

ORDINANCE NO. 10-2023

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING CHAPTER 166, LAND USE AND DEVELOPMENT, OF THE CODE OF THE TOWNSHIP OF HANOVER BY CREATING A NEW B-10W ZONE DISTRICT AND REGULATIONS, CHANGING THE ZONE CLASSIFICATION OF CERTAIN PROPERTIES FROM THE B-10 ZONE TO THE B-10W ZONE, AND BY AMENDING VARIOUS OTHER PROVISIONS OF CHAPTER 166

WHEREAS, Chapter 166 of the Township Code contains a variety of zone districts, including the B-10 Highway Commercial District; and

WHEREAS, the B-10 Highway Commercial District was established in 2017 along the Route 10 corridor within the Township; and

WHEREAS, the existing conditions within the B-10 district vary considerably throughout the Township; and

WHEREAS, the Planning Board has recently examined that portion of the B-10 district located west of Route 287 in the Township, and has determined that the conditions in that location vary sufficiently from the conditions in the balance of the district to recommend creation of a new zone district and regulations that recognize the character of this location; and

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

Section 1. Section 166-107, *Enumeration of districts*, in Article XVIII, *Districts and Zoning Map*, is hereby amended to read as follows:

§ 166-107, Enumeration of districts.

For the purposes of this chapter, the Township of Hanover is divided into various zone districts, known as:

R-40 Single Family Residence District
R-40N Single Family Residence District
R-30 Single Family Residence District
R-25 Single Family Residence District
R-21 Single Family Residence District
R-15 Single Family Residence District
R-10 Single Family Residence District
R-10A Residence District
R-M Residence District
RM-2 Residence District
RM-3 Residence District
RM-4 Residence District
RM-5 Residence District

RM-6 Residence District
 RM-7 Residence District
 AH-1 Affordable Housing Overlay District
 AH-2 Affordable Housing Overlay District
 B Business District
 B-P2 Business and Professional District
 B-10 Highway Commercial District
 B-10W Highway Commercial District
 WC Whippany Center District
 D-S Designed Shopping Center District
 O-S Office-Services District
 OB-RL Office Building and Research Laboratory District
 OB-DS Office Building - Designed Shopping Center District
 OB-RL3 Office Building and Research Laboratory District
 I Industrial District
 I-2 Industrial District
 TC Town Center District
 I-4 Industrial District
 I-5 Industrial District
 I-P Industrial Park District
 I-P2 Industrial Park District
 I-B2 Industrial-Business District
 I-B3 Industrial-Business District
 I-R Industrial - Recreation District
 I-7 Industrial Overlay District
 A Airport District
 PU Public Use District

Section 2. Subsection A of Section 166-108, *Zoning Map*, in Article XVIII, *Districts and Zoning Map*, is hereby amended to read as follows:

A. The Zone Map delineating the zone districts within the Township, entitled "Zoning Map, Township of Hanover, Morris County, New Jersey," dated April 2023, is hereby declared to be a part of this chapter.

Section 3. Subsections B, C, and D in Section 166-115, *Multiple principal buildings on the same lot; multiple principal uses within the same building*, in Article XIX, *General Provisions*, are hereby amended to read as follows:

B. In all R-40, R-40N, R-30, R-25, R-21, R-15, R-10 and B Zones, no lot may contain more than one principal building, except as may be specifically provided otherwise by this chapter.

C. More than one principal building is permitted on a lot in each of the zones as follows, except as may be specifically provided otherwise by this chapter:

(1) In the R-M Zone as set forth in § 166-180.

