

**ORDINANCE NO. 16-2022**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION BY AMENDING THE TOWNSHIP'S ZONING MAP TO CHANGE THE ZONE CLASSIFICATION OF CERTAIN PROPERTIES FROM THE R-40N DISTRICT TO THE PU ZONE DISTRICT AND FROM THE R-40N DISTRICT TO THE R-10 ZONE DISTRICT, TO AMEND THE PARKING REQUIREMENTS, AND TO AMEND THE DEVELOPMENT STANDARDS FOR THE PU ZONE DISTRICT**

**WHEREAS**, the Hanover Township Planning Board, in response to an application filed by Monarch Development, LLC has recommended that the zoning map be amended to change the zone classification of Block 2701, Lots 1, 9, 25, 26.01, 26.02, and 27 from the R-40N Single Family Residence Zone District to the PU Public Use Zone District, and to change the zone classification of Block 2701, Lot 24 from the R-40N Single Family Residence Zone District to the R-10 Single Family Residence Zone District, and to change the development standards for independent/assisted living facilities in the PU Zone; and

**WHEREAS**, the Township Committee has reviewed the Planning Board's recommendation and has considered various comments of the general public provided at a work, and believes that certain changes to the zoning map and regulations would be in the public interest by:

- A. Providing for a coordinated redevelopment of an area of mixed incompatible uses;
- B. Addressing a portion of the Township's State-mandated obligation for affordable housing;
- C. Addressing a need for the aging population that requires housing assistance and specialized care; and
- D. Recognizing an existing cemetery;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hanover, County of Morris, State of New Jersey, as follows:

**Section 1.** Article XVIII, "*Districts; Map and Schedule,*" containing Section 166-107, "*Enumeration of districts,*" and Section 166-108, "*Map, schedule and appendices,*" shall be amended to change the title of the article to "*Districts and Zoning Map.*"

**Section 2.** Section 166-108., "*Map, schedule and appendices,*" in Article XVIII (to be renamed "*Districts and Zoning Map*" by this ordinance), shall be amended to change the title to "*Zoning map,*" and shall be amended to read as follows:

**§ 166-108. Zoning map.**

- A. The Zone Map delineating the zone districts within the Township, entitled "Zoning Map, Township of Hanover, Morris County, New Jersey," dated May 2022, is hereby declared to be a part of this chapter.
- B. On the Zoning Map, the district boundary lines generally coincide with lot lines or the center lines of streams, streets or rights-of-way as they existed at the time of the adoption of this chapter or the present amendment thereto, or as designated on said map or in the text of this chapter by figures or dimensions. In the case of uncertainty or disagreement concerning the true location of any zone district boundary line, the determination thereof shall lie with the Board of Adjustment, in accordance with the procedures set forth in § 166-21.

**Section 3.** Subsection D of Section 166-138.4, "*Municipal uses, institutional uses and nonresidential social assistance establishments,*" in Article XIX, "*General Provisions,*" is hereby amended to read as follows:

- D. Number of parking spaces. The minimum number of off-street parking spaces for institutional uses shall be as set forth in §166-155.

**Section 4.** Section 166-154, "*Requirements for residential zones,*" in Article XXIII, "*Off-Street Parking and Loading,*" is hereby amended to change the title to read, "*Requirements for residential uses and zones,*" and to amend Subsection B of said Section to read as follows:

**§ 166-154. Requirements for residential uses and zones.**

- B. In all zones except the RM Zone Districts, and except for developments wherein all of the dwelling units are affordable, and except for community residences and shelters, independent/assisted living facilities, and nursing homes, there shall be at least one parking space in a private garage for each new dwelling unit, and no conversion or other alteration of an existing garage shall be permitted which would result in fewer than one parking space in a private garage for each dwelling unit.

