

ORDINANCE NO. 28-11

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 REGULATIONS FOR THE OB-RL 3 OFFICE BUILDING AND RESEARCH LABORATORY DISTRICT AND AMENDING VARIOUS OTHER REGULATIONS

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

Section 1. Paragraph (1)(a). in Subsection E. of Section 166-58., *Filing procedures; developments exempt from review*, is hereby amended by adding and inserting a new subparagraph [5] to read as follows:

[5] Exterior wall finishes, roofs, doors, windows and similar improvements to existing buildings.

Section 2. Paragraph (1) in Subsection C. of Section 166-114., *Accessory buildings*, is hereby amended to read as follows:

(1) No accessory building or other roofed accessory structure shall exceed 20 feet in height.

Section 3. Paragraph (2) in Subsection C. of Section 166-114., *Accessory buildings*, is hereby amended to read as follows:

(2) Accessory buildings and other roofed accessory structures may be built within the front yard, subject to the following:

(a) Bus shelters, gatehouses, visitor entry buildings and similar structures having a building coverage not exceeding 500 square feet shall be permitted in the front yard without any setback requirement from the front lot line, provided that unless located adjacent to an entry or exit driveway or street, such structures shall not be permitted to encroach into any required buffer area in the front yard.

(b) Except for those structures regulated by Paragraph (a) above, all accessory buildings in the front yard shall be located a distance from the front lot line not less than the minimum front yard requirement for principal buildings. In those zone districts where the front yard requirement varies with the height of the principal building, the minimum front yard requirement for accessory buildings shall be based upon the height of the accessory building.

- (c) Accessory buildings in the front yard having a building coverage not exceeding 500 square feet shall be located at least 20 feet from the side and rear lot lines.
- (d) Accessory buildings in the front yard having a building coverage of more than 500 square feet shall be set back from the side and rear lot lines a distance not less than the side and rear yard requirements for principal buildings. In those zone districts where the side or rear yard requirements vary with the height of the principal building, the setback requirement for accessory buildings from the side or rear lot lines shall be based upon the height of the accessory building.

Section 4. Paragraph (3) in Subsection C. of Section 166-114., *Accessory buildings*, is hereby amended to read as follows:

- (3) No accessory building or other roofed accessory structure shall be closer to the principal building than the height of said accessory building or 20 feet, whichever is greater.

Section 5. Paragraph (4) in Subsection C. of Section 166-114., *Accessory buildings*, is hereby amended to read as follows:

- (4) Accessory buildings and other roofed accessory structures may be built within the side yard, subject to the following:
 - (a) Accessory buildings in the side yard having a building coverage not exceeding 500 square feet shall be located at least 20 feet from the side and rear lot lines.
 - (b) Accessory buildings in the side yard having a building coverage of more than 500 square feet shall be set back from the side and rear lot lines a distance not less than the side and rear yard requirements for principal buildings. In those zone districts where the side or rear yard requirements vary with the height of the principal building, the setback requirement for accessory buildings from the side or rear lot lines shall be based upon the height of the accessory building.

Section 6. Subsection C. of Section 166-115., entitled *Second principal building on the same lot; multiple principal uses within the same building*, is hereby amended by revising the title to read, *Multiple principal buildings on the same lot; multiple principal uses within the same building*, and by inserting a new Paragraph (17) to read as follows:

- (17) In the OB-RL3 Zone as set forth in §166-193.7.O. and §166-193.8.A.

Section 7. Subsection D of Section 166-115., entitled *Second principal building on the same lot; multiple principal uses within the same building*, (to be retitled according to Section 6 of this Ordinance) is hereby amended to read as follows:

- D. The principal building on a lot in any B, B-1, B-P2, WC, D-S, OB-RL, OB-RL2, OB-RL3, I, I-2, I-P, I-B3, I-4 and TC Zone District may be divided to accommodate different operations or tenants within the principal building, subject, however, to the provisions of Subsection F below.