- (2) In the R-10A Zone as set forth in Article XXVIII.A.
- (3) In the D-S Zone as set forth in § 166-188D.
- (4) In the OB-RL Zone as set forth in § 166-192L.
- (5) In the OB-DS Zone as set forth in § 166-193.3J.
- (6) In the I Zone as set forth in § 166-196J.
- (7) In the I-2 Zone as set forth in § 166-199.
- (8) In the I-P Zone as set forth in § 166-206K.
- (9) In the TC Town Center District as set forth in Article XXXVIIA.
- (10) In the RM-2 Zone for multifamily and townhouse development only, as set forth in Article XXIXB.
- (11) In the RM-3 Zone for townhouse development only, as set forth in Article XXIXC.
- (12) In the RM-4 Zone as set forth in Article XXIXD.
- (13) In the B-P2 Zone for multifamily and single-family attached dwellings only, as regulated by § 166-186.11B.
- (14) In the WC Zone for planned commercial development only.
- (15) In the I-B3 Zone as set forth in Article XXXVIB.
- (16) In the AH-1 Overlay Zone District as set forth in Article XXIXE.
- (17) In the PU Zone District as set forth in §§ 166-211.1 through 166-211.4.
- (18) In the OB-RL3 Zone as set forth in §§ 166-193.7O and 166-193.8A.
- (19) In the B-10 Zone as set forth in Article XXXA.
- (20) In the O-S Zone as set forth in Article XXXIIB.
- (21) In the RM-6 Zone as set forth in Article XXIXD1.
- (22) In the RM-5 Zone as set forth in Article XXIXD2.
- (23) In the AH-2 Overlay Zone District as set forth in Article XXIXF.
- (24) In the B-10W Zone as set forth in Article XXXB.

- D. The principal building on a lot in any B, B-10, B-10W, B-P2, WC, D-S, O-S, OB-RL, OB-DS, OB-RL3, I, I-2, I-P, I-B3, I-4 and TC Zone District may be divided to accommodate different operations or tenants within the principal building, subject, however, to the provisions of Subsection F below.

Section 4. Subsection C of Section 166-121, *Lots bounded by more than one street; minimum lot frontage*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

- C. All lots, including interior lots, corner lots or through lots, shall have a frontage of at least 50 feet on all abutting streets, except as may be specifically provided otherwise by this chapter.

Section 5. Subsection B of Section 166-128, *Vending machines and telephone booths*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

- B. Said vending machines are located in the B, B-10, B-10W, WC or D-S Zones. Said telephone booths are located in the B, B-10, WC, I-P, OB-RL, OB-DS or D-S Zones. Telephone booths are also permitted on lands developed for Township parks or schools within the residence zones, notwithstanding the provisions of Subsection C below.

Section 6. The title of Section 166-144, *Signs in the B, B-10, B-10W, D-S, and WC Zone Districts and signs for retail development in the I-B3 and OB-DS Zone Districts*, in Article XX, *Signs*, is hereby amended to read:

§ 166-144. Signs in the B, B-10, B-10W, D-S, and WC Zone Districts and signs for retail development in the I-B3 and OB-DS Zone Districts.

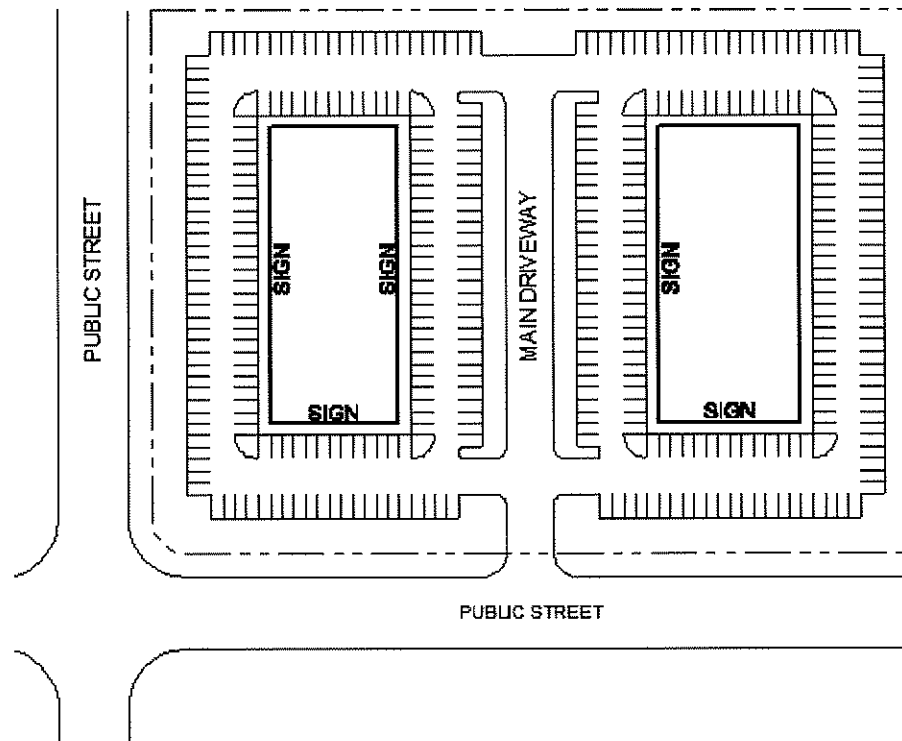
Section 7. Paragraph B(1)(a)[2] in Section 166-144, *Signs in the B, B-10, B-10W, D-S, and WC Zone Districts and signs for retail development in the I-B3 and OB-DS Zone Districts*, in Article XX, *Signs*, is hereby amended to read:

- [2] A principal identification sign may be freestanding only if all of the following conditions are complied with:
- [a] Unless specifically permitted otherwise, the lot or lots containing the development identified by the sign(s) must have at least 200 feet of frontage upon a public street, the freestanding sign(s) must be located in the front yard abutting said street and the sign(s) must be oriented to be viewed primarily by travelers on said street; and
 - [b] The sign must be accessory to a development or developments containing at least 25,000 square feet of gross floor area devoted to retail sales and retail service uses. This requirement shall not apply in the case of developments containing less than 25,000 square feet and designed and developed in connection with a gasoline station; such uses shall be

permitted to have a principal identification sign located on the freestanding sign structure of the gasoline station as regulated in §166-146.

Section 8. Paragraphs B(1)(c)[1][a] and [b] in Section 166-144, *Signs in the B, B-10, B-10W, D-S, and WC Zone Districts and signs for retail development in the I-B3 and OB-DS Zone Districts*, in Article XX, *Signs*, is hereby amended to read:

- [a] One attached principal identification sign, or two such signs if one of the signs is an official logo of the establishment and the other sign contains other permitted content, shall be permitted on each exterior wall of the establishment that faces a public street upon which the property has frontage. See example, below.
- [b] One attached principal identification sign, or two such signs if one of the signs is an official logo of the establishment and the other sign contains other permitted content, shall be permitted on each exterior wall of the establishment that faces a main driveway. For purposes of administering this provision, a "main driveway" shall be defined as a driveway that provides direct access between a public street and the parking area(s) for patrons of the establishment to which the sign is accessory. A main driveway may be internal to the site and serve the main parking area, but this shall not be construed to mean that every access aisle in a parking area is a main driveway; generally, there is only one main driveway on any side of a building. See example, below.



Section 9. Section 166-146, *Sign regulations for gasoline stations*, in Article XX, *Signs*, is hereby amended to read as follows:

§ 166-146. Sign regulations for gasoline stations.

Notwithstanding any other provisions of this chapter, gasoline stations, where permitted, may display only the following signs, which are deemed customary and necessary to their respective business:

- A. One freestanding sign advertising the name of the station, and/or the brand name, and/or the logo of the gasoline sold. Such sign shall be subject to the following requirements:
 - (1) The area of the sign shall not exceed 40 square feet.
 - (2) The height of the sign shall not exceed 20 feet.
 - (3) The sign shall not reduce or interfere with the appropriate sight lines at the intersections of roadways, driveways and other vehicular travel areas, as determined by the Township Engineer based upon the particular conditions of the site and adjacent roadways.
 - (4) The sign shall be set back from the front lot line in the same manner as required for other freestanding signs in the zone district.
- B. One sign mounted on the wall of the station building, or on a canopy over the fuel pumps, identifying the name of the station and/or the brand name and/or the logo of the gasoline sold. Such sign shall be subject to the same regulations as building-mounted signs for retail business establishments in the same zone district as the gasoline station. Notwithstanding the foregoing, gasoline stations located upon property that has frontage upon more than one street may have one building or canopy sign for each street, provided that not more than one sign shall be permitted to be oriented to each street.
- C. Miscellaneous ancillary informational signs, including but not limited to signs located on gasoline pumps, lead warning signs, emergency shut-off signs, no smoking signs, and any other sign required by law, all as determined to be reasonably necessary by the Board. The intent in permitting such signs shall be to provide information to employees and patrons, and not to advertise the gas station to passing roadway traffic.
- D. Commercially manufactured signs advertising the price of fuel only shall be permitted to be attached to the permitted freestanding sign as regulated in Subsection A as stated above; provided, however, that said price signs meet the following required conditions:
 - (1) The total area of such signs shall not exceed 60 square feet in area.
 - (2) All requirements applicable to freestanding signs in Subsection A above shall be complied with.