**Section 5.** Subsection B of Section 166-155, "*Requirements for other than residential zones,*" in Article XXIII, "*Off-Street Parking and Loading,*" is hereby amended to read as follows:

B. Minimum parking ratios. The minimum number of parking spaces for various uses in the nonresidential zones are as follows:

<b>Use (where permitted)</b>	<b>Minimum Parking (number of spaces)</b>
<b>Office buildings</b>	
Less than 50,000 square feet of gross floor area	1 per 200 square feet of gross floor area
50,000 to 99,999 square feet of gross floor area	1 per 250 square feet of gross floor area
100,000 to 199,999 square feet of gross floor area	1 per 275 square feet of gross floor area
200,000 or more square feet of gross floor area	1 per 300 square feet of gross floor area
<b>Data processing centers</b>	
Low intensity – data processing performed primarily by equipment, not by employees or staff, and having an employee/staffing ratio of not more than one employee/ staff person, on the maximum shift, per 2,500 square feet of gross floor area	1 per 2,500 square feet of gross floor area, provided that the applicant demonstrates, as part of its site plan application, that the proposed number of parking spaces are sufficient for normal operations and that any potential increase in parking demand will only be temporary, sporadic and/or occurring in an emergency. The applicant shall also obtain board approval of a plan for addressing such increased parking demand, which plan may include but is not limited to car- or van-pooling, temporary overflow parking on areas having no pavement or substandard pavement, use of available off-site and/or on-street parking spaces and valet parking
Other than low intensity	Same as required for office buildings
Utility facilities, such as but not limited to power plants, power houses, power generator buildings, sewer or water treatment plants	1 per employee on the peak shift

Industrial, manufacturing, assembly and research or testing laboratory buildings 1 per 800 square feet of gross floor area

Warehouse or distribution facility 1 per 800 square feet of gross floor area

Self-service storage facilities As required in the I-B2 Zone at §166-203.4N(4)

#### Hotels

Guest rooms only without restaurant or bar facilities or meeting space facilities, such as ballrooms, meeting rooms and conference suites 1.1 per guest room

Guest rooms and restaurant or bar facilities as an ancillary use 1 per guest room, plus 1 per two seats in said restaurant or bar

Guest rooms and restaurant or bar facilities and meeting space facilities, such as ballrooms, meeting rooms and conference suites, as an ancillary use 1 per guest room, plus 1 per two seats in said restaurant or bar, plus 1 per 100 square feet of floor area of said meeting space facilities

For purposes of administering the foregoing hotel parking ratios, "guest rooms" shall refer to individual lodging units, regardless of the actual number of rooms in such unit. Thus, a lodging unit with two separate sleeping rooms, or separate sleeping and living rooms, shall be considered to be one guest room.

Notwithstanding the above parking ratios, the Planning Board, as part of a site plan application, may approve less parking than required by such ratios, without the need for a variance, if the applicant demonstrates one or both of the following:

- The number of required parking spaces is not necessary to address the actual parking demand due to the location of the site near alternative transportation modes, such as air, bus, shuttle, train or other mass transit facilities, and/or due to demonstrated alternative transportation mechanisms, and such alternative transportation modes are likely to continue for the life of the development.
- The restaurant, dining areas, bar facilities, meeting rooms, ballrooms, conference rooms, etc. do not increase the parking demand, since such facilities are limited primarily to hotel guests and not the general public or others besides guests.

Restaurant as a principal use

Quality restaurant or high-turnover (sit-down) restaurant with bar or lounge	1 per 55 square feet of gross floor area or 0.55 per seat, whichever is greater
High-turnover (sit-down) restaurant, no bar or lounge	1 per 65 square feet of gross floor area or 0.5 per seat, whichever is greater
Fast food restaurant - no drive through lanes/windows	1 per 75 square feet of gross floor area or 0.65 per seat, whichever is greater
Fast food restaurant - with drive through lanes/windows	1 per 65 square feet of gross floor area or 0.6 per seat, whichever is greater
Other restaurant	1 per 60 square feet of gross floor area or 0.55 per seat, whichever is greater

For purposes of the above restaurant parking requirements, the following definitions shall apply:

“Quality restaurant” - a high-quality, full-service eating establishment with typical turnover rates of at least one hour or longer. Such establishments generally do not serve breakfast; some do not serve lunch, all serve dinner. Reservations are typically accepted or required. Patrons commonly wait to be seated, are served by a waiter/waitress, order from menus and pay for meals after they eat.

