAS**, the WSG also suggests that zoning should evolve to keep up with the changing variety of warehouse uses; and

**WHEREAS**, the WSG also recommends, “...in reviewing existing zoning districts, municipalities should consider zoning to support manufacturing or a mix of compatible activities, as this type of space might create better-paying jobs than warehousing space.”; and

**WHEREAS**, the SED (Special Economic Development) Industrial District is located in proximity to residential uses and commercial areas and the highly traveled Route 10 and Ridgedale Avenue; and

**WHEREAS**, the WSC notes potential environmental impacts including diesel truck emissions, which could produce fumes and traffic impacts that could affect traffic movement along the corridors. These are potential impacts that could affect the health and general welfare of East Hanover; and

**WHEREAS**, large-scale warehouse development would alter the streetscape of Ridgedale Avenue and Route 10; and

**WHEREAS**, the evolving logistics industries will require careful monitoring in order to keep abreast with the impacts; and

**WHEREAS**, East Hanover intends to assure the health, safety, and welfare of its residential and commercial community and will apply scrutiny to all warehouse siting within the Township in a manner consistent with the Land Use and Zoning Ordinance and the intent of the Master Plan.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Township Council that:

**SECTION 1.** The Township Code, Chapter 95 “Land Use and Zoning,” Article VII “Zoning,” Section §95-53.6 “SED (Special Economic Development) Industrial District regulations,” shall be amended to add the following underlined text and delete the following text in ~~strikeout~~:

B. Permitted uses shall be as follows:

- (2) Permitted principal uses in the I-3 Light Industry Zone. The finishing or assembling of articles made from previously prepared or refined materials.
- (3) The preparation and fabrication of metals and metal products or chemicals and chemical products.
- (4) Research activities, including laboratories and structures and facilities used in connection therewith and the testing, sale, or lease of articles designed and produced in such laboratories.
- (5) Electronic data centers.
- (6) The manufacture and/or assembly of plastic products as listed under the North American Industry Classification Systems – 326 Plastics and Rubber Products Manufacturing.
- (7) Technical training institutions and schools.

D. Prohibited uses. Uses and activities which are specifically prohibited for the Light Industry I-3 Zone in § **95-59B** and warehousing unrelated to the storage of Chemicals and pharmaceuticals are specifically prohibited in the SED Zone.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

**SECTION 3.** If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

**SECTION 4.** This Ordinance shall take effect upon final publication as provided by law.

Attest:

TOWNSHIP OF EAST HANOVER

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Nicolette J. Riggi, RMC, Township Clerk

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Joseph Pannullo, Mayor

Introduced: April 3, 2023

Adopted: June 5, 2023

I, Nicolette J. Riggi, RMC, Township Clerk of the Township of East Hanover, County of Morris, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Council at a duly convened meeting held on June 5, 2023.

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Nicolette J. Riggi, RMC, Township Clerk

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