

ORDINANCE NO. 24-17

AN ORDINANCE OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING
CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED,
LAND USE AND DEVELOPMENT LEGISLATION, BY AMENDING THE
REGULATIONS FOR THE WC – WHIPPANY CENTER ZONE DISTRICT

WHEREAS, the current zoning regulations of the Township of Hanover include a WC – Whippany Center zone district: and

WHEREAS, the WC zone district was originally created in order to encourage the redevelopment of the properties in the district for a mixed-use center; and

WHEREAS, the WC zone district has been partially redeveloped under the current WC zone standards; and

WHEREAS, the Planning Board of the Township has reexamined the WC district regulations and has recommended that the regulations be amended in order to further promote the completion of the redevelopment envisioned for the district and to adjust the regulations to reflect current conditions in the district.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey that Chapter 166 of the Code of the Township of Hanover, Land Use and Development Legislation, is hereby amended as follows:

Section 1. Subsection K. of Section 166-186.13., *Permitted principal uses*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

K. Food and beverage manufacturing establishments that engage in selling to the general public products made on the same premises from which they are sold, limited to chocolate and confectionery manufacturing, ice cream and frozen dessert manufacturing, bread and bakery product manufacturing, perishable prepared food manufacturing, breweries, distilleries and wineries, provided that they comply with all of the following requirements:

- (1) The gross floor area of the manufacturing and other non-retail operations shall not exceed 10,000 square feet.
- (2) The gross floor area of the retail operations shall not be less than 1,000 square feet.
- (3) The manufacturing operation shall comply with the performance standards in §166-193.

Section 2. Section 166-186.15., *Conditional uses*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

§ 166-186.15. Conditional uses.

Conditional uses as set forth and regulated in §166-150. are permitted in the WC District.

Section 3. Subsection A. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

A. Minimum lot area: 20,000 square feet.

Section 4. Subsection D. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

D. Maximum floor area ratio. The maximum floor area ratio shall be based upon the net lot area, which shall exclude all floodways, wetlands and required transition areas for wetlands. The maximum floor area ratio shall vary by net lot area, as follows:

- (1) For lots with a net lot area under 25,000 square feet: 25% of the net lot area.
- (2) For lots with a net lot area of at least 25,000 square feet 35% of the net lot area.

Section 5. Subsection F. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

F. Maximum floor area, office uses. No office building, or portion of a building devoted to office use in a mixed-use building, shall exceed a gross floor area of 9,000 square feet.

Section 6. Subsection G. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

G. Maximum building coverage. The maximum building coverage shall be based upon the net lot area, which shall exclude all floodways, wetlands and required transition areas for wetlands. The maximum building coverage shall vary by net lot area, as follows:

- (1) For lots with a net lot area under 25,000 square feet: 25% of the net lot area.
- (2) For lots with a net lot area of at least 25,000 square feet: 35% of the net lot area.

Section 7. Subsection H. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

H. Maximum improvement coverage. The maximum improvement coverage shall be based upon the net lot area, which shall exclude all floodways, wetlands and required transition areas for wetlands. The maximum improvement coverage shall vary by net lot area, as follows:

- (1) For lots with a net lot area under 25,000 square feet: 65% of the net lot area.
- (2) For lots with a net lot area of at least 25,000 square feet: 70% of the net lot area.

Section 8. Paragraph (1) in Subsection J. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (1) Minimum front yard depth: 50 feet, except for front yards which abut School Street. A minimum front yard depth of 5 feet shall apply to yards which abut the easterly and westerly side lines of School Street. No front yard requirement shall apply to the northerly dead end line of School Street.

Section 9. Paragraph (1) in Subsection M. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (1) Off-street parking areas and drives in the WC Zone District shall be located at least 25 feet from any street right-of-way line, except in those locations where driveways provide direct access to the street, and except for the School Street right-of-way. Off-street parking areas and drives shall be located at least 5 feet from the School Street right-of-way. In addition, no more than one half of the area within 50 feet of any street right-of-way abutting the tract shall be covered by paved surfaces of any type; provided, however, that this requirement shall not apply to the area within 50 feet of the School Street right-of-way.

Section 10. Paragraph (1) in Subsection N. of Section 166-186.17., *Development standards for conventional development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (1) No more than one driveway opening to any one street shall be permitted for each lot; provided, however, that this requirement shall not apply to School Street.

Section 11. Subsection A. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- A. Minimum tract area: eight contiguous acres.

Section 12. Paragraph (5) in Subsection C. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (5) Maximum floor area ratio: 35% of the net tract area of the planned commercial development.

Section 13. Paragraph (10)(a) in Subsection C. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (a) Minimum front yard depth: 50 feet, except for front yards which abut School Street. A minimum front yard depth of 5 feet shall apply to yards which abut the easterly and westerly side lines of School Street. No front yard requirement shall apply to the northerly dead end line of School Street.

Section 14. Paragraph (11) in Subsection C. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

(11) Maximum number of principal buildings: unlimited.