Section 8. Subsection L in Section 166-141., *Regulations applicable in all zones*, is hereby amended to read as follows:

- L. Flags of the United States, the State of New Jersey, the County of Morris, the Township of Hanover, foreign nations having diplomatic relations with the United States and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction shall be permitted in all zones, and in the circumstances set forth below, flags displaying the name and/or logo of a business shall be permitted, provided that the following requirements are met:
- (1) No flagpole shall be constructed the top of which is more than 40 feet above the ground or five feet above the height of the existing principal building, whichever is less.
 - (2) If attached to a building, a flagpole shall not exceed 15 feet in length and shall comply with the above height requirement.
 - (3) One freestanding flagpole shall be permitted per lot, provided that in the nonresidential zone districts, up to three freestanding flagpoles shall be permitted on a lot when the second and third flagpoles, as applicable, are located at least 300 feet from the nearest property line.
 - (4) Except as provided otherwise in Paragraph (3) above, all freestanding flagpoles shall be located no closer to any property line than a distance 1 1/2 times the height of the flagpole. In addition to the above requirement, flagpoles in the front yard shall not be located closer to the street than the rear half of the required front yard setback. Notwithstanding the foregoing, any flagpoles displaying a flag containing the name and/or logo of a business as permitted herein shall be located at least 300 feet from any property line.
 - (5) All freestanding flagpoles shall require site plan approval, unless accessory to single-family detached or two-family dwellings.
 - (6) Permitted flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes.

Section 9. Section 166-155., *Requirements for other than residential zones*; is hereby amended by revising the opening paragraph to read as follows:

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. The minimum requirements are as follows:

Section 10. Section 166-155., *Requirements for other than residential zones*, is hereby amended by revising the parking requirements for office or industrial buildings to read as follows:

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
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

Section 11. Paragraph (2) in Subsection A. of Section 166-156., *Off-street loading and unloading space*, is hereby amended to read as follows:

- (2) Office uses requiring the receipt or distribution in vehicles of materials or merchandise: one space. In developments containing more than one principal building, the sharing of one or more loading spaces between multiple buildings shall be permitted if the applicant demonstrates that such space(s) will function appropriately.

Section 12. Subsection G. of Section 166-193.5., *Permitted uses and structures*, is hereby amended to read as follows:

- G. Uses and structures accessory to and customarily incidental to permitted principal uses and permitted conditional uses, including, but not limited to, fitness centers, guard houses, visitor centers, child care facilities and utility structures.

Section 13. Subsection D. of Section 166-193.7., *Required conditions*, is hereby amended to read as follows:

- D. Maximum floor area ratio: 33% of the lot area.

Section 14. Subsection F. of Section 193.7., *Required conditions*, is hereby amended to read as follows:

- F. Maximum building height:

- (1) Principal buildings: 75 feet, including any parapets or similar features, but excluding rooftop equipment and screens as regulated in Paragraph (3) below.
- (2) Accessory buildings: 35 feet, except for parking decks, which shall be permitted a maximum height of 46 feet, both including any parapets or similar features, but excluding rooftop equipment and screens as regulated in Paragraph (3) below, and excluding lighting equipment on the top level of a parking deck.
- (3) Roof structures and equipment, including but not limited to roof tanks and supports, chimneys, head houses or similar enclosures for elevators or air-conditioning machinery, dish antennas, solar panels or other similar apparatus, shall be excluded from the foregoing maximum heights. Such structures and equipment shall comply with the following:
 - (a) On buildings greater than 60 feet in height, no roof structure or screening for the same shall exceed 20 feet in height.
 - (b) On buildings from 40 feet to 59.99 feet in height, no roof structure or screening for the same shall exceed 16 feet in height.
 - (c) On buildings less than 40 feet in height, no roof structure or screening for the same shall exceed 10 feet in height.
 - (d) The area of rooftop structures and equipment, and the area enclosed by any screening structures for the same, shall not exceed 50% of the area of the roof of the building; provided, however, that solar panels shall be exempt from this area limitation.
 - (e) The exterior finish of screening structures for rooftop structures and equipment shall be designed to be the same as, or compatible with, the finish of the exterior building walls.

Section 15. Subsection H. of Section 166-193.7., *Required conditions*, is hereby amended to read as follows:

- H. Parking and loading. The requirements for parking and loading shall be as follows:
- (1) Parking areas that are located within the front yard shall be located at least 100 feet from the front lot line and at least 10 feet from any other lot line.
 - (2) Parking areas that are located within the side yards shall be located at least 10 feet from any other lot line.
 - (3) Parking areas that are located within the rear yard shall comply with the requirements for the OB-RL zone in §166-153.K.(3).

