

ORDINANCE NO. 23-12

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 CHANGING THE OB-RL2 ZONE TO A NEW OB-DS ZONE DISTRICT, BY ADOPTING STANDARDS FOR DEVELOPMENT IN THE NEW OB-DS DISTRICT AND BY AMENDING VARIOUS OTHER PROVISIONS IN CHAPTER 166 TO BE CONSISTENT WITH THE FOREGOING CHANGE IN ZONE DISTRICTS AND REGULATIONS

WHEREAS, the Township contains a number of zone districts that permit office development, including but not limited to the OB-RL2 zone, located in the northwest portion of the Township; and

WHEREAS, the Township of Hanover, along with Morris County and other areas in New Jersey, has experienced a decline in demand for office buildings; and

WHEREAS, one of the purposes of the New Jersey Municipal Land Use Law is “to provide sufficient space in appropriate locations for a variety of commercial ... uses ... according to their respective environmental requirements in order to meet the needs of all New Jersey citizens”; and

WHEREAS, the Township has determined that a change in zoning regulations that would change the existing OB-RL2 zone district to a new OB-DS district and permit a broader range of commercial uses in is appropriate and in the public interest; and

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 “designed shopping center” to read as follows:

DESIGNED SHOPPING CENTER - A group of commercial establishments, primarily retail sales and retail service establishments, planned, constructed and managed as a single entity and having a minimum gross floor area and a minimum lot area as specified in the zoning regulations, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, protection from the elements, landscaping and signage in accordance with an approved plan. Notwithstanding the above, the specific nature of the uses and the number of buildings or attached buildings comprising a designed shopping center shall be as permitted by the zoning regulations, Part 5 of this chapter.

Section 2. Subsection A. of Section 166-4., *Definitions and word usage*, is hereby amended by the addition of a definition of “gross leasable area,” to read as follows:

GROSS LEASABLE AREA – The total floor area designed for tenant occupancy and exclusive use, including but not limited to basements and mezzanines and outdoor sales, outdoor display and outdoor dining areas, but excluding enclosed atriums or malls used for public access or shared tenant access, parking decks, and basement and mezzanine areas used exclusively for mechanical support equipment and utilities.

Section 3. Subsection P. of Section 166-104., *Site plans*, is hereby amended to read as follows:

P. Notwithstanding the provisions of §166-104.I(1) above, parking spaces within a parking deck where permitted, shall comply with the following minimum dimension standards, provided that such spaces are utilized for low-turnover parking. For purposes of administering this provision, low-turnover spaces are designed to serve employees of office or industrial uses, commuters and other establishments where vehicles normally occupy parking spaces for long time periods. In the event that there is proposed a mixture of low-turnover and high-turnover parking utilization spaces in the same parking area, the required dimensions for high-turnover spaces shall apply, unless the applicant can demonstrate that the low-turnover usage of the spaces will be properly enforced.

Parking Space Design	Space Width (feet)	Space Length (feet)
Less than 2-foot curb overhang	8.5	20
At least 2-foot curb overhang	8.5	18

Section 4. Section 166-107., *Enumeration of districts*, is hereby amended to read as follows:

§ 166-107. Enumeration of districts.

For the purposes of this chapter, the Township of Hanover is divided into various zone districts, known as:

- R-40 Residence District
- R-25 Residence District
- R-15 Residence District
- R-10 Residence District
- R-M Residence District
- RM-2 Residence District
- RM-3 Residence District
- RM-4 Residence District
- AH-1 Affordable Housing Overlay District
- B Business District
- B-1 Business District
- B-P Business and Professional District
- B-P2 Business and Professional District

WC	Whippany Center District
D-S	Designed Shopping Center District
OB-RL	Office Building and Research Laboratory District
OB-DS	Office Building – Designed Shopping Center District
OB-RL3	Office Building and Research Laboratory District
I	Industrial District
I-2	Industrial District
TC	Town Center District
I-4	Industrial District
I-5	Industrial District
I-P	Industrial Park District
I-P2	Industrial Park District
I-B	Industrial — Business District
I-B2	Industrial — Business District
I-B3	Industrial — Business District
I-R	Industrial — Recreation District
A	Airport District
PU	Public Use District

Section 5. Subsection A. of Section 166-108., *Map, schedule and appendices*, is hereby amended to read as follows:

§ 166-108. Map, schedule and appendices.

