

**ORDINANCE NO. 25-2011**

**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, BY AMENDING THE REGULATIONS FOR THE OB-RL ZONE DISTRICT IN ORDER TO PERMIT PLANNED COMMERCIAL DEVELOPMENT AND DATA PROCESSING CENTERS, TO AMEND THE OB-RL ZONE REGULATIONS TO REFLECT THE CURRENT ZONE BOUNDARIES OF THE DISTRICT, TO AMEND THE PARKING REGULATIONS FOR NONRESIDENTIAL USES, AND TO AMEND RELATED REGULATIONS**

**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, *Land Use and Development*, is hereby amended as follows:

**Section 1.** Subsection A. of Section 166-4., *Definitions and word usage*, is hereby amended by revising the definition of “data processing center” to read as follows:

DATA PROCESSING CENTER - A facility used to house computer, teleprocessing and related equipment where electronic data is processed by equipment and/or persons, including, without limitation, data entry, storage, conversion, backup and disaster recovery. Such facilities may also be referred to as data centers, Internet data centers, carrier hotels, telecom hotels or data colocation facilities, and may be used by one entity or shared by multiple entities.

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

- L. If an applicant can clearly demonstrate to the Planning Board or, in the case of processing a site plan involving a variance, to the Board of Adjustment that, because of the nature of the operation or the use of the premises, the parking requirements are unnecessary and excessive, the Planning Board or Board of Adjustment, as the case may be, may approve parking plans showing less parking area than is required, subject to the following conditions:
- (1) A landscaped area shall be reserved that can readily be converted to off-street parking if the conditions for allowing lesser parking area ever change.
  - (2) In the case of planned industrial development or planned commercial development only, where permitted in the OB-RL, I-P or I Zone, a parking structure may be constructed to meet the required off-street parking requirements if the conditions for allowing lesser parking ever change. Any parking structure constructed to meet the minimum parking requirements of this Chapter shall not be construed as having a floor area that is counted in the maximum thirty-percent floor area ratio in the OB-RL, I and I-P Zones.

- (3) Evidence of the feasibility of meeting the full parking requirement of this Chapter shall be submitted by the applicant in the form of supplemental plans graphically illustrating the manner in which the full parking requirement can be met, with the area actually proposed to be constructed clearly delineated from the potential future parking area or structure. Any elevated parking structure must provide screening approved by the Planning Board for all aboveground levels that will adequately screen cars viewed from any abutting residential zone.

**Section 3.** Section 166-155., *Requirements for other than residential zones*, is hereby revised 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. The minimum requirements are as follows:

<b>Use (where permitted)</b>	<b>Minimum Parking (number of spaces)</b>
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
100,000 or more square feet of gross floor area	1 per 275 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
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)
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 non-residential uses	1 per 250 square feet of gross floor area

**Section 4.** All references in the Township Code to Subsections A., B. or C. in Section 166-155. of Chapter 166, *Land Use and Development*, are hereby amended to refer to Section 166-155. of Chapter 166, without the subsection reference.

**Section 5.** Section 166-157., *Shared parking and loading facilities*, is hereby revised to read as follows:

**§ 166-157. Shared parking and loading facilities.**

Developments in the B, B-1, OB-RL, OB-RL2, I-B, I-B3, WC and I-4 Zones, and planned developments in any of the zones where the same are permitted, may meet the required parking provisions of this article by participation in a shared parking and/or loading program of two or more uses, provided that plans for such a program have been approved by the Planning Board, and further provided that the number of the parking and loading spaces equals the sum of the required number of parking and loading spaces of each use participating therein. Notwithstanding the foregoing, the Board may approve a shared parking plan with fewer parking spaces than the sum of the requirements for the participating uses without the need for a variance, if all of the following requirements are complied with:

- A. The developer must demonstrate that the particular combination of uses and the peak periods of demand for parking and/or loading spaces, as applicable, are such that a lesser number of spaces are necessary to meet the total parking and/or loading needs for the development at all times.
- B. The developer must demonstrate that the parking and/or loading spaces are located to be reasonably convenient, safe and suitable for use by the various uses, buildings and/or lots involved in the shared parking program.
- C. The developer and the Board must agree on a mechanism that will ensure that the shared parking and/or loading spaces, as applicable, will continue to comply with this Section for the life of the development.

**Section 6.** Section 166-190., *Primary intended use*, in Article XXXIII, *OB-RL Office Building and Research Laboratory District*, is hereby amended to read as follows:

**§ 166-190. Primary intended use.**

The OB-RL Office Building and Research Laboratory Zone District is designed for professional, executive or administrative offices, laboratories devoted exclusively to research design and experimentation, state-licensed hospitals and nursing homes, indoor physical fitness facilities and conditional uses as permitted and regulated in Article XXI of this Chapter; provided, however, that any part of the OB-RL Zone that falls within an area defined as an airport hazard area in the Air Safety and Hazardous Zoning Act of 1983, N.J.A.C. 16:62 et seq., as amended May 15, 1989, shall comply with the provisions of said Chapter. State-licensed hospitals and nursing homes are not permitted within any part of an area that falls within said airport hazard area. Data

processing centers shall also be permitted, but only within a planned commercial development.

Also permitted within the OB-RL Zone are planned commercial developments (PCD) and planned industrial developments (PID) as hereinafter regulated in § 166-192.L. The permitted principal uses within a planned commercial development shall be limited to professional, executive or administrative offices, laboratories devoted exclusively to research design and experimentation and data processing centers. The permitted principal uses within a planned industrial development shall be limited to laboratories devoted exclusively to research design and experimentation.

More than one principal building on a lot in the OB-RL Zone is only permitted where said buildings are part of an approved PCD or PID as herein regulated.