- E. In the event that a gasoline station is located on the same property or is part of the same development as other uses, the sign regulations shall be as follows:
- (1) If the signs for the gasoline station are separate and distinct from the signs for the other use(s), the regulations of this section shall apply only to the gasoline station signs, and the sign regulations otherwise applicable to the other use(s) shall apply to such other use(s); provided, however, that in the case of signs for other uses permitted to be located on the freestanding sign for the gasoline station by § 166-144B(1)(a)[2][b], the following shall apply:
 - (a) One sign for each of the other uses shall be permitted on the freestanding sign.
 - (b) The maximum cumulative area of all such signs for the other uses shall be 30 square feet.
 - (c) The same maximum height and minimum setback requirements applicable to the freestanding gasoline station sign shall also apply to the signs for other uses attached to the gasoline station sign.
 - (2) If the signs for the gasoline station and the other use(s) are shared and not separate or distinct, as in the case of a gasoline station and convenience store operating under the same brand name, the regulations of this section shall apply to all of the shared signs.

Section 10. Subsection A of Section 166-150, *Conditional use requirements for specific uses*, in Article XXI, *Conditional Uses*, is hereby amended to read as follows:

- A. Gasoline stations. Gasoline stations shall be permitted as a conditional use in the B-10, BP-2, D-S, I-B3 and OB-DS Zone Districts, subject to the following requirements. Such requirements shall be in addition to all other applicable requirements of the respective zone district and of this chapter, except in case of conflict, in which case the following requirements shall apply.
- (1) In the D-S, OB-DS and I-B3 Zones, the gasoline station shall be located within and be a part of a designed shopping center development or other development designed and used for retail sales, retail banks, personal services, rental and leasing establishments, eating and drinking establishments, or a combination of any of the foregoing, which developments contain a minimum floor area of 75,000 square feet. In other zones, the gasoline station shall be located on a corner lot at one of the following intersections:
 - (a) (Reserved)
 - (b) (Reserved)

- (c) Route 10 and North or South Jefferson Road.
 - (d) Route 10 and Whippany Road.
 - (e) Route 10 and Troy Hills Road.
 - (f) Route 10 and Algonquin Parkway.
 - (g) Parsippany Road and Whippany Road.
 - (h) Hanover Avenue and Ridgedale Avenue.
- (2) When the gasoline station is located within and part of a designed shopping center or other development pursuant to Subsection A(1) above, the gasoline station shall be considered part of such development and shall be subject to the minimum lot area requirements for such developments. In all other circumstances, the lot shall contain the following minimum contiguous developable areas. Such minimum developable area shall exclude any wetlands, wetland transition areas, floodways or other areas that are prohibited from development, but shall include nondevelopable areas located within minimum required buffer areas or other minimum required landscaped areas.
- (a) Gasoline station only: 40,000 square feet, or as required by the zone district, whichever is greater.
 - (b) Gasoline station and convenience store or automated car wash, when permitted: 50,000 square feet.
 - (c) Gasoline station and motor vehicle repair or maintenance establishment, other than automated car wash, when permitted: 60,000 square feet.
 - (d) Gasoline station and permitted use(s) other than specified above: 40,000 square feet plus the lot area required for such other use in the zone district within which the gas station is located, but in no event less than 50,000 square feet, or as required by the zone district, whichever is greater.
- (3) (Reserved)
- (4) The gasoline station lot shall have frontage upon a public street as required in the zone district within which the gas station is located, but in no event less than 150 feet; provided that this requirement shall not apply when the gasoline station is located within and part of a designed shopping center or other development pursuant to Subsection A(1) above.