Section 15. Paragraphs (1) and (2) in Subsection D. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (1) Minimum gross floor area devoted to retail sales, banks, personal services, rental and leasing services, and food and drinking establishments, all as permitted by §166-186.13: 40% of the gross floor area, excluding basements, within the planned commercial development.
- (2) Maximum gross floor area devoted to nonresidential buildings other than retail sales, banks, personal services, rental and leasing services, and food and drinking establishments, all as permitted by §166-186.13.: 20% of the gross floor area, excluding basements, within the planned commercial development.

Section 16. Paragraph (3) in Subsection D. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (3) Maximum gross floor area devoted to residential uses: 60% of the gross floor area, excluding basements, within the planned commercial development.

Section 17. Paragraph (4) in Subsection D. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (4) Maximum residential density: 5.25 dwelling units per gross acre of the planned commercial development, but not to exceed 46 dwelling units.

Section 18. Paragraph (1)(a) in Subsection E. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (a) At least one affordable unit for every four market-rate dwelling units in the project, but not less than nine affordable units. In the event that a fractional unit is required, the developer shall have the options of: 1) converting a market-rate unit to an affordable unit in the development or at an off-site location, 2) creating a new affordable unit at an off-site location, or 3) making a payment in lieu of creating the fractional unit. If the developer chooses the payment in lieu option, the payment amount shall be the equivalent fraction of the difference between the land and construction costs to create a new residential unit and the initial affordable price for the same unit, assuming the unit were constructed in the same manner as an additional affordable unit in the same development conforming with all applicable requirements for affordable units in the development.

Section 19. Paragraph (1) in Subsection F. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (1) The total number of driveways to and from public streets shall be limited only to those necessary to provide safe and convenient access, without undue impacts to the safety and mobility of traffic on abutting public streets, as determined by the Planning Board. The intent of this requirement is to encourage shared access and fewer driveway openings onto public streets than would otherwise be necessary for conventional development on individual lots.
 - (a) When located on a state highway, the number and location of driveways shall be not be greater than permitted by the State Highway Access Management Code.
 - (b) On Troy Hills Road, not more than two driveways shall be permitted for the planned development.
 - (c) On other public streets, driveway locations shall be as determined by the reviewing Board at the time of site plan approval.

Section 20. Paragraph (4)(c) in Subsection F. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (c) Off-street parking areas and drives in the WC Zone District shall be located at least 25 feet from the street right-of-way lines for Route 10 and Troy Hills Road. In addition, no more than one half of the area within 50 feet of the street right-of-way for Route 10 and Troy Hills Road shall be covered by paved surfaces of any type. Notwithstanding the foregoing, in order to provide design flexibility, the Board may reduce the required setback from the Troy Hills Road right-of-way without the need for a variance, provided that:
 - [1] The area of parking area pavement within 25 feet of the Troy Hills Road right-of-way shall not be permitted to cover more than 5% of the tract area within 25 feet of the Troy Hills Road right-of-way; and
 - [2] The parking setback from the Troy Hills Road right-of-way shall not be reduced to less than 15 feet in any location.

Section 21. Paragraph (4) in Subsection F. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended by adding a Paragraph (d), to read as follows:

- (d) Off street parking areas in the WC Zone District shall be located at least 5 feet from the westerly and easterly sides of the right-of-way of School Street.

Section 22. Paragraph (8) in Subsection F. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- (8) Planned commercial development shall be designed to encourage pedestrian travel into the development from areas outside the development and to encourage pedestrian travel between different areas in the development. A paver walkway or

walkways shall be provided with historic-style lighting along the Route 10 and Troy Hills Road frontages of the tract.

Section 23. Paragraph (1) in Subsection I. of Section 166-186.18., *Development standards for planned commercial development*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

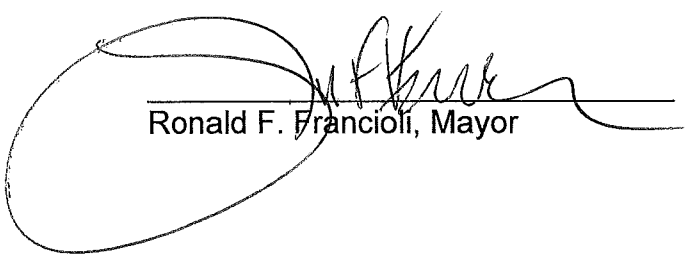
- (1) The area, dimension and layout of such areas shall be designed to be sufficient for the number of persons anticipated to be using the area at one time. Each common area shall contain a contiguous area not less than 1,000 square feet and at least one common area, centrally located within the development, shall contain a contiguous area not less than 4,000 square feet and which shall have a horizontal dimension not less than 40 feet in any direction.

Section 24. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 25. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.


Section 26. This ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY


Ronald F. Francioli, Mayor

ATTEST:

By:


Joseph A. Giorgio, Township Clerk

DATE OF INTRODUCTION: November 9, 2017

DATE OF ADOPTION: December 14, 2017