

ORDINANCE NO. 20-2016

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 INSTITUTIONAL USES

WHEREAS, Chapter 166 permits and regulates institutional uses; and

WHEREAS, the Township Committee has determined that it is in the public interest to update and amend the regulations for institutional uses, in order to recognize the needs of such uses while also protecting surrounding areas from undue impacts from institutional uses;

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 "institutional uses" to read as follows:

INSTITUTIONAL USES - Establishments limited to houses of worship, schools teaching academic subjects and schools teaching disabled or special-needs children, state-licensed hospitals and libraries. Specifically excluded from this definition are child care centers and other uses operating as a principal use on the same site as one of the foregoing uses.

Section 2. Subsection A. in Section 166-4., *Definitions and word usage*, in Article II, *Definitions*, is hereby amended by adding and inserting a definition for "house of worship," to read as follows:

HOUSE OF WORSHIP - A building or structure, or group of buildings or structures that is/are: 1) used primarily by groups of persons organized as a nonprofit organization recognized by the Federal Internal Revenue Service as a 501c(3) organization; and 2) used primarily for organized religious services and the accessory uses associated therewith. This definition shall include, but not be limited to: chapels, churches, congregations, temples, mosques, shrines and similar structures.

Section 3. Subsections A. and B., and the opening paragraph in Subsection C., 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:

- A. No building to be used as a dwelling shall be constructed, altered or moved to the rear of a building situated on the same lot, nor shall any building be constructed in front of or moved to the front of a dwelling situated on the same lot, except as regulated for single-family attached and multifamily housing developments, and for

permitted residential uses accessory to institutional uses, where permitted by this chapter.

- B. In all R-40, R-25, R-15, R-10, B, B-1 and I-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:

Section 4. 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:

§ 166-138.4. Municipal uses, institutional uses and nonresidential social assistance establishments.

Notwithstanding any other provisions of this chapter, municipal buildings used for public purposes are permitted principal uses in any of the zone districts, except as may be otherwise prohibited by the Air Safety and Hazardous Zoning Act, Chapter 260 of the Laws of 1983. The Planning Board review of municipal buildings shall be guided, on an informal basis, by the standards in the PU Zone District for such uses and by the provisions for review of capital projects in N.J.S.A. 40:55D-26a.

Institutional uses and nonresidential social assistance establishments, as defined in §166-4A., are permitted in the zone districts indicated below and shall be subject to the following regulations, in addition to all other applicable regulations of this Chapter; in the case of conflict between the following regulations and other regulations of this Chapter, the following shall supersede such other regulations:

- A. Where permitted.
 - (1) Houses of worship, libraries and schools shall be permitted in the R-40, R-25, R-15, R-10 Zone Districts, the OB-RL, OB-DS, OB-RL3 Zone Districts, the I, I-2, I-4, I-5, I-P, I-P2, I-R zone districts and in the PU Zone District.
 - (2) State-licensed hospitals and nonresidential social assistance establishments shall be permitted in the OB-RL, OB-DS, OB-RL3 Zone Districts, the I, I-2, I-4, I-5, I-P, I-P2, I-R zone districts and in the PU Zone District.
- B. Number of principal uses and buildings. The provisions of § 166-115A. through D. shall not apply to institutional uses. Institutional uses shall be permitted to be developed with more than one principal building on a lot, to contain more than one institutional use in a principal building, and, when located in a residential zone, to contain a dwelling unit that is accessory to the institutional use on the same lot as other buildings. If more than one principal building is constructed on a lot, such buildings shall be separated by a distance not less than 1/2 of the height of the taller building or 20 feet, whichever is greater.
- C. Permitted accessory uses and buildings. Accessory uses and buildings, as defined in § 166-4A., shall be permitted in addition to principal uses and buildings, provided that for-profit uses or activities shall be presumed to be a prohibited accessory to a

non-profit institutional use. Nonresidential accessory buildings shall be subject to the provisions of § 166-114C. A residence or residences for the staff of institutional uses, such as but not limited to parsonages, rectories, convents, manses and vicarages, used solely or primarily as housing, shall be permitted on the same lot or on lots separate from the institutional use, subject to the following:

- (1) When such a residence is located on a separate lot from the institutional use, it shall not be considered an institutional use, but shall be considered a residential use and subject to all of the provisions applicable to residences in the zone district within which it is located.
- (2) When such a residence is located on the same lot as the institutional use, and it is located within a separate building and its yard areas, its accessory uses and its accessory structures are generally distinct and separate from the institutional use, then it shall not be considered a institutional use, but shall be subject to all of the provisions applicable to residences in the zone district within which it is located, with that portion of the lot devoted to the residence considered its "lot" for purposes of complying with such requirements. Furthermore, the residential portion shall be excluded from the lot for the institutional use for purposes of complying with the requirements for the institutional use.
- (3) When such a residence is located within the same building as the institutional use, or is located in a separate building but its yard areas, its accessory uses and its accessory structures are not distinct and separate from the institutional use, such residence shall be considered part of the institutional use and shall be subject to all of the requirements applicable to the institutional use.

D. Number of parking spaces. The minimum number of off-street parking spaces for institutional uses shall be as follows:

- (1) Houses of worship:
 - (a) Sanctuary/worship areas and associated areas: one parking space for every four seats or 100 square feet of gross floor area, whichever is greater, at maximum capacity.
 - (b) Dining/meeting hall/rooms and associated areas: one parking space for every two seats or 65 feet of gross floor area, whichever is greater, at maximum capacity.
 - (c) Other areas: one parking space for every 250 square feet of floor area.
 - (d) The foregoing requirements for multiple areas shall only apply to areas which are in use at the same time.
- (2) Elementary and middle/junior high schools: one parking space for every three students or 1.2 spaces per employee, whichever is greater, at maximum capacity.

- (3) High schools: one parking space for every four students at maximum capacity.
 - (4) Other schools: 1.1 parking spaces for each student or 1.5 parking spaces for each employee, whichever is greater, at maximum capacity.
 - (5) State-licensed hospitals: five parking spaces per bed or one parking space for each employee on the maximum shift, whichever is greater.
 - (6) Libraries: one parking space for every 400 square feet of gross floor area.
- E. Development standards in nonresidential zones. Where permitted in the nonresidential zones, institutional uses and nonresidential social assistance establishments shall comply with the development standards for nonresidential uses in the zone within which they are located; provided, however that the minimum lot area for institutional uses shall not be less than required for other nonresidential uses in the zone, or less than three acres for libraries, five acres for houses of worship and schools, and ten acres for hospitals, whichever is more restrictive.
- F. Development standards in residential zones. Where permitted in the residential zones, institutional uses shall comply with the following requirements:
- (1) Minimum lot area: five acres of net developable area, which shall be defined as the gross lot area minus wetlands, wetland transition areas and any other areas within which development is prohibited, In the case of multiple lots used for the same institutional use, the net developable area of all such properties located within 200 feet of the lot or lots containing the principal building(s) shall be used for determining compliance with this requirement.
 - (2) Minimum front yard: 50 feet, or as required for residential development in the zone, whichever is greater.
 - (3) Minimum side and rear yard: 75 feet, unless the yard abuts property in a nonresidential zone, in which case a minimum yard depth of 40 feet shall be required.
 - (4) Maximum building height: 45 feet, excluding those features identified in the definition of "height of building or structure" in § 166-4A.
 - (5) Maximum building coverage: 25% of the lot area.
 - (6) Maximum improvement coverage: 60% of the lot area.
 - (7) Parking, loading and driveways.
 - (a) Parking and loading areas shall be located at least 50 feet from the front lot line(s).
 - (b) Parking and loading areas and driveways shall be located at least 25 feet from all side and rear lot lines; provided, however, that in those locations where the side or rear lot lines abut property in a nonresidential

zone, then parking and loading areas and driveways shall be located at least 10 feet from the side and rear lot lines.

- (c) As a limitation on the intensity of use, institutional uses shall be limited to uses and configurations that do not require more than 300 off-street parking spaces pursuant to the standards of this Chapter,
- (8) Buffer requirements. Institutional uses located in residential zone districts shall provide a planted buffer along any side or rear property line, or portion thereof, that abuts property in a residential zone district. The minimum depth of planting in the buffer shall be 20 feet, measured perpendicular to the lot line. The other standards for such buffer shall be the same as apply to multifamily residential zone districts that abut single-family residential zone districts in § 166-125. The Board may also require the installation of a fence as part of the buffer, with such fence designed to mitigate views and the impacts from headlights and noise from the institutional use property, as determined as part of any required site plan review.

Section 5. Subsections F., I. and J. in Section 166-141., *Regulations applicable in all zones*, in Article XX, *Signs*, are hereby amended to read as follows:

- F. Temporary on-site signs used as an accessory to new construction or alteration on the premises, identifying the project and/or the contractor, are permitted in all zones. Such signs shall only be erected after all required approvals and permits for such development have been obtained, such sign has been approved by the Zoning Officer and all applicable fees for such sign have been paid. Such signs shall be registered with and the fee paid to the Construction Official. The following provisions shall apply:
 - (1) In nonresidential zones, said temporary signs shall not be larger than 12 square feet and must be removed prior to the issuance of a certificate of occupancy for said construction, or within seven days of the completion of construction if no certificate of occupancy is required. One sign shall be permitted to identify the project and one sign shall be permitted to identify the general and/or subcontractors for the project, but no more than two temporary construction signs shall be permitted for any site.
 - (2) In residential zones, the area of said signs shall not exceed six square feet and the height of said signs shall not exceed four feet. Only one temporary construction sign shall be permitted for any site. Such signs may only be displayed during the period of construction and in no event for more than 30 days from the date the sign was first displayed. The period of construction shall be construed to begin with the issuance of all approvals for such construction and end with the issuance of a certificate of occupancy or other final approval of the as-built construction or, in the case of improvements that are not subject to as-built inspection or approval, with the completion of the improvements.
 - (3) Temporary construction signs shall not be located closer than 10 feet to the property line.

- I. Signs for institutional uses are permitted on the same lot as the institutional use to which the sign is accessory. Such signs shall be subject to the following requirements:
- (1) One freestanding sign and one sign affixed to each principal or accessory building shall be permitted.
 - (2) The maximum area of any sign shall be 30 square feet.
 - (3) Freestanding signs shall be located at least 20 feet from any property line in the residential zones, and as required for other principal signs in the nonresidential zones, and shall be located so as to not interfere with safe sight distance at intersections of roadways and driveways.
 - (4) Freestanding signs shall not exceed a height of 10 feet.
 - (5) In addition to permitted permanent signs, a temporary non-illuminated sign may be displayed not more than twice a year for periods not to exceed 30 days each, provided that such temporary signs are registered with the Building Inspector. Such signs shall not exceed an area of 12 square feet and shall be located at least 10 feet from any property line.
- J. Real estate signs as permitted in Subsection G. above shall be located in the rear half of the front yard or the rear half of the minimum required front yard setback, whichever results in a lesser setback.

Section 6. 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, unless specifically provided otherwise by this chapter. 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 7. Section 166-180.4., *Purpose and intent*, in Article XXIXB, *RM-2 Residence District*, is hereby amended to read as follows:

§ 166-180.4. Purpose and intent.

The purpose and intent of the RM-2 Zone District is to encourage limited multifamily and single-family residential development, limited office and/or child care center use, and the preservation of open space through appropriate standards. The standards are designed to encourage multifamily residential development in a manner that concentrates such development within a limited area and results in the preservation of open space in the adjacent PU Zone District. In order to encourage the development of affordable housing, an option for mixed-use development with more flexible standards is also provided. Single-family residential development is permitted as an alternative to multifamily development when the standards for multifamily development cannot be

complied with. Office and child care center use is also permitted on a limited scale, provided certain standards are complied with.

Section 8. 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.

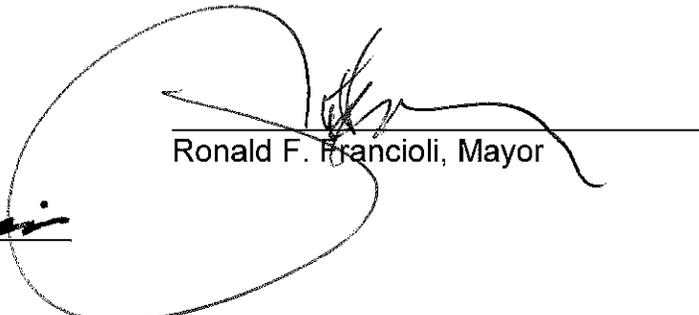
Section 9. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 10. This ordinance shall take effect in accordance with the law.

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

ATTEST:


Joseph A. Giorgio, Township Clerk


Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: June 9, 2016

DATE OF ADOPTION: July 14, 2016

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 *14th* day of *July*, 2016.


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