

**TOWNSHIP OF MANSFIELD
BURLINGTON COUNTY**

ORDINANCE 2022 – 6

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY AMENDING CHAPTER 65 OF THE CODE OF THE TOWNSHIP OF MANSFIELD ENTITLED “ZONING” TO ADOPT AND ENACT PROVISIONS PROHIBITING LOGISTICS/WAREHOUSE USES IN MANSFIELD TOWNSHIP AND TO FURTHER AMEND MANSFIELD TOWNSHIP CODE CHAPTER 44A, “SITE PLAN REVIEW”, SECTION 44A-4.1 “MINOR SITE PLAN SUBMISSION; DEFINITIONS AND REQUIRED DATA.”

WHEREAS, On March 16, 2022, by adoption of Resolution 2022-3-14, the Township Committee of the Township of Mansfield, Burlington County, New Jersey directed the Township of Mansfield Planning Board to conduct a reexamination of the Mansfield Township Master Plan pursuant to the New Jersey Municipal Land Use Law, N.J.S. 40:55D-89; and

WHEREAS, pursuant to the authorization of the Township Committee, and as authorized by N.J.S.A. 40:55D-89, the Planning Board prepared the “2022 Master Plan Reexamination Report for Mansfield Township, Burlington County, New Jersey” (the “Report”) by the Township Planner, Environmental Resolutions, Inc. dated March 18, 2022 (“ERI”). A copy of said Reexamination Report was posted on the official Mansfield Township website and was available for public inspection in the Office of the Mansfield Planning Board, 3135 Route 206, Columbus (Mansfield Township), New Jersey 08022 during regular business hours; and

WHEREAS, a virtual public hearing was scheduled by the Mansfield Township Planning Board, sitting as a Joint Land Use Board, pursuant to N.J.S. 40:55D-25c(1), on Monday, March 28, 2022 at 7 o’clock pm, prevailing time, to review, consider and possibly adopt the Reexamination Report; and

WHEREAS, pursuant to N.J.S. 40:55D-13, notice of the scheduled public hearing was given by publication in the official newspaper of Mansfield Township at least 10 days prior to

the date of the hearing, and further notice was given by certified mail to the clerk of all municipalities adjoining Mansfield Township, and further notice was given by certified mail to the Office of Planning Advocacy and to the Burlington County Planning Board; and

WHEREAS, at the March 28, 2022, public hearing, the Planning Board reviewed and considered the Reexamination Report and heard all persons who were interested in the Reexamination Report and who offered evidence, made comments, or asked questions. All such comments, questions and evidence, given orally or in writing, were received and considered and made a part of the public record by the Board; and

WHEREAS, at the public hearing, the Planning Board further reviewed and considered testimony by the Township Planner, Edward Fox, of ERI, summarizing the Reexamination Report; and

WHEREAS, members of the Planning Board suggested amendments to the Reexamination Report, which were made and included in the Report by the Township Planner; and

WHEREAS, the Planning Board then adopted Planning Board Resolution 2022-3-4 adopting the 2022 Examination Report, as amended.

WHEREAS, as noted by the Township Planner in his testimony before the Planning Board, and in chart form in the Report there are currently approvals in place for five large logistics/warehouse projects (including two with multiple buildings) in Mansfield Township with a total building area of approximately 5,433,355 square feet (including one project only a small portion of which is located in Mansfield Township). Three buildings in the approved projects are under construction and the remaining buildings in the approved projects will be constructed over a period of years; and

WHEREAS, as the Report noted, one of the major changes in Mansfield Township's land use distribution assumptions, polices, and objectives since the 2016 Master Plan reexamination relates to the number of existing and potential proposed large-scaled logistics/warehouse uses that have developed since 2016; and

WHEREAS, as the Report further noted, any municipal policies promoting the development or redevelopment of lands not already approved for logistics/warehouse uses would conflict with Mansfield Township's Vision Statement:

Mansfield Township is a balance of "town and country" - a place with a vibrant village of Columbus and the inviting and cozy hamlets of Georgetown and Hedding nestled within a larger, rural landscape of productive farmland, open spaces, woodlands and wetlands.

In other words, additional logistics/warehouse uses would be contrary to the Township's other following vision principles:

- Preserve farming, farmland and natural areas;
- Maintain attractive, safe and easily negotiable highways and intersections; and
- Support multiple modes of transportation, including pedestrians and farm equipment.