“High-turnover (sit-down) restaurant - a sit-down, full-service eating establishment with turnover rates of approximately one hour or less. Such establishments are usually moderately-priced and frequently belong to a restaurant chain. Generally, lunch and dinner are served, and sometimes breakfast as well. Typically, reservations are not taken. Patrons commonly wait to be seated, are served by a waiter/waitress, order from menus and pay for meals after they eat.

“Fast food restaurant” - an eating establishment characterized by a large carry-out clientele, long hours of service, and high turnover rates for eat-in customers. Table service is typically not provided; patrons generally order at a cash register or drive-through menu board or window, and pay before they eat.

Indoor physical fitness facility	1 per 200 square feet of gross floor area
Retail sales and services	1 per 200 square feet of gross floor area

Nursing homes 0.5 space per dwelling unit, or 0.4 space per bed when dwelling units not provided

Houses of worship

Sanctuary/worship areas and associated areas: 1 for every 4 seats or 100 square feet of gross floor area, whichever is greater, at maximum capacity

Dining/meeting hall/rooms and associated areas 1 for every 2 seats or 65 feet of gross floor area, whichever is greater, at maximum capacity

Other areas 1 for every 250 square feet of floor area

The foregoing requirements for multiple areas shall only apply to areas which are in use at the same time

Elementary and middle/junior high schools 1 per 3 students or 1.2 per employee, whichever is greater, at maximum capacity

High schools 1 per 4 students at maximum capacity

Other schools 1.1 per student or 1.5 per employee, whichever is greater, at maximum capacity

State-licensed hospitals 5 per bed or 1 per each employee on the maximum shift, whichever is greater

Libraries 1 per 400 square feet of gross floor area

Residential uses As required by the N.J. Residential Site Improvement Standards

Other nonresidential uses 1 per 250 square feet of gross floor area

Designed shopping centers 1 per 200 square feet of the gross leasable area of all nonresidential uses in the center

Manufacturing use with accessory retail uses and/or accessory assembly uses

Manufacturing portion	Same ratio as industrial uses, above
Retail portion	Same ratio as retail sales and services, above
Assembly portion	1 per 2 seats, or 1 per 100 square feet of gross floor area of assembly area in use at same time

**Section 6.** Section 166-211.1, "*Permitted principal uses*," in Article XXXVIII, "*PU Public Use District*," is hereby amended by adding and inserting a new Subsection J to read as follows:

J. Cemeteries.

**Section 7.** Subsection A of Section 166-211.4, "*Required conditions*," in Article XXXVIII, "*PU Public Use District*," is hereby amended to read as follows:

A. Schools, libraries, houses of worship, state-licensed nursing homes, independent/assisted living facilities, state-licensed hospitals and child-care centers shall comply with the following requirements, in addition to all other applicable provisions of this chapter:

- (1) Minimum lot area: three acres for state-licensed nursing homes, independent/assisted living facilities, libraries and child-care centers; five acres for houses of worship and schools; 10 acres for hospitals.
- (2) Maximum density for independent/assisted living facilities: 40 living units per acre of the lot, or 160 total living units, whichever is less. In addition, the maximum number of bedrooms shall not exceed the number of dwelling units multiplied by 1.25; provided that in situations where individual bedrooms are not provided, the foregoing limitation shall apply to the number of beds.
- (3) Maximum building coverage: 35% of the lot area, provided that the building coverage on any lot located within 100 feet of a single-family residential zone district shall not exceed 30% of the lot area.
- (4) Maximum improvement coverage: 65% of the lot area.
- (5) Maximum height of principal building.
  - (a) Buildings located within 200 feet of property located within a residential zone district: 40 feet.
  - (b) All other buildings: 60 feet.
  - (c) Equipment mounted on the roof of any building shall not be permitted to exceed the maximum permitted building height or to exceed the actual height of the building by more than 25% of such

building height at the location of the equipment, whichever is less. Such equipment shall be screened from the view of adjacent streets and residential properties.