A. The Zone Map delineating the zone districts within the Township, entitled "Zoning Map, Township of Hanover," dated December 2012; the Summary Zoning Schedule set forth on said map; the three sheets entitled, "Appendix A, Yard Definition and Building Envelopes," the one sheet entitled "Appendix B" and the one sheet entitled "Appendix C, Minimum Parking Space and Aisle Width Dimension" are hereby declared to be a part of this chapter. In the event of any discrepancy between the summary zoning schedule on the Zoning Map and the text of Chapter 166, the text of Chapter 166 shall supersede the table on the Zoning Map.

Section 6. Paragraph (5) in Subsection C. of Section 166-115., *Multiple principal buildings on the same lot; multiple principal uses within the same building*, is hereby amended to read as follows:

(5) In the OB-DS Zone as set forth in § 166-193.3I.

Section 7. Subsection D. in Section 166-115., *Multiple principal buildings on the same lot; multiple principal uses within the same building*, 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-DS, 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 A. in Section 166-125., *Buffer requirements*, is hereby amended to read as follows:

- A. When required. Unless specifically regulated otherwise by this chapter, there shall be provided a buffer as required by this section:
- (1) Where a nonresidential zone district abuts a residential zone district;
 - (2) Where a multifamily residential zone district abuts a single-family residential zone district;
 - (3) Where a nonresidential development in the OB-RL, OB-DS, I, I-2, I-3, I-B, or I-P District abuts a public street, excluding State Highway Route 24 and Interstate Route 287;
 - (4) When no highway barriers are present, where a residential zone district abuts the existing roadway of State Highway Route 24 or Interstate Route 287, excluding any on-ramp, off-ramp or on/off-ramp for such roadways;
 - (5) Where a public use zone district is developed into an active recreational area in which the ball fields, play areas, or ancillary parking lots are located within 100 feet of a residential zone district; and
 - (6) Where a nonresidential development in the OB-RL, OB-DS, I, I-2, I-3, I-B, or I-P District abuts a Public Use (PU) Zone District or public park.

Section 9. Paragraph (2) in Subsection C. in Section 166-125., *Buffer requirements*, is hereby amended to read as follows:

- (2) Minimum depth of a buffer between nonresidential development and public streets and roads, excluding State Highway Route 24 and Interstate Route 287. The minimum depth of the buffer between nonresidential development in the OB-RL, OB-DS, I, I-2, I-3, I-B, or I-P District and public streets as required by § 166-125A(3) shall be five feet for each acre of lot, excluding from said lot area any state open waters, wetlands and wetland transition areas, and conservation easements to remain after development, as approved by the New Jersey Department of Environmental Protection, provided that no buffer shall have a depth of less than 25 feet, and no buffer shall be required to have a depth that exceeds the depth of the minimum required front yard for principal buildings in the applicable zone district. The buffer depth shall be measured perpendicular to the front lot line of the property within which the buffer is required and shall be measured from the front lot line or between the shallowest front and rear boundaries of the buffer area.

Section 10. Paragraph (5) in Subsection C. in Section 166-125., *Buffer requirements*, is hereby amended to read as follows:

- (5) Minimum depth of buffer between a nonresidential development in the OB-RL, I, I-2, I-3, I-B, or I-P District and a public use zone district or public park. The minimum depth of a buffer between a nonresidential development in the OB-RL, I, I-2, I-3, I-B, or I-P district and a public use zone district or public park, as required by § 166-

125A(6), shall be 25 feet. The buffer depth shall be measured from and perpendicular to the property line of the nonresidential zone district.

Section 11. Paragraph (4) in Subsection D. in Section 166-125., *Buffer requirements*, is hereby amended to read as follows:

- (4) Only within the required buffer between nonresidential development and public streets and roads, excluding State Highway Route 24 and Interstate 287 in the OB-RL, OB-DS, I, I-2, I-3, I-B, or I-P District as required by § 166-125A(3), noxious or invasive vegetation may be removed, including, for example, vines that could damage or weaken other vegetation, invasive weeds or nonnative trees that could excessively compete with other vegetation for light, moisture and nutrients, poison ivy, etc. Notwithstanding the foregoing, such buffer areas, as well as all other required buffer areas, shall be maintained to function as a natural woodland and shall retain canopy trees, under-story trees, shrubs, ground covers and other low-growing natural plant material, except as permitted otherwise herein. The planting of grass and the placement of mulch, except for a natural leaf mulch, within all required buffers is also prohibited.