WHEREAS, the Reexamination Report, as a whole, noted that a number of the policies, goals and objectives from the prior Township Master Plans need to be studied in a more comprehensive, full reexamination report, including updates to certain of the Master Plan Element, and recodification and preparation of a Unified Land Use Ordinance, to be addressed by the Township Committee, in the near future; and

WHEREAS, the Reexamination Report made the following specific recommendations to be accomplished now:

Article XIX: General Regulations

§ 65-88 *Prohibited uses*. Section C: Significant Changes in Assumptions, Policies and Objectives identifies three separate land development / planning concerns related to the number of existing and potential proposed large-scaled logistics uses that have arisen since 2016. Additional logistics uses, which include: wholesale warehousing; commercial warehousing; distribution / trucking / terminal facilities; freight carriers / couriers / third-party transportation providers, etc. for non-agricultural freight, as well as off-site truck and trailer parking, or drop lots, that have not already received Board approval should be prohibited.

§44A-4.1 - Consider provisions that would define a "minor site" plan to include development on commercial farms greater than 1,000 SF of building construction or 1,500 SF of clearing, grading, paving, or excavation in recognition of the Township's Right to Farm commitment.

WHEREAS, the Township Committee of the Township of Mansfield finds that it is necessary for the health, safety and welfare of the citizens and residents of Mansfield Township the specific recommendations as set forth in the Reexamination Report, as adopted by the Planning Board, should be enacted and implemented now.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Mansfield, in the County of Burlington and State of New Jersey, as follows:

SECTION ONE: The “WHEREAS” clauses in the preamble portion of this Ordinance above are incorporated herein and made a part of this Ordinance.

SECTION TWO: Chapter 65 “Zoning”, Article IV, “Definitions and Word Usage, Measurements” is hereby amended to add a definition of “Logistic/Warehouse Uses” as follows:

“LOGISTIC/WAREHOUSE USES” – wholesale warehousing; commercial warehousing; distribution / trucking / terminal facilities; freight carriers / couriers / third-party transportation providers, and similar uses for non-agricultural freight designed and used for the wholesale storage and distribution of goods, specifically including off-site truck and trailer parking, or drop lots.

SECTION THREE: Chapter 65 “Zoning”, Article XIX “General Regulations”, Section 65-88 “Prohibited Uses” is hereby amended to adopt a new subsection 65-88.B(5):

(5) Logistic/Warehouse Uses.

SECTION FOUR: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve, below, Chapter 65 “Zoning”, Article XX, “C-2. Highway Commercial District”, Section 65-34 “Conditional Uses” is hereby amended to delete and repeal the following Section 65-34A (3):

3. The following logistics uses may be permitted on individual parcels or combined adjacent parcels totaling 30 acres or more with frontage on US Route 206 north of Spring Hill Brook and Folwells Run or with frontage on NJ Route 68 north of White Pine Road:

(a) Warehouse facilities, trucking facilities and distribution facilities, subject to the area and bulk regulations of § 65-43 and the special regulations of § 65-45.

(b) Wholesale establishments, subject to the area and bulk regulations of § 65-43 and the special regulations of § 65-45.

SECTION FIVE: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve, below, Chapter 65 “Zoning”, Article XI “ODL Office Distribution Laboratory District”, Section 65-41 “Permitted Uses” is hereby amended to repeal and delete the reference to “warehousing uses” from the purpose section and to further repeal and delete the following Section 65-41.C:

C. Warehouse facilities, trucking facilities and distribution facilities.

SECTION SIX: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve, below, Chapter 65 “Zoning”, Article XI “ODL Office Distribution Laboratory District”, Section 65-42 “Accessory Uses” is hereby amended to repeal and delete the following Section 65-42.D:

D. Storage within a completely enclosed area with visual screening or building in conjunction with a permitted use.

SECTION SEVEN: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve, below, Chapter 65 “Zoning”, Article XII “LI Light Industrial District,” Section 65-46 “Permitted Uses” is hereby amended to repeal and delete the reference to “transportation and warehousing uses, wholesale trade uses” from the purpose section and to further repeal and delete the following Sections 65-41.C and 65-41.D:

C. Wholesale business establishment.

D. Indoor storage building or warehouse.

SECTION EIGHT: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve below, Chapter 65 “Zoning”, Article XII “Light Industrial District”, Section 65-47 “Accessory Uses” is hereby amended to repeal and delete the following Section 65-42.D:

D. Storage within a completely enclosed area with visual screening or building in conjunction with a permitted use.

SECTION NINE: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve below, Chapter 65 “Zoning”, Article XIV “HI Heavy Industrial District,” Section 65-56 “Permitted Uses” is hereby amended to repeal and delete the reference to “transportation and warehousing uses, wholesale trade uses” from the purpose section and to further repeal and delete the following Sections 65-56.E and 65-56.F:

E. Warehousing and wholesale establishments, storage yards, lumberyards for retail and wholesale and similar establishments.

F. Transportation and trucking terminals, terminal facilities for passengers and/or freight for trucks, railroads, taxi and bus lines, including maintenance and service facilities.

SECTION TEN: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve below, Chapter 65 “Zoning”, Article XIV “HI Heavy Industrial District,” Section 65-56 “Permitted Uses” is hereby amended to re-adopt, re-enact and save from repeal “lumberyards for retail and wholesale and similar establishments” as a permitted use in the “HI Heavy Industrial Zone”.

SECTION ELEVEN: Except for the parcels specifically identified and exempted from the provisions of this Ordinance in Section Twelve, below, Chapter 65 “Zoning”, Attachment 2, “Zoning Schedule of Area and Bulk Regulations” is hereby amended to delete and repeal the Area and Bulk Regulations for “ODL Warehouse, trucking and distribution facilities.

SECTION TWELVE: The following projects on the following parcels of land in Mansfield Township have been proposed for development with logistic/warehouse uses pursuant to Redevelopment Plans and Redevelopment Agreements which included covenants by the Township that the Township would not change the underlying zoning for the projects on said parcels. The projects on said parcels have further received land use development approvals from the Mansfield Township Planning Board which vest certain rights in the owners of said parcels and projects. Therefore, the following projects on the following parcels of land in the Township are exempt from the provisions of this Ordinance. Any future development of the projects on the following parcels shall be governed by the terms, conditions and coventants of the Redevelopment Plan, Redevelopment Agreement and the land use development approvals for the project.

1. Mansfield Logistics Park: Florence Columbus Road (mm 8.3), Zone: ODL
 - a. Margolis Phase 1 (2 buildings): Old Block 47.01, Lots 9.01, 9.02, 3.02 & p/o 11
New Block 47.01, Lot 11.01
 - b. Margolis Phase 2: Old Block 47.01, Lots 12 & p/o 11
New Block 47.01, Lot 11.02
2. Mansfield Realty North: US Route 206 (mm 36.5), Zone C-2
 - a. Mansfield Road/206 East: Old Block 3, Lots 5.01 & 10.01
New Block 3, Lot 5.03
 - b. Mansfield Road/206 West: Old Block 4, Lots 6.01 & 7
New Block 4, Lot 6.03
3. Elion Acquisitions: US Route 206, south of Mansfield Road West, Zone C-2
Old Block 30, Lots 9.02, 10, 11, 12 & 13.02
New Block 30, Lot 9.02 and Block 30.01, Lot 1
4. Segme Mansfield (Jones Farm): 5206 Route 130, Zone LI
Old Block 59, Lots 7.01 & 7.02; New Block 59, Lot 7.03

5. Turnpike Crossings IV, NFI/Vanco: 1170 Florence Columbus Road, Zone ODL Old Block 45.01, Lots 2.01, 3.01 & 3.02, New Block 45.01, Lot 2

SECTION THIRTEEN: Mansfield Township Code Chapter 44A "Site Plan Review", Section 44A-4.1 is hereby deleted, repealed and replaced as follows:

A "minor site plan" shall be defined as follows: (a) building construction of less than 1,000 square feet and/or (b) clearing, grading, paving or excavation of less than 1,500 square feet; however, buildings in excess of 1,000 square feet and/or clearing, grading, paving or excavation in excess of 1,500 square feet that is incident or accessory to an agricultural use of the property shall be considered a minor site plan in recognition of the Township's Right to Farm commitment.

REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency. Mansfield Ordinance 2022-3 is repealed in its entirety.
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.