- (5) The gasoline station lot shall have a depth as required in the zone district within which the gas station is located, but in no event less than 150 feet.
- (6) The minimum front yard shall be as required in the zone district within which the gas station is located, but in no event less than 50 feet, measured to the principal building, fuel pumps, and islands. Any canopy over the fuel pumps may encroach into the minimum required front yard by a distance not greater than twelve feet.
- (7) The minimum side and rear yards shall be as required in the zone district within which the gas station is located, but in no event less than 25 feet for the principal building or 50 feet for the fuel pumps and islands and any fuel pump canopy.
- (8) The gasoline station fuel pumps, and any canopy over such pumps, shall be located at least 100 feet from any private property located in a residential zone district.
- (9) There shall be provided along all street frontages a landscaped island at least 15 feet in depth, or as required by the zone district regulations, whichever is greater. In the event that the property frontage is located across the street from property in a residential zone, such island shall have a depth of at least 25 feet, or as required by the zone district regulations, whichever is greater. Such depths shall be measured from the street right-of-way or, where one exists, the road widening easement, whichever is more restrictive.
- (10) Outdoor display of products for sale shall be prohibited.
- (11) When the gasoline station is located within and part of a designed shopping center or other development pursuant to Subsection A(1) above, there shall be provided shared access between the gasoline station and other development in the shopping center or other development, such that a patron of any of the foregoing uses shall be able to drive a motor vehicle between such uses without traveling on a public street.

Section 11. The opening paragraph in Subsection K of Section 166-153, *General provisions*, in Article XXIII, *Off-Street Parking and Loading*, is hereby amended to read as follows:

K. Off-street parking facilities may be placed in any yard in the B, B-10, B-10W, O-S, OB-RL, I-B2, I-P, I and I-2 Zones, subject to the following conditions:

Section 12. Paragraph (1)(b) in Subsection K of Section 166-153, *General provisions*, in Article XXIII, *Off-Street Parking and Loading*, is hereby amended to read as follows:

- (b) Parking areas and drives in the front yard of a lot in the B, B-10, and B-10W Zones, except for drives that provide direct access to/from to the street or streets, must be located at least the following distances from the front and side lot lines:

Zone	Front Lot Line(s) Setback (feet)	Side Lot Lines Setback (feet)
B	15	5
B-10	15	5
B-10W XXXB)	20	5 (small-scale development; see Article XXXB)
B-10W XXXB)	20	10 (large-scale development; see Article XXXB)

Section 13. Paragraph (2) in Subsection K of Section 166-153, *General provisions*, in Article XXIII, *Off-Street Parking and Loading*, is hereby amended to read as follows:

- (2) Parking areas and drives in the side yards must be located at least the following distances from any property line, provided that where shared access and/or parking between adjacent lots is permitted, no setback shall be required as necessary to accommodate such shared access and/or parking:

Zone	Setback (feet)
B	5
B-10	5
B-10W	5 (small-scale development; see Article XXXB)
B-10W	10 (large-scale development; see Article XXXB)
O-S	10
I-B3	10
I	15
I-2	15
I-B2	15
I-P	25
OB-RL	25

Section 14. Paragraph (3) in Subsection K of Section 166-153, *General provisions*, in Article XXIII, *Off-Street Parking and Loading*, is hereby amended to read as follows:

(3) Parking areas and drives in the rear yards must be at set back at least the following distances from any property line, provided that where shared access and/or parking between adjacent lots is permitted, no setback shall be required as necessary to accommodate such shared access and/or parking:

Zone	Setback (feet)
B	5
B-10	5
B-10W	5 (small-scale development; see Article XXXB)
B-10W	10 (large-scale development; see Article XXXB)
O-S	10
I-B2	10
I-B3	10
I	10
I-2	10
I-P	25 or one half of the minimum side yard requirement, whichever is greater
OB-RL	25 or one half of the minimum side yard requirement, whichever is greater

Section 15. Part 5, *Zoning*, is hereby amended by the addition and insertion of a new Article XXXB, entitled *B-10W Highway Business District*, containing Sections 166-183.9 through 166-183.16, to read as follows:

ARTICLE XXXB

B-10W Highway Business District

§ 166-183.9. Purpose and intent.

The purpose and intent of the B-10W Zone District is to:

- A. Establish a regulatory framework that will preserve and enhance the character of that portion of the Route 10 corridor located west of Route 287 in the Township;
- B. Promote a strong and sustainable economic environment that encourages attractive commercial and business development, employment opportunities, an enhanced tax base, and convenient and quality facilities, services and amenities, for both residents and the business community;

- C. Ensure that infill development and redevelopment is accomplished in a manner that complements the overall community and respects the general scale of development in the Township;
- D. Ensure that development in the District is responsive to and preserves environmental features; in particular, steep slopes, wetlands, areas subject to flooding, streams and other water bodies and trees;
- E. Enhance the appearance of the district, and of the Township as a whole;
- F. Preserve and enhance retail commercial areas by defining their functional role in the Township and the region;
- G. Encourage a community sense of place, offering uses that incorporate the highest standards of aesthetic design resulting in an attractive corridor in the Township;
- H. Promote development and redevelopment of under- or poorly utilized or developed properties; and
- I. Promote safe and efficient transportation design and improvements.

§ 166-183.10. Permitted principal uses.

A. The permitted principal uses in the B-10W Zone District shall be limited to those set forth below. When provided, the number in parentheses following the uses listed below refers to the code number assigned by the North American Industry Classification System (NAICS), 2017 edition, and such use shall be defined as described in the text of that document, available online at <https://www.census.gov/naics/>. The following list is subject to any applicable use limitations set forth in this chapter:

(1) Retail trade uses, limited to:

(a) Motor vehicle and parts dealers, limited to:

- [1] New car dealers (441110), including used car dealers when an accessory use to a new car dealer on the same premises.
- [2] Motorcycle, atv, and all other motor vehicle dealers (441228).
- [3] Automotive parts and accessories stores (441310).
- [4] Tire dealers (441320), but excluding motor vehicle repair or maintenance establishments.

(b) Furniture and home furnishings stores (442).

(c) Electronics and appliance stores (443).

- (d) Building material and garden equipment and supplies dealers (444).
 - (e) Food and beverage stores (445).
 - (f) Health and personal care stores (446).
 - (g) Gasoline stations (447)
 - (h) Clothing and clothing accessories stores (448).
 - (i) Sporting goods, hobby, musical instrument, and book stores (451).
 - (j) General merchandise stores (452).
 - (k) Miscellaneous store retailers, limited to:
 - [1] Florists (4531).
 - [2] Office supplies and stationery stores (45321).
 - [3] Gift, novelty, and souvenir stores (45322).
 - [4] Used merchandise stores (4533).
 - [5] All other miscellaneous store retailers (4539), excluding manufactured (mobile) home dealers (45393) and live retail auctions (45399).
 - (l) Nonstore retailers, limited to electronic shopping and mail-order houses (4541), but excluding warehousing operations for such uses, unless permitted by Subsection B(16) below.
- (2) Taxi and limousine services (4853).
 - (3) Motion picture theaters (512131).
 - (4) Banks, savings and loan institutions, credit unions, lending establishments and similar uses (522).
 - (5) Real estate and rental and leasing services, limited to:
 - (a) Passenger car rental and leasing (53211).
 - (b) Consumer goods rental (5322).
 - (c) General rental centers (532310).
 - (d) Office machinery and equipment rental and leasing (532420).

- (6) Educational services, limited to:
 - (a) Business schools and computer and management training (6114).
 - (b) Technical and trade schools (6115).
 - (c) Other schools and instruction (6116).
 - (d) Educational support services (6117).
- (7) Health care and social assistance services, limited to:
 - (a) Ambulatory health care services (621).
 - (b) Child and youth services (62411).
 - (c) Services for the elderly and persons with disabilities (62412).
 - (d) Other individual and family services (62419).
 - (e) Community food services (62421).
 - (f) Vocational rehabilitation services (62431).
 - (g) Child-care centers, as regulated by N.J.S.A. 40:55D-66.6.
- (8) Arts, entertainment, and recreation services, limited to the following, and subject to the outdoor use prohibition of § 166-183.13C:
 - (a) Performing arts and related industries (711).
 - (b) Museums, historical sites, and similar institutions (712).
 - (c) Other amusement and recreation industries (7139).
- (9) Food services and drinking places (722), including but not limited to sit-down, drive-in, drive-through, and take-out restaurants.
- (10) Other services, limited to:
 - (a) Personal care services (8121).
 - (b) Dry-cleaning and laundry services (8123), excluding industrial launderers (812332).
 - (c) Other personal services (8129).
- (11) Business, administrative and professional offices.

(12) Hotels.

(13) Veterinary services (541940).

§ 166-183.11. Conditional uses.

A. Public utility buildings and structures, as regulated in § 166-150C.

§ 166-183.12. Permitted accessory uses.

The following accessory uses shall be permitted in the B-10W Zone District:

A. Off-street parking.

B. Signs.

C. Other uses customarily accessory and incidental to permitted principal or conditional uses.

§ 166-183.13. Prohibited uses and use limitations.

Any use other than the uses specifically permitted by this article, by other provision of this chapter or permitted by other applicable law, shall be prohibited. In addition, the following uses shall be specifically prohibited:

A. Residential dwellings.

B. Inpatient care or overnight lodging, except as part of permitted hotel operation.

C. Any business conducted outside the confines of a building. This prohibition shall include any outdoor boarding of animals, outdoor animal exercise areas or other similar outdoor areas as part of the provision of veterinary services or pet care services; such services shall only be conducted within the confines of a building (indoors), and shall be subject to the provisions of § 117-5 and all other applicable requirements. Notwithstanding the foregoing, the following uses and activities shall be permitted:

- (1) Building material and garden equipment and supplies dealers permitted by this article.
- (2) Gasoline stations as permitted by this article. As part of any gasoline station, there shall be permitted the display of materials routinely used for motor vehicle operation and maintenance, such as windshield washer fluid, motor oil, and antifreeze. Such display shall be limited to the pump islands only.
- (3) Drive-in banks, pharmacies and drive-in restaurants.
- (4) Outdoor dining permitted as an accessory to a permitted restaurant.

- (5) The display of passenger vehicles for sale accessory to a new car dealer.
- D. Used car sales as a principal use.
- E. Any industrial use.
- F. Wholesale uses, except as an accessory use to a permitted principal use, or except may be specifically permitted.
- G. Construction trade yards or buildings, except for offices for such uses.
- H. The use of any noisemaking devices, such as phonographs, loudspeakers, amplifiers, radios, television sets or similar devices, so situated as to be heard outside any building; provided, however, that permitted drive-through establishments shall be permitted to use such microphones and speakers that are minimally necessary for the functioning of the drive-through operation, and further provided that the Planning Board, as part of any site plan approval, may permit limited outdoor music and/or entertainment accessory to outdoor dining within the development. In any case where noisemaking devices, music and/or entertainment is proposed, the same shall be permitted only if the developer demonstrates, as part of any site plan application, that such activity will not interfere with the reasonable use of other businesses or other establishments within the development or on adjacent or nearby properties.

§ 166-183.14. Lot, bulk and intensity of use regulations, small scale development.

"Small-scale development" shall be defined for purposes of this section as development on a property having a net lot area less than five acres. "Net lot area" shall be defined as excluding all floodways, wetlands and required transition areas for wetlands.

- A. Minimum lot area: 50,000 square feet.
- B. Minimum lot width: 200 feet.
- C. Minimum lot depth: 200 feet.
- 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 be 30% of the net lot area.
- E. 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 be 20% of the net lot area.

- F. Maximum building height: three stories, 45 feet.
- G. Minimum yard depths. The minimum yard depths shall be as required below. For purposes of determining compliance with yard depths based upon building height, in the case of buildings having varying heights, the yard depth shall be measured to each portion of the building having a different height. Thus, a portion of a building having a lower height will have a different yard requirement than a portion of the same building having a greater height.
 - (1) Minimum front yard depth: 60 feet, or twice the building height, whichever is greater.
 - (2) Minimum side yard depth: 30 feet.
 - (3) Minimum rear yard depth: 30 feet.
- H. Minimum distance between principal buildings: 60 feet.

§ 166-183.15. Lot, bulk and intensity of use regulations, large scale development.

"Large-scale development" shall be defined for purposes of this section as development on a property having a net lot area of at least five acres. "Net lot area" shall be defined as the total lot area, less the area of all floodways, wetlands and required wetland transition areas.