Section 12. Subsection B. in Section 166-128., *Vending machines and telephone booths*, is hereby amended to read as follows:

- B. Said vending machines are located in the B, B-1, I-B, WC or D-S Zones. Said telephone booths are located in the B, B-1, I-B, WC, I-P, OB-RL, OB-DS or D-S Zones. Telephone booths are also permitted on lands developed for Township parks or schools within the residence zones, notwithstanding the provisions of Subsection C. below.

Section 13. Paragraph (1) in Subsection G. of Section 166-128., *Vending machines and telephone booths*, is hereby amended to read as follows:

- (1) Said telephones are located in the B, B-1, I-B, WC, D-S, I-P, OB-RL and OB-DS Zones. Telephone booths or public telephones are also permitted on lands developed for Township parks or schools within the residence zones, notwithstanding the provisions of Subsection G.(3) below.

Section 14. Section 166-129., *Access to nonresidential zones and uses*, is hereby amended to read as follows:

§ 166-129. Access to nonresidential zones and uses.

There shall be no ingress or egress to any business, industrial or other similar nonresidential use as permitted in any nonresidential zone district from any local street as set forth on the Township Master Plan, unless no feasible alternative means of access is available, as determined by the Planning Board or Board of Adjustment as part of any required development application review. No driveway access for ingress and egress shall be permitted to any nonresidential use in any of the aforementioned nonresidential zones through a residentially zoned lot or part thereof where said lot abuts a public street.

Section 15. Subsection A. in Section 166-138.4., *Municipal uses and institutional uses*, is hereby amended to read as follows:

- A. Where permitted. Houses of worship, libraries and schools shall be permitted in the R-40, R-25, R-15, R-10 Zone Districts, in all RM Zone Districts and in the PU Zone District. State-licensed hospitals shall be permitted in the O-1, OB-RL, OB-DS, OB-RL3 Zone Districts, all industrial zone districts and in the PU Zone District.

Section 16. Section 166-147., *Signs in the OB-RL, OB-RL2, I, I-2, I-B, I-P, I-3 and I-4 Zone Districts*, is hereby amended by revising the Section title to read as follows:

§166-147. Signs in the OB-RL, OB-DS, I, I-2, I-B, I-P, I-3 and I-4 Zone Districts.

Section 17. Section 166-147., to be renamed as set forth in Section 16. of this Ordinance, is hereby amended by adding and inserting a new Subsection F., to read as follows:

- F. Designed shopping centers in the OB-DS zone district shall comply with the following sign regulations, in addition to all other applicable regulations of this Article; in case of conflict between this Subsection and the balance of §166-147., this Subsection shall supersede:

- (1) Freestanding signs. In addition to the directory signs permitted by §166-147.E.(3), the following freestanding signs shall be permitted:

- (a) Up to two on-site freestanding signs identifying the center and/or its tenants from streets other than Routes 10 and 287 shall be permitted, subject to the following:

- [1] Such signs shall be located in the front yard abutting a street other than Route 287 and Route 10.
- [2] Such signs shall be set back at least 20 feet from the street right-of-way.
- [3] The area of such signs shall not exceed 150 square feet per sign.
- [4] The height of such signs shall not exceed 20 feet.

- (b) Up to two freestanding signs identifying the center and/or its tenants from Route 10 shall be permitted, subject to the following:

- [1] Such signs shall be set back at least 10 feet from the street right-of-way.
- [2] The area of such signs shall not exceed 250 square feet per sign.
- [3] The height of such signs shall not exceed 30 feet.

- [4] If the shopping center property does not front upon the Route 10 right-of-way, the sign may be located off-site, but shall be located within the OB-DS zone district along its frontage with Route 10.
- (c) Up to two freestanding signs identifying the center and/or its tenants from Route 287 shall be permitted, subject to the following:
 - [1] Such signs shall be set back at least 10 feet from the street right-of-way.
 - [2] The area of such signs shall not exceed 250 square feet per sign.
 - [3] The height of such signs shall not exceed 30 feet.
 - [4] If the shopping center property does not front upon the Route 287 right-of-way, the sign may be located off-site, but shall be located within the OB-DS zone district along its frontage with Route 287.
- (2) Wall-mounted signs. In addition to the loading bay signs permitted by §166-147.E.(2), the following wall-mounted signs shall be permitted:
 - (a) Wall-mounted signs for retail businesses having a gross floor area of at least 50,000 square feet.
 - [1] One principal use identification sign shall be permitted on each building wall of the business that faces a public street or public parking area, subject to the following:
 - [a] The area of such sign shall not exceed 5% of the area of the wall upon which it is placed or 250 square feet, whichever is less.
 - [b] The vertical dimension of such sign shall not exceed 10 feet.
 - [2] One sign for each secondary use to the business shall be permitted on each building wall of the business that faces a public street or public parking area, subject to the following:
 - [a] Such signs shall be limited to signs identifying uses which are an accessory component of the retail business, such as but not limited to a pharmacy, garden center, eating establishment or other use accessory to the primary retail business.
 - [b] There shall be no more than three (3) such signs on any wall for the business nor more than (4) four such signs for all walls of the business.