- (6) Minimum depth of front yard.
  - (a) Lots in the PU zone which are located within 100 feet of any lot which both 1) has frontage on the same street and 2) is located in a residential zone district: 100 feet minimum front yard depth.
  - (b) All other properties: one foot for each foot of building height, or 50 feet, whichever is greater. If the building varies in height, the setback requirement shall apply independently to each portion of the building, based upon the height of such portion.
- (7) Minimum depth of side and rear yards.
  - (a) The minimum side yard depth shall be 20 feet, except for any side yard abutting property located in a residential zone district, which shall have a minimum side yard depth of 75 feet.
  - (b) The minimum rear yard depth shall be 30 feet, except for any rear yard abutting property located in a residential zone district, which shall have a minimum rear yard depth of 75 feet.
- (8) Minimum buffer. When the subject property abuts a residential zone district, a planted buffer at least 20 feet in depth shall be provided adjacent to the residential zone district.
- (9) Mixture of independent/assisted living units. At least 25% of the total number of units in an independent/assisted living facility shall be assisted living units.
- (10) Occupancy restriction. Occupancy within independent/assisted living facilities and nursing homes shall be limited to individuals meeting the age restrictions within the state regulations for the facility. In the event that no such state regulations exist, occupancy shall be limited to persons 55 years of age or older.
- (11) Affordable housing. Any independent/assisted living facility or nursing home that is approved to contain five or more new dwelling units and/or bedrooms shall be required to set aside a minimum percentage of dwelling units, bedrooms, and/or beds, as applicable, for affordable housing in accordance with the following requirements. The provision of affordable housing shall not be construed to increase the permitted density or floor area ratio for the development, or to otherwise alter the requirements for such developments.



- (a) For projects in which the low- and moderate-income units are to be offered for sale, the minimum set-aside percentage shall be 20%.
- (b) For projects in which the low- and moderate-income units are to be offered for rent, the minimum set-aside percentage shall be 15%.
- (c) Where the set-aside percentage results in a fraction, the total set-aside requirement shall be rounded upwards to the next whole number.
- (d) The affordable housing set-aside shall be based upon the unit of credit established by the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and the rules and regulations promulgated pursuant to the Fair Housing Act by New Jersey Council on Affordable Housing, N.J.A.C. 5:93-1.1 et seq., the New Jersey Housing and Mortgage Finance Agency's Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., as may be amended, and any successor regulation(s). For example: if a dwelling unit is the unit of credit for a particular type of housing, then the set-aside requirement shall apply to the number of dwelling units. Similarly, if a bedroom or bed therein is the unit of credit for a particular housing or assisted living arrangement, then the set-aside requirement shall apply to the number of bedrooms and/or beds therein, as applicable under the circumstances.
- (e) At least 50 percent of the affordable units within each bedroom distribution, or at least 50 percent of the affordable bedrooms and/or beds, as applicable based upon the unit of credit, required by this Paragraph (11) shall be affordable to low-income households. The remainder may be affordable to moderate-income households, except that where there is an odd number of affordable housing units, bedrooms, and/or beds, as applicable, the extra unit shall be a low-income unit. At least 13 percent of all affordable units within each bedroom distribution, or at least 13 percent of the affordable bedrooms and/or beds, as applicable based upon the unit of credit, shall be affordable to households of very-low-income (i.e., a household earning 30% or less of regional median income by household size). The very-low-income units, bedrooms, and/or beds, as applicable, shall be counted as part of the required number of low-income units, bedrooms, and/or beds, as applicable, within the development.
- (f) The affordability control period(s) governing the sale, resale, rental, use and occupy of all very-low, low, and moderate-income ownership and rental units shall be for a period of at least an initial 30-year minimum term. The affordable control periods for ownership and rental units are hereby established as follows:

- [1] For each affordable ownership unit/bedroom, regardless of the arrangement (i.e., alternative living, assisted living nursing home etc.) the initial 30-year minimum term shall begin on the date the first certified affordable household takes title to the specific affordable unit/bedroom, and shall continue to run with the land such that the affordable unit/bedroom remains affordable to very-low, low, and/or moderate-income households for the entire initial 30-year minimum term. At the end of the initial 30-year minimum term, the affordable controls shall continue to remain in effect thereafter until the Township exercises its option to either extend the affordability control period for each respective unit/bedroom or release each respective unit/bedroom from the affordability controls by formal adoption of an ordinance in accordance with the New Jersey Housing and Mortgage Finance Agency's Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and any successor regulation(s). At no time shall the Township exercise the option to extend or release an affordable unit from its affordability controls until a reasonable time after the end of the initial 30-year minimum term.
- [2] For each affordable rental unit/bedroom regardless of the arrangement (i.e., alternative living, assisted living nursing home etc.) the initial 30-year minimum term shall begin on the date the first certified affordable household occupies the specific affordable unit/bedroom, and shall continue to run with the land such that each unit/bedroom remains affordable to very-low, low, and/or moderate-income households for the entire initial 30-year minimum term. At the end of the initial 30-year minimum term, the affordable controls shall continue to remain in effect thereafter until the Township exercises its option to either extend the affordability control period for each respective unit/bedroom or release each respective unit/bedroom from the affordability controls by formal adoption of an ordinance in accordance with the New Jersey Housing and Mortgage Finance Agency's Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and any successor regulation(s). At no time shall the Township exercise the option to extend or release an affordable unit from its affordability controls until a reasonable time after the end of the initial 30-year minimum term.
- (g) During the initial 30-year minimum control period, and any extended control period, the sale, resale, rental, use and occupancy of any and all affordable ownership and/or rental unit(s) shall be governed by an affordable housing deed restriction approved by the Township, the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq., and

the rules and regulations promulgated pursuant to the Fair Housing Act by New Jersey Council on Affordable Housing, N.J.A.C. 5:93-1.1 et seq., the New Jersey Housing and Mortgage Finance Agency's Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., any successor regulation(s), and the Township's Affordable Housing Ordinances set forth herein and at Chapter 72 of the Township Code pertaining to the specific units, as may be amended from time-to-time hereafter.

- (12) Architectural design. Buildings shall be designed to mitigate the mass of large buildings through the use of varied materials, projections and recesses of exterior walls, placement of doors and windows, and other features, as determined by the reviewing agency.
- (13) Parking. In addition to all other applicable provisions of this chapter, the following requirements for parking shall apply:
  - (a) Minimum number of parking spaces. Residential uses shall provide the minimum number of parking spaces as required by New Jersey Residential Site Improvement Standards, N.J.A.C. 5:21-1.1 et seq. Nonresidential uses shall provide the minimum number of parking spaces required by §166-155.
  - (b) Parking areas shall be located at least 40 feet from any street right-of-way, exclusive of the right-of-way for Route 24, Route 178 and Route 287, at least five feet from any other lot lines and at least 25 feet from any property line developed or zoned for primarily residential use.
- (14) Ambulance pickup/delivery. An area or areas shall be designated on the site for ambulance pickup. Such area shall be located and designed to minimize detrimental impacts to adjacent or nearby residential areas from ambulance sirens and lights, as determined by the reviewing agency.
- (15) Signs. Schools, libraries and houses of worship and child-care centers shall be subject to the provisions of § 166-141. State-licensed nursing homes, independent/assisted living facilities and state-licensed hospitals shall be subject to the provisions of § 166-143. In addition, all other provisions of this chapter applicable to signs shall be complied with.

**Section 8.** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

**Section 9.** In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hanover, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the


Revised General Ordinances of the Township of Hanover are hereby ratified and confirmed, except where inconsistent with the terms hereof.

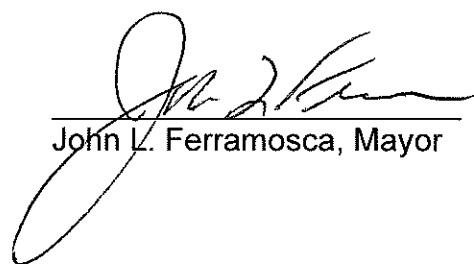
**Section 10.** The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63. Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

**Section 11.** This ordinance shall take effect upon publication and in accordance with the law.

ATTEST:

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

  
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Krista M. DiGiorgio, Township Clerk

  
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John L. Ferramosca, Mayor

INTRODUCTION DATE: April 14, 2022  
ADOPTION DATE: May 12, 2022

