

**industrial / commercial**

**uses**



category

WATER QUALITY

# SUMMARY SHEET

sub-category

INDUSTRIAL /  
COMMERCIAL  
USES

BMP

CONTROL  
THROUGH  
ZONING

## OBJECTIVE

The purpose of controlling development is to prevent permanent damage to groundwater resources by contact with noxious substances which escape into the environment due to accident or negligence.

## WHERE APPLICABLE

Major and minor aquifers should be inventoried and their intake areas and recharge zones delineated and categorized as to the level of control of industrial development required to protect them. (See chapter 5 and GMA map)

## PROS

1. Low public cost - the Zoning Ordinance is the instrument to implement industrial development control. Amendment of zoning and continuing administration is the most significant public cost.
2. Potentially very effective - prevention of noxious substances from escaping into the environment is a most effective method of groundwater protection.

## CONS

1. Possible loss of ratables - limited industrial development on recharge areas given a lack of alternate sites can result in a reduction of property tax collection.
2. Variances can be a problem if not barred. (See land use BMP's)
3. Illegal change of use - once a building is constructed, illegal modifications are difficult to detect.

## IMPLEMENTATION CONSIDERATIONS

By zoning map and industrial use categories, a municipality controls industrial development to protect groundwater resources. Industrial uses are prohibited from or are restricted from being developed upon aquifer intake areas because of potential harmful effect. Restrictions are particularly important for industrial uses which produce noxious substances which, if they escape into the environment, can result in permanent damage to the aquifer. (See chapter 5)

A direct cost of implementing control of industrial uses is the cost of legal fees for preparing the ordinance amendments. An indirect cost is a possible loss of municipal revenues when the land which might otherwise be developed as industrial use is shifted downward to a less valuable (from a tax perspective) use.

## CONTROL THROUGH ZONING

There are few examples of critical recharge area zoning and industrial zone delineation is usually based on access and remoteness from residential areas. The water quality management plans of the Metro-Dade Planning Department in Florida, and the Nassau-Suffolk Regional Planning Commission in Long Island, New York, offer ordinances which regulate industrial development on critical recharge areas.

An example of the consequences of neglect can be found in southern New Jersey, where industrial wastes dumped and forgotten at the Price's Pit Landfill, near Atlantic City, are oozing into the Great Cohansey aquifer of the Pine Barrens, one of the East's purest and most plentiful groundwater supplies. The federal government has declared it among the most serious environmental problems in the nation.

Zoning cannot be arbitrary or capricious in its effect. Environmental considerations are a valid basis for determining zoning patterns if they are founded in fact and consistently applied.

### *For Additional Information*

1. Melvin Levin, Jerome Rose, Joseph Slavet. New Approaches To State Land Use Policies: Lexington, Mass.: D.C. Heath and Company. Copyright 1974.
2. Strom, Fredric, ed. 1981 Zoning and Planning Law Handbook. New York, N.Y.: Clark Boardman Company, Ltd. copyright 1981.