

ORDINANCE NO. 19-2017

**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 PROVISIONS CONCERNING THE REQUIRED NUMBER OF PARKING SPACES FOR VARIOUS USES**

**WHEREAS**, Chapter 166 of the Township Code, entitled *Land Use and Development*, contains provisions that establish the required number of parking spaces for various uses; and

**WHEREAS**, the Township Committee believes that such provisions should be amended to provide clarification as to their applicability and to provide flexibility in unusual circumstances.

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

**Section 1.** Subsection D. of Section 166-154., *Requirements for residential zones*, in Article XXIII, *Off-Street Parking and Loading*, is hereby amended to read as follows:

D. Nonresidential uses hereinafter permitted by right, by variance or as a legal nonconforming use in the residential zones shall provide for one-hundred-percent off-street parking at all times. The required number of off-street parking spaces shall be as provided in §166-155., as provided in §166-138.4. for institutional uses, as provided in §166-167. for home occupations, or as specifically provided otherwise by this chapter.

**Section 2.** Section 166-155., *Requirements for other than residential zones*, in Article XXIII, *Off-Street Parking and Loading*, is hereby amended to read as follows:

**§ 166-155 Requirements for other than residential zones.**

A. General. In all nonresidential zones, off-street parking shall be provided for all uses as required by this section or by other provisions of this chapter. In calculating the required number of off-street parking spaces, the following general provisions shall apply:

- (1) Conflicting provisions. In case of conflict between the provisions of this section and the provisions of other parts of this chapter or other provisions of the Township Code, the more restrictive provision shall apply.

- (2) Exclusions. The floor areas excluded from floor area requirements by §166-113.2. shall also be excluded from required parking calculations that are based upon floor area.
- (3) Principal and accessory uses. The parking requirements in this section for various uses are based upon typical operations involving both principal and accessory uses. Accordingly, if the property or development includes both principal and accessory uses, the required number of parking spaces shall be calculated based on the requirements for the principal use. By way of example, but not limitation, the number of parking spaces for a retail sales use containing a back office and storage area accessory to the retail use shall be based upon the parking requirement for retail sales use, using the entire floor area of the building or buildings devoted to the principal and accessory uses. Notwithstanding the foregoing, the reviewing agency may permit less parking than otherwise required, without the need for a variance, for unusual circumstances involving accessory uses meeting one or more of the following criteria:
  - (a) If the accessory use(s) is/are of a nature that is not commonly associated with the principal use and the developer demonstrates that such accessory uses generate less parking demand than is typical for uses accessory to the principal use.
  - (b) If the amount or proportion of floor area devoted to the accessory use(s) is greater than is typical for the principal use, and the developer demonstrates that the greater floor area devoted to the accessory use(s) results in less parking demand than the typical condition.
- (4) Multiple principal uses. When two or more uses are proposed on one lot, or are proposed on multiple lots with common parking areas, the minimum number of parking spaces shall be the aggregate of the number of parking spaces required for each use, computed separately for each use and summed, unless the provisions for shared parking in §166-157. are complied with, or unless specified otherwise by this chapter, such as in the case of shopping centers that by definition involve multiple uses and which are subject to a parking ratio for the center.
- (5) Change of use. A change of use shall be subject to the required number of parking spaces for the new use. Approval of the number of parking spaces shall be valid only for the particular use for which it was granted.
- (6) Fractions of spaces. Requirements for a fraction of a parking or loading space shall be rounded up to the next whole number space.

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>
Office buildings:	
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
Data processing centers:	
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 and motels:	
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
Restaurant as a principal use	1 per 65 square feet of gross floor area or 0.75 per seat, whichever is greater
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
Independent/assisted living facilities and other residences restricted to occupants at least 62 years of age	0.4 for each living unit or 0.4 for each bed when individual living units are not provided
Other residences	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: one per two seats, or one per 100 square feet of gross floor area of assembly area in use at same time


**Section 3.** 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.

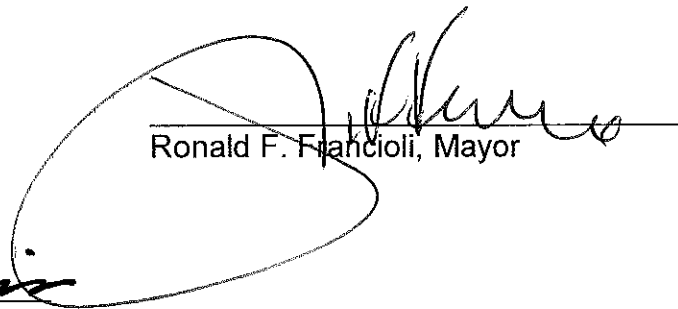
**Section 4.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**Section 5.** This ordinance shall take effect in accordance with the law.

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

ATTEST:


  
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Joseph A. Giorgio, Township Clerk

  
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Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: July 13, 2017

DATE OF ADOPTION: August 10, 2017

I hereby certify the foregoing to be a true copy of a  
**Resolution/Ordinance** adopted by the Township Committee  
of the Township of Hanover at a **Regular/Special Meeting**  
held on the **10<sup>th</sup>** day of **August, 2017.**

  
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Joseph A. Giorgio, Township Clerk, R.M.C.