[c] The area of each such sign shall not exceed 2% of the area of the wall upon which it is placed or 100 square feet, whichever is less.

[d] The vertical dimension of such signs shall not exceed 8 feet.

(b) Wall-mounted signs for retail businesses having a gross floor area less than 50,000 square feet. One principal use identification sign shall be permitted on each building wall of the business that faces a public street or public parking area, subject to the following:

[1] The area of each such sign shall not exceed 5% of the area of the wall of the business upon which it is placed or 150 square feet, whichever is less. If the business is located in a building containing more than one use, the wall area used for making this calculation shall be the area of the wall enclosing the space occupied by the business, not the total area of the building wall.

[2] The vertical dimension of such signs shall not exceed 8 feet.

Section 18. The opening paragraph of Subsection B. in Section 166-150., *Conditional use requirements for specific uses*, is hereby amended to read as follows:

B. Freestanding cellular telecommunications antennas. Freestanding cellular telecommunications antennas shall be permitted as a conditional use in the OB-DS District only if all of the following requirements are complied with:

Section 19. Subsection E. in Section 166-150., *Conditional use requirements for specific uses*, is hereby amended to read as follows:

E. Hotels. Hotels may be located in the I-B and I-P Zones as a conditional use after the following requirements are met:

Section 20. Subsection F. in Section 166-150., *Conditional use requirements for specific uses*, is hereby amended to read as follows:

F. Motels. Motels may be located in the I-B, I and I-P Zones as a conditional use after the following requirements are met:

Section 21. Section 166-153., *General provisions*, in Article XXIII, *Off-Street Parking and Loading*, is hereby amended by adding and inserting a new Subsection N, to read as follows:

N. In addition to all other applicable provisions of this Article, off-street parking in the OB-DS zone district shall comply with the following requirements. In case of conflict between the following requirements and any other provisions of this Article, the following requirements shall supersede:

- (1) Location. Parking facilities may be placed in any yard in the OB-DS Zone but shall comply with the following minimum required setbacks from the property lines or any road widening easements, whichever is more restrictive:

<u>Yard Location</u>	<u>Minimum Setback (feet)</u>
Front	75 from Route 10, 50 from other streets
Side	25
Rear	25

- (2) Adequate lighting of all parking and loading areas shall be provided, as required and approved by the Planning Board, which shall comply with the following:
- (a) Lighting fixtures for surface parking and loading areas shall not exceed a height of 30 feet. The output of such fixtures shall not exceed 400 watts.
 - (b) 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. The output of such fixtures shall not exceed 250 watts.
 - (c) 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.
 - (d) 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.

Section 22. Section 166-155., *Requirements for other than residential zones*, is hereby amended by adding a parking requirement for designed shopping centers, to read as follows:

Designed shopping centers	1 per 200 square feet of the gross leasable area of all nonresidential uses in the center
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Section 23. Section 166-157., *Shared parking and loading facilities*, is hereby amended by revising the opening paragraph to read as follows:

Developments in the B, B-1, OB-RL, OB-DS, 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:

Section 24. Article XXXIIIA, *OB-RL2 Office Building and Research Laboratory District*, consisting of Sections 166-193.1. through 166-193.4., is hereby repealed in its entirety and replaced with a new Article XXXIIIA, *entitled OB-DS Office Building – Designed Shopping Center District*, consisting of Sections 166-193.1. through 166-193.4., to read as follows:

ARTICLE XXXIIIA

OB-DS Office Building – Designed Shopping Center District

§ 166-193.1. Permitted principal, accessory and conditional uses.

- A. The permitted principal uses in the OB-DS Zone District shall be limited to the following:
- (1) Business, administrative and professional offices.
 - (2) Laboratories devoted exclusively to research, design and experimentation.
 - (3) State-licensed hospitals.
 - (4) Nursing homes.
 - (5) Designed shopping centers containing a variety of retail sales and services and related uses, including the following:
 - (a) Supermarkets.
 - (b) Food, beverage and liquor stores.
 - (c) Health and personal care stores, including but not limited to pharmacies and drug stores.
 - (d) Convenience goods stores.
 - (e) Eating and drinking establishments, such as but not limited to restaurants and bars.
 - (f) Home improvement stores.
 - (g) Paint and wallpaper stores.
 - (h) Hardware stores.
 - (i) Garden centers.
 - (j) Furniture and home furnishings stores.