Any use permitted by this section shall meet all of the following regulations:

- A. Pilot plants for the testing of manufacturing, processing or fabrication methods or for the testing of products or materials shall be permitted only as an accessory use to a research laboratory. No materials or finished products shall be manufactured, processed or fabricated on said premises for sale, except such as are incidental to said laboratory research, design or experimental work.
- B. No manufactured or commercial explosives shall be kept, maintained or stored on said premises, except in small quantities for laboratory research, design or experimental use, and then only in compliance with all applicable federal, state and local safety statutes.
- C. No animal shall be kept or maintained for laboratory research, design or experimental work unless a written permit is first obtained from the Board of Health.
- D. Accessory uses are permitted if accessory to the business and professional offices, data processing centers and research laboratories, including garages for the storage and maintenance of company, employee and visitor motor vehicles and the storage of gasoline and lubricating oils therefor; parking facilities; maintenance and utility shops for the upkeep and repair of buildings and structures and service; central heating and power plants for furnishing heat and electrical energy to structures on the site only or, in the case of planned development, on the overall planned development tract; training schools for employees; buildings for the storage of documents, records and personal property; communication facilities; and clinics, dining and recreational facilities, banks, post offices, company stores and guest lodges to be used only by company employees and by visitors to the building or buildings, provided that such uses are planned as an integral part of the development.
- E. No use permitted shall be of such nature as to endanger neighboring properties, nor shall any such use be so conducted as to be noxious or offensive by reason of odor, dust, smoke, gas, vibration or noise.

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

L. Planned commercial development and planned industrial development shall be permitted on a tract having a gross tract area of at least 50 contiguous or noncontiguous acres in the OB-RL district. A planned commercial or planned industrial development shall meet the following requirements, in addition to all other applicable requirements of this Chapter, provided, however, that where the requirements of this Subsection L. conflict with or contradict the other requirements of this Chapter, the requirements of this Subsection L. shall supersede such other requirements:

- (1) Any planned development shall be developed as a single entity. For purposes of administering this provision, the following shall apply:
  - (a) The developer shall demonstrate, to the satisfaction of the Board, that the development is a single entity, as evidenced by the following features: shared access, parking, drainage, utilities, lighting and landscaping, as appropriate; and a single or unified control over the operation and maintenance of common areas and shared features within the development.
  - (b) Within the development tract, individual lots shall be permitted. Within the planned development tract, the required lot width, lot depth, floor area ratio, coverage, and yard setback requirements shall not apply to such individual lots, but only to the total development tract,
  - (c) As a condition of any approval of a planned development, the developer shall provide, subject to approval of the Board, covenants, deed restrictions and/or other binding and enforceable controls upon the development sufficient to ensure that, notwithstanding the fact that the development may consist of multiple lots, all lots, common areas and shared features shall continue to be designed as and to function as originally approved for the planned development.
  - (d) If phased development is proposed, the developer shall submit a phasing plan that demonstrates, to the satisfaction of the Board, adequate provisions to ensure completion of the total planned development within specified time frames and appropriate parking and loading spaces, site access and circulation, utility services, drainage controls, landscaping and lighting at the completion of each phase.
- (2) No building or structure shall exceed a maximum of 55 feet in height; provided, however, that parking structures shall not exceed a maximum of 28 feet in height.

- (3) No building shall be permitted closer to any tract boundary of a planned development or abutting street than two feet for every foot of building height or 100 feet, whichever results in the greater setback.
- (4) No building or structure shall be closer to another building or structure than a distance that equals or exceeds the height of the higher building or structure. Enclosed walkways may connect individual buildings and, for the purpose of administering this section, shall not be construed as an integral part of either building.
- (5) No storage of any kind shall be permitted other than within a building.
- (6) Off-street parking shall be provided as required in § 166-155. but can be improved as set forth in § 166-153.L. Said parking, including access driveways and aisles, shall not be closer than 25 feet to any tract boundary of the planned development which abuts a non-residentially zoned property line or public street right-of-way, or 50 feet to any tract boundary of the planned development which abuts a residential zone district boundary line, unless the requirements of § 166-125. impose a more stringent requirement.
- (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. A parking structure erected to meet the minimum off-street parking requirements shall not be counted as floor area for the purpose of determining the maximum thirty-percent floor area ratio herein permitted.
- (8) Those portions of the PID or PCD not covered with buildings, sidewalks, parking areas or other impervious materials shall be attractively planted with trees, shrubs, plants and grass lawns as required by the Planning Board.
- (9) Notwithstanding the provisions of § 166-114.A. or of any other provision in this Chapter, utility buildings facilities, such as but not limited to power plants, power houses, power generator buildings and sewer or water treatment plants are permitted as accessory buildings or uses on lots without the principal buildings or uses to which they are accessory, provided that both the principal and accessory buildings and uses, and the lots on which they are located, are part of the overall planned development and developed as a single entity as required in Paragraph L.(1) above.

(10) Security fencing shall be permitted in any yard and within required buffer areas, subject to the following requirements:

- (a) If located within a required buffer, fencing shall not diminish the screening function of the buffer.
- (b) Fencing located within the front yard shall have at least 50% of its vertical area open so as not to obstruct views through the fence.
- (c) Fencing shall not exceed a height of 8 feet.
- (d) All perimeter fencing shall be of a decorative design and material, such as but not limited to wrought iron or aluminum. Chain link fencing shall be prohibited in the front yard.

**Section 8.** 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 9.** 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 10.** 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: August 11, 2011  
DATE OF ADOPTION: September 8, 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 11<sup>th</sup> day of August, 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 8<sup>th</sup> day of September, 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: August 18, 2011