

ORDINANCE NO. 15-2017

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 PERMITTED USES IN THE WHIPPANY CENTER (WC) ZONE DISTRICT IN ORDER TO ALLOW CERTAIN SMALL-SCALE INDUSTRIAL USES HAVING AN ACCESSORY RETAIL COMPONENT

WHEREAS, the WC – Whippany Center zone district is designed to encourage redevelopment of the property in the zone with traditional small- to medium-scale retail sales establishments, professional offices and other commercial uses; and

WHEREAS, the Township Committee believes that certain industrial uses which have a retail component as part of the operation would also promote this purpose.

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. Section 166-186.13., *Permitted principal uses*, in Article XXXIC, *WC Whippany Center District*, is hereby amended by adding and inserting a new Subsection K., to read as follows:

- K. Food and beverage manufacturing establishments that engage in selling to the general public products made on the same premises from which they are sold, including but not limited to chocolate and confectionery manufacturing, ice cream and frozen dessert manufacturing, bread and bakery product manufacturing, perishable prepared food manufacturing, breweries and wineries, provided that they comply with all of the following requirements:
- (1) The gross floor area of the manufacturing and other non-retail operations shall not exceed 10,000 square feet.
 - (2) The gross floor area of the retail operations shall not be less than 1,000 square feet.
 - (3) The manufacturing operation shall comply with the performance standards in §166-193.

Section 2. Subsection E. in Section 166-186.14., *Permitted accessory uses*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- E. Outdoor dining facilities. Outdoor dining facilities accessory to a permitted eating or drinking establishment or food and beverage manufacturing establishment shall be subject to the provisions of §166-119.5., provided that §166-119.5C. shall not be construed to require setbacks and buffers between outdoor dining facilities and residential uses which are located in the WC district and further provided that the

requirements of §166-119.5H. shall not apply, but shall be superseded by the requirements in this article.

Section 3. Subsection B. in Section 166-186.16., *Prohibited uses*, in Article XXXIC, *WC Whippany Center District*, is hereby amended to read as follows:

- B. The display of goods for sale outside the confines of a building and any business conducted outside the confines of a building, including but not limited to drive-in or drive-through uses, except that drive-in and drive-through banks and pharmacies and outdoor dining as permitted in this Article shall be permitted and regulated as set forth in this article.

Section 4. 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.

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:

Use (where permitted)	Minimum Parking (number of spaces)
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	<p>Manufacturing portion: same ratio as industrial uses, above</p> <p>Retail portion: same ratio as retail sales and services, above</p> <p>Assembly portion: one per two seats, or one per 100 square feet of gross floor area of assembly area in use at same time</p>

Section 5. 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 6. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 7. This ordinance shall take effect in accordance with the law.

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

DATE OF INTRODUCTION: April 27, 2017

DATE OF ADOPTION: June 8, 2017

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, That the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 27th day of April, 2017, introduced and read by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 8th day of June, 2017, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATED: May 3, 2017