

**ORDINANCE NO. 1-15**

**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 REVISING THE DEFINITION AND APPLICATION OF FLOOR AREA REGULATIONS**

**WHEREAS**, Chapter 166 of the Code of the Township of Hanover entitled Land Use and Development Legislation currently regulates the minimum and maximum floor area for both residential and nonresidential development in the Township; and

**WHEREAS**, the minimum floor area regulations are intended to ensure adequate space is provided in a development for a particular use or function; and

**WHEREAS**, the maximum floor area regulations for residential and nonresidential development are intended for different purposes; with residential development, the regulations are generally intended to limit the mass and bulk of buildings in proportion to the size of the property, whereas with nonresidential development the maximum floor area regulations are generally intended to limit the intensity of use and/or the proportion of uses on a property; and

**WHEREAS**, the Township Committee desires to amend and supplement Chapter 166 of the Code to better achieve and clarify the intent and purposes of the floor area regulations.

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

**Section 1.** Subsection A. in Section 166-4., *Definitions and word usage*, in Article II, *Definitions*, is hereby amended by revising the definition of "floor area" to read as follows:

FLOOR AREA - Also known as "gross floor area."

The area of all floors in a building or other roofed structure, measured from the outside face of exterior walls, and including the area of interior walls. The regulations of floor area, and exclusions from such regulation, are as set forth in various sections of this chapter.

**Section 2.** Subsection A. in Section 166-4., *Definitions and word usage*, in Article II, *Definitions*, is hereby amended by revising the definition of "floor area ratio" to read as follows:

FLOOR AREA RATIO - The floor areas of all principal and accessory buildings divided by the total area of the site, subject to the exclusions in §166-113.2., unless specifically defined or regulated otherwise in the zoning regulations.

**Section 3.** Article XIX, *General Provisions*, is hereby amended by adding and inserting a new Section 166-113.2., to read as follows:

**§166-113.2. Exclusions from floor area requirements.**

Notwithstanding the definitions of "floor area" and "floor area ratio" §166-4.A., the following floor areas shall be excluded from the minimum floor area, maximum floor area and maximum floor area ratio requirements of this chapter, unless specifically indicated otherwise in the regulations for the individual zone districts:

A. Residential development.

- (1) Attic and basement floors.
- (2) Unenclosed porches, breezeways, carports, gazebos and other such roofed structures not enclosed by windows, screens or other similar enclosures.
- (3) The interior portions of buildings that do not contain actual floor platforms, including but not limited to the upper areas of multiple-story rooms, the upper areas of stairwells and the like.
- (4) The interior portions of buildings where the floor-to-ceiling height is less than six feet.
- (5) Chimneys.
- (6) For minimum floor area requirements only, all non-habitable floor areas shall be excluded, in addition to the foregoing exclusions.

B. Nonresidential development.

- (1) Floor areas within parking decks and structures, private garages and other buildings or roofed structures, which are used for the parking of motor vehicles used by employees and patrons of the nonresidential use on a regular basis. The foregoing shall not be construed to exclude floor area used for motor vehicle storage, sale, display or servicing, unless otherwise excluded.
- (2) Floor areas within attics and basements which are unused or are dedicated to use for inactive storage. For purposes of administering this provision, "inactive storage" shall mean storage of a long-term nature which does not experience frequent turnover of material or frequent visitation by employees or other personnel associated with the use.

- (3) Floor areas within attics and basements dedicated to mechanical equipment and utilities necessary for the use of the building, included but not limited to electrical panels, water heaters, furnaces, air conditioning equipment and other such equipment and utilities. The foregoing shall not be construed to exclude areas used for storage of equipment for sale or distribution, or equipment used in any industrial process or function that is part of the nonresidential operation, unless such storage is otherwise excluded.
- (4) Unenclosed porches, breezeways, carports, gazebos and other such roofed structures not enclosed by windows, screens or other similar enclosures.
- (5) The interior portions of buildings that do not contain actual floor platforms, including but not limited to the upper areas of multiple-story rooms, the upper areas of stairwells and the like.
- (6) The interior portions of buildings where the floor-to-ceiling height is less than six feet.
- (7) Chimneys.

C. Mixed-use development. The provisions of Subsections A. and B., respectively, shall apply to the residential and nonresidential portions of the development. In the event that portions of the development are shared such that the residential and nonresidential portions cannot be distinguished, the more restrictive provision shall apply.

**Section 4.** Paragraph (6) in Subsection C. in Section 166-114., *Accessory buildings*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

- (6) The cumulative building coverage of all detached accessory buildings or other roofed structures accessory to a nonresidential use, except for parking decks, shall not exceed the lesser of:
  - (a) One-third of the actual building coverage of the principal building on the same lot; or
  - (b) One-fourth of the permitted maximum building coverage on the same lot.

**Section 5.** Subsection D. in 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 in the residential zones shall provide for one-hundred-percent off-street parking at all times and shall be not less than a ratio of one usable off-street parking space, exclusive of any access drives or aisles within the parking area, for every 250 square feet of floor area or any fraction thereof. Notwithstanding the above, the floor area of nonresidential uses excluded from required parking calculations in § 166-155. shall also apply to nonresidential uses permitted in the residential zones.

**Section 6.** The opening paragraph 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:

In all nonresidential zones, one-hundred-percent off-street parking shall be provided for all new buildings or additions to buildings; provided, however, that no parking spaces shall be required for accessory buildings, if the developer demonstrates that such accessory buildings do not generate any parking demand, and further provided that the floor areas excluded from floor area requirements by §166-113.2. shall also be excluded from required parking calculations. The minimum requirements are as follows:

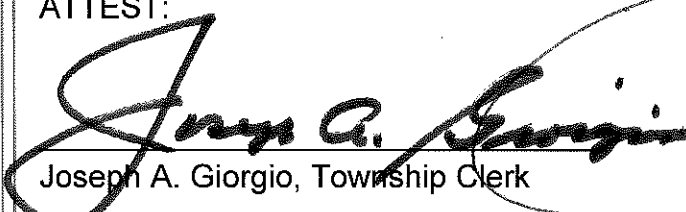
**Section 7.** In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

**Section 8.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**Section 9.** This ordinance shall take effect in accordance with the law.

TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

ATTEST:

  
Joseph A. Giorgio, Township Clerk

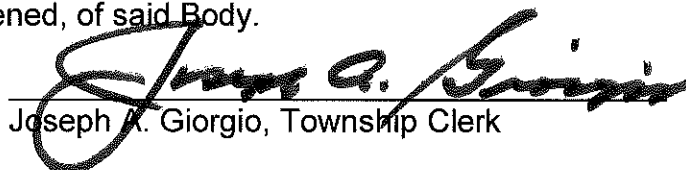
  
Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: January 22, 2015

DATE OF ADOPTION: February 12, 2015

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CERTIFICATION

I, Joseph A. Giorgio, Township Clerk of the Township of Hanover, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of an ordinance adopted by the Township Committee of said Township on the 12 day of February, 2015, at a meeting duly convened, of said Body.

  
Joseph A. Giorgio, Township Clerk