

ORDINANCE NO. 15-2011

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 OF THE TOWNSHIP OF HANOVER, BY AMENDING THE PROVISIONS FOR COMMUNITY CENTERS IN THE D-S ZONE DISTRICT

WHEREAS, the Township of Hanover has adopted a housing element and fair share plan, both of which are intended to address the Township's obligation to provide a reasonable opportunity for the development of affordable housing; and

WHEREAS, the housing element and fair share plan include a proposed affordable housing development within the D-S zone district located on Route 10; and

WHEREAS, the Township Committee desires to amend the Land Use Ordinance to permit and regulate such development in the D-S zone district;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey that Chapter 166 of the Code of the Township of Hanover, entitled Land Use and Development Legislation is hereby amended and supplemented as follows:

Section 1. Subsection A. of Section 166-4., Definitions and word usage, is hereby amended by revising the definition of "community center" to read as follows:

COMMUNITY CENTER - Building(s) and/or land(s) used for recreational, social, educational and cultural activities, and uses ancillary thereto, and which may include an independent/assisted living facility and a multifamily building or buildings as components of the use. A community center is open to the public or a designated part of the public and is owned and operated by a nonprofit group or agency.

Section 2. Subsection I. of Section 166-150., Conditional use requirements for specific uses, is hereby amended to read as follows:

- I. Community Centers. Community Centers are permitted in the D-S Zone District only if the following requirements are complied with; these requirements shall supersede the requirements for the D-S Zone District only in case of conflict:
 - (1) There shall be a minimum tract area of 29 acres located within the D-S District; said area may be contiguous or non-contiguous.
 - (2) No building shall exceed six stories, or 75 feet in height, whichever is less; provided, however, that any building located within 150 feet of a residential zone district shall not exceed four stories, or 55 feet, whichever is less.
 - (3) If housing units are developed as a component of the community center, they shall be operated as an independent/assisted living facility, with an option for a multifamily building or buildings in addition to an independent/assisted living facility, and such housing units shall comply with the following:

- (a) If required by applicable state regulations, the units shall be licensed by the New Jersey Department of Community Affairs as a Class C rooming and boarding home or by the New Jersey Department of Health as an Assisted Living Residence.
- (b) The density shall not exceed 10.5 units per acre of the tract located within the D-S District.
- (c) The units shall be restricted to persons at least 62 years of age.
- (d) In the case of an independent/assisted living facility developed in accordance with the Township's housing element and fair share plan for the second round (1987-1999) obligation, twenty percent of the total number of the residential units shall be made affordable to low- and moderate-income households, in accordance with the Substantive Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:93-1.1 et seq.). Notwithstanding the above, housing units shall be permitted only if there is constructed at least 35 affordable units as part of the development. All low- and moderate-income housing units shall be subject to the provisions of § 166-180M(4), as well as all applicable provisions of the Substantive Rules of the New Jersey Council on Affordable Housing (N.J.A.C. 5:93-1.1 et seq.), including but not necessarily limited to phasing controls [N.J.A.C. 5:93-5.6(d) and (e)], inclusionary developments (N.J.A.C. 5:93-7), controls on affordability (N.J.A.C. 5:93-9) and affirmative marketing (N.J.A.C. 5:93-11).

In the case of a multifamily building or buildings developed in accordance with the Township's housing element and fair share plan for the third round (1987-2018) obligation, one hundred percent of the total number of the residential units, exclusive of one unit for a building manager/ superintendent, shall be affordable. Multifamily housing units shall only be permitted if there is constructed at least sixty-three (63) affordable units, in addition to the affordable units developed as part of the independent/assisted living facility. All affordable units in a multifamily building shall be rental units and shall comply with all applicable rules of the New Jersey Council on Affordable Housing and the Township's affordable housing regulations.

- (4) Notwithstanding the buffer location requirements of § 166-125.B.(1), when a lot or tract is located within both a non-residential and a residential zone district and the portion of the lot within the residential zone district is restricted in perpetuity against residential use, then any required buffer may be located within the residential zone portion of the lot or tract, provided that such portion is not restricted against the planting of vegetation as required by § 166-125.
- (5) No maximum floor area or floor area ratio shall apply to community center development if the community center includes housing development in accordance with this Subsection.

- (6) The subdivision of the tract or the provision of a ground lease for a community center use and/or accompanying housing units shall be permitted and all requirements for community centers shall not apply to individual lots but to the tract as a whole, provided that adequate provision for shared access, parking, drainage, utilities, property maintenance and other aspects is made, as determined by the Planning Board as part of any site plan application.

Section 3. Subsection A. 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:

A. In the B, I-B, I-B3, WC and DS Zones in accordance with the following schedule:

Use (where permitted)	Minimum Parking (number of spaces)
Office or industrial 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
Greater than or equal to 100,000 square feet of floor area	1 per 275 square feet of gross floor area
Warehouse or distribution facility	1 per 350 square feet of gross floor area
Self-service storage facilities	As required in the I-B2 zone at § 166-203.4N(4)
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 parking space for each living unit or 0.4 parking space for each bed when individual living units are not provided

Other Residences

As required by the NJ
Residential Site
Improvement Standards

Other Non-Residential Uses

1 per 250 square feet of
gross floor area

Section 4. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

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. This ordinance shall take effect in accordance with law.

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

DATE OF INTRODUCTION: April 14, 2011

DATE OF ADOPTION: May 12, 2011

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 14th day of April, 2011, 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 12th day of May, 2011, 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: April 21, 2011