- (4) Driveways shall be located at least 10 feet from any side or rear lot line; provided, however, that no setback shall be required along the common lot boundary for driveways that provide, or are planned to provide via an access easement or other mechanism, shared access between adjacent properties.
- (5) Except for parking decks, parking areas having an area of at least 15,000 square feet shall have islands installed to provide a visual break in large areas of pavement and to separate parking spaces from driveways, in accordance with the following requirements:
 - (a) At least one island shall be provided for every two bays of parking, distributed so that there shall not be more than two adjacent bays of parking without an island separating the bays. A bay is an aisle and the adjacent parking spaces accessed from such aisle. The islands shall be at least 10 feet wide.
 - (b) An island shall be provided at the ends of rows of parking spaces to separate the end parking spaces from adjacent driveways. The islands shall be at least 6 feet wide.
 - (c) Islands shall be landscaped with shade trees and other vegetation, provided that if walkways are provided within the islands, landscaping shall only be required to the extent that it does not interfere with the parking of vehicles and the free clearance of pedestrians.
- (6) Lighting fixtures for parking and loading areas shall not exceed a height of 30 feet or 400 watts, except that exterior lighting fixtures on the top level of a parking deck shall not exceed a height of 15 feet above the pavement on the top level, or 250 watts. Illumination levels from site lighting shall not exceed 0.5 foot-candle at any point along the property line of the premises, provided that this limitation shall not apply at the intersection of site driveways with public streets or along driveways that provide for shared access with adjacent properties. Site lighting shall be reduced to the minimum necessary for safety and security purposes when the use served by the parking area is not in operation.
- (7) In addition to the foregoing, all of the requirements for parking and loading in the OB-RL zone not inconsistent with the requirements of this Subsection shall apply.

Section 16. Subsection I. of Section 166-193.7., *Required conditions*, is hereby amended as follows:

- I. Minimum buffer requirements. The requirements for buffers shall be the same as for development in the OB-RL District, provided, however, that the depth of the buffer required adjacent to a public street shall not be required to exceed 100 feet.

Section 17. Subsection J. of Section 166-193.7., *Required conditions*, is hereby amended to read as follows:

- J. Every building shall be faced on all exterior walls with an appropriate façade treatment as approved by the Planning Board, Board of Adjustment or Site Plan Exemption Committee, as applicable.

Section 18. Subsection K. of Section 166-193.7., *Required conditions*, is hereby amended as follows:

- K. The performance standards of 166-193. shall be complied with, provided that notwithstanding any other ordinance provision to the contrary, above ground storage tanks shall be permitted with capacities up to 10,000 gallons, provided that adequate containment is provided in the event of spills or leakage and further provided that such tanks shall be screened from the view of public streets and adjacent properties.

Section 19. Subsection L. of Section 166-193.7., *Required conditions*, is hereby amended as follows:

- L. No storage of any kind shall be permitted other than within a building or tank permitted by this Chapter.

Section 20. Section 166-193.7., *Required conditions*, is hereby amended by adding and inserting a new Subsection O. to read as follows:

- O. Minimum distance between buildings: the height of the taller building. For the purposes of this section, enclosed walkways that connect individual buildings shall not be construed to be a part of either building.

Section 21. Section 166-193.7., *Required conditions*, is hereby amended by adding and inserting a new Subsection P. to read as follows:

- P. Signs. The following sign regulations shall apply:
- (1) A maximum of two (2) free-standing identification signs shall be permitted per driveway entrance from Whippany Road. Such signs shall be located at least 10 feet from the street right-of-way, shall have an area not exceeding 85 square feet per sign, exclusive of any supporting structures or base, and shall not exceed a height of 10 feet above the ground at the base of the sign.
 - (2) An additional free-standing identification sign shall be permitted for each use at each intersection of site driveways with an internal shared access roadway. Such signs shall have an area not exceeding 60 square feet per sign, exclusive of any supporting structures or base, and shall not exceed a height of 10 feet above the ground at the base of the sign.
 - (3) Up to three (3) signs mounted flat on the building shall be permitted per principal building. The area of such signs shall not exceed a cumulative area of 500 square feet per building, or 5% of the area of the wall upon which the sign is mounted, whichever is less.

- (4) One sign mounted flat on the building shall be permitted per accessory building. The area of such signs shall not exceed 100 square feet per building.
- (5) Signs may be illuminated during the hours of building operation.
- (6) Notwithstanding any other ordinance provisions to the contrary, in the event access to the OB-RL3 zone district is provided via a driveway or roadway located, in part or in whole, outside the OB-RL3 zone district, signs shall be permitted along or adjacent to such driveway or roadway in the same manner as if such driveway or roadway were located within the OB-RL3 zone district.

Section 22. 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 23. 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 24. 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: September 22, 2011

DATE OF ADOPTION: October 27, 2011