- A. Minimum lot area: five acres.
- B. Minimum lot width: 300 feet.
- C. Minimum lot depth: 200 feet.
- 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 be 40% of the net lot area.
- E. 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 be 25% of the net lot area.
- F. Maximum height of principal buildings: 75 feet.
- G. Minimum yard depths. The minimum yard depths shall be as required below. For purposes of determining compliance with yard depths based upon building height, in the case of buildings having varying heights, the yard depth shall be measured to each portion of the building having a different height. Thus, a

portion of a building having a lower height will have a different yard requirement than a portion of the same building having a greater height.

- (1) Minimum front yard depth: 60 feet, or twice the building height, whichever is greater.
- (2) Minimum side yard depth: 30 feet.
- (3) Minimum rear yard depth: 30 feet.

H. Minimum distance between principal buildings: 60 feet.

§ 166-183.16. Other requirements.

A. Architectural design. Buildings shall be designed and placed in accordance with the following provisions:

- (1) The architectural design of buildings shall promote a desirable visual environment through the relationship of design features, such as height and mass, building proportions, rooflines, building projections and ornamental features.
- (2) The design of buildings shall be harmonious with the character of existing development in the immediate vicinity, and shall enhance the character of the surrounding neighborhood and the Township as a whole, and shall avoid adversely affecting the value of adjacent or nearby properties.
- (3) The use of exterior colors, facade or roof materials, or such combination of colors and materials, shall be compatible with and enhance the character of existing development.
- (4) Excessive uniformity or monotony of design within the context of existing development in the neighborhood shall be avoided.
- (5) Building components such as windows, doors, eaves, and parapets shall have proportions in keeping with each other, the building and the neighborhood as a whole.
- (6) Bright or brilliant colors shall be used only for accent and shall not substantially depart from the character of existing neighborhood colors or detract from the overall appearance of the neighborhood.
- (7) All sides of the building shall contribute to the architectural unity of the building by using similar building materials for the front, side, and rear walls, and through other methods.
- (8) Large unbroken building masses shall be avoided through the uses of projections, recesses, varying materials and other methods.

- (9) All buildings shall use durable high-quality material requiring low maintenance, such as brick, stone, stucco, glass, precast concrete, and wood, when properly treated. Where durability and performance are questionable, the applicant may be asked to provide a manufacturer's guaranty or proof of durability from an independent testing laboratory certification. The use of aluminum siding, vinyl siding, and exposed concrete block are prohibited, except for architectural prefinished block and split face block, which are permitted.
- B. Roof structures shall not exceed five feet in height, nor shall their total area exceed 5% of the roof area to which they are attached. This shall not be construed to permit a dish antenna to exceed the twenty-eight-foot height limit as regulated in § 166-150H.
 - C. Supplemental regulations applicable to hotels. Hotels shall be subject to the following regulations, in addition to all other applicable requirements of this article and of this chapter. If the following requirements conflict with other applicable requirements of this chapter, the more restrictive requirement shall apply:
 - (1) Hotels shall be located on properties that have frontage upon and direct access to a state highway.
 - (2) Hotels shall be located on properties that contain at least four contiguous acres of developable area, which shall exclude all floodways, freshwater wetlands and wetland transition areas.
 - (3) Hotels shall contain at least 100 lodging units or guest rooms.
 - D. Amusement devices. Amusement devices are permitted as an accessory use only. Said amusement devices, where permitted as an accessory use, shall meet all of the following requirements:
 - (1) There shall be 60 square feet of operating area for each amusement device. The calculation of the operating area shall exclude any area of the premises which is used for other purposes but shall include access- and walkways primarily serving the amusement device.
 - (2) The maximum area devoted for all amusement devices, at a ratio of 60 square feet for each device, shall not exceed 25% of the gross floor area of the establishment.

Section 16. 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 17. 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 18. 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, N.J.S.A. 40:55D-62.1, 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 19. This ordinance shall take effect upon publication and in accordance with the law.

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

ATTEST:



Krista M. DiGiorgio, Township Clerk


Thomas "Ace" Gallagher, Mayor

DATE OF INTRODUCTION: March 9, 2023
DATE OF ADOPTION: April 13, 2023

CERTIFICATION

I, Krista M. DiGiorgio, 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 13th day of April, 2023 at a meeting duly convened, of said Body.


Krista M. DiGiorgio, RMC, Township Clerk

ZONING MAP
TOWNSHIP OF
HANOVER
MORRIS COUNTY, NEW JERSEY
APRIL 2023

