

ORDINANCE NO. 2-2017

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 CERTAIN PROVISIONS CONCERNING THE FLOOR AREA IN PARKING DECKS AND THE CALCULATION OF FLOOR AREA RATIO

WHEREAS, Chapter 166 of the Code of the Township entitled Land Use and Development Legislation, establishes floor area ratio regulations in various zone districts; and

WHEREAS, Subsection B. of Section 166-113.2. exempts the floor areas within parking decks and structures from floor area ratio calculations for nonresidential uses; and

WHEREAS, various other provisions of Chapter 166 could be interpreted to include the floor area of parking decks and structure within the floor area ratio calculations for nonresidential uses; and

WHEREAS, the Township Committee desires to clarify Chapter 166 to reconcile any potential contradictory language and to ensure that the Chapter sets forth a consistent policy on this subject.

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

- (2) In the case of planned industrial development or planned commercial development only, where permitted in the OB-RL, I-P or I Zones, a parking structure may be constructed to meet the required off-street parking requirements if the conditions for allowing lesser parking ever change.

Section 2. Paragraph (7) in Subsection L. in Section 166-192., *Required conditions*, in Article XXXIII, *OB-RL Office Building and Research Laboratory District*, is hereby amended to read as follows:

- (7) The total floor area of all buildings within a planned industrial or planned commercial development shall not exceed 30% of the total area of the planned development tract. For the purpose of determining this thirty-percent ratio, the applicant may cluster his development on one or more lots within the planned development that exceed the thirty-percent coverage of said lot or lots; provided,

however, that to do so he shall either deed to the Township public areas or he shall set aside within the planned development other areas to remain undeveloped in an

amount that when added to the area of the lot or lots containing the cluster development the thirty-percent ratio would be met. The public areas to be deeded or set aside under the terms of this subsection shall be in the OB-RL Zone at a location and shape as approved by the Planning Board.

Section 3. Paragraph (6) in Subsection J. in Section 166-196., *Required conditions*, in Article XXXIV, *I Industrial Districts*, is hereby amended to read as follows:

- (6) The total floor area of all buildings within a planned industrial development shall not exceed 30% of the total site area in the planned industrial development. For the purpose of determining this thirty-percent ratio, the applicant may cluster his development on one or more lots within the planned industrial development that exceed the thirty-percent coverage of said lot or lots; provided, however, that to do so, he shall either deed to the Township public areas or he shall set aside within the planned industrial development public areas in an amount such that, when added to the area of the lot or lots containing the cluster development, the thirty-percent maximum coverage ratio would be met. The public areas to be deeded or set aside under the terms of this section shall be in the I Zone at a location and shape as approved by the Planning Board.

Section 4. Paragraph (6) in Subsection K. in Section 166-206., *Required conditions*, Article XXXVII, *I-P Industrial Park District*, is hereby amended to read as follows:

- (6) The total floor area of all buildings within a planned industrial development shall not exceed 25% of the total site area in the planned industrial development. For the purpose of determining this twenty-five-percent ratio, the applicant may cluster his development on one or more lots within the planned industrial development that exceed the twenty-five-percent coverage of said lot or lots; provided, however, that to do so he shall either deed to the Township the public areas or he shall set aside within the planned industrial development public areas in an amount such that, when added to the area of the lot or lots containing the cluster development, the twenty-five-percent maximum coverage ratio would be met. The public areas to be deeded or set aside under the terms of this section shall be in the I-P Zone at a location and shape as approved by the Planning Board.

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: January 26, 2017

DATE OF ADOPTION: February 23, 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 26th day of January, 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 23rd day of February, 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: February 1, 2017