- (k) Electronics and appliance stores.
 - (l) Office supply stores.
 - (m) Clothing and clothing accessories stores.
 - (n) Sporting goods, hobby, and musical instrument stores.
 - (o) Automotive parts and accessories stores, excluding tire dealers.
 - (p) General merchandise stores.
 - (q) Banks.
 - (r) Rental and leasing services limited to rental of formal wear, costumes, and video tapes and discs.
 - (s) Personal services limited to laundry, cleaning and garment services, provided that commercial laundries and dry cleaning shall not be permitted on the premises; portrait photographic studios; beauty salons, nail salons and barber shops; and shoe repair and shoe shine establishments.
- (6) Hotels.
 - (7) Conference centers.
 - (8) Child care centers.
 - (9) Computer and data processing services.
 - (10) Indoor physical fitness facilities.
 - (11) Uses permitted in all zone districts of the Township by this chapter or other applicable law.
- B. The permitted accessory uses the OB-DS Zone District shall be limited to the following:
- (1) Surface parking and loading areas and driveways.
 - (2) Parking decks and parking garages.
 - (3) Signs.
 - (4) Outdoor dining facilities accessory to permitted eating and drinking establishments, as regulated by § 166-119.5.
 - (5) Outdoor storage, sales and display accessory to a permitted home improvement center, garden center or supermarket.

- (6) Outdoor play areas accessory to a child-care center.
 - (7) Drive-in facilities accessory to a bank or pharmacy.
 - (8) Pilot plants for the testing of manufacturing, processing or fabrication methods or for the testing of products or materials, only as an accessory use to a research laboratory. No materials or 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.
 - (9) Other accessory uses and structures that are customarily incidental to a permitted principal use, unless specifically prohibited herein.
- C. Freestanding cellular telecommunications facilities shall be permitted as a conditional use as regulated by §166-150B.

§ 166-193.2. Prohibited uses.

Any principal use not specifically permitted herein or permitted by other applicable law shall be prohibited in the OB-DS Zone District. Uses specifically prohibited shall include the following:

- A. Drive-in restaurants.
- B. The display of goods for sale outside the confines of a building and any business conducted outside the confines of a building, except as specifically permitted herein.
- C. Outdoor business activity, except as specifically permitted herein.
- D. Storage yards, except as specifically permitted herein.
- E. The sale or rental of motor vehicles, mobile homes, trailers and campers.
- F. Fuel oil dealers.

§ 166-193.3. Lot, bulk and intensity of use standards.

The lot, bulk and intensity of use standards for the OB-DS Zone District shall be as set forth below. For the purpose of administering and interpreting these standards, all required dimensions, areas, ratios and percentages set forth below shall exclude areas reserved for public roadway use, whether by easement or dedication.

- A. Minimum lot/tract area.
 - (1) Designed shopping centers, hospitals and conference centers: 10 acres net developable area. Within said tract, developments involving multiple buildings or uses that are part of a single overall development and which demonstrate a permanent right to shared access, parking, utilities and/or other improvements, as appropriate, may be permitted individual lots for buildings

or uses, with no minimum area or width requirement, and said lots shall not be considered "lots" for purposes of administering setbacks, coverage, ratios or other requirements.

- (2) Uses other than designed shopping centers, hospitals and conference centers: 5 acres net developable area.
 - (3) For purposes of administering the foregoing lot/tract area provisions, "net developable area" shall be construed to the gross lot/tract area, excluding the area of all water bodies, floodways, wetlands, required wetland transition areas and conservation easements.
- B. Minimum average lot/tract width. The average lot width shall be measured parallel to the front lot line and within 300 feet of the front lot line. For corner lots, the required width need only be complied with for one street frontage, not both frontages.
- (1) Designed shopping centers, hospitals and conference centers: 600 feet.
 - (2) Other than designed shopping centers, hospitals and conference centers: 300 feet.
- C. Minimum floor area. The minimum floor area for designed shopping centers shall be 75,000 square feet. For all other uses, the minimum floor area shall be 1,500 square feet.
- D. Maximum floor area ratio: 30% of the lot area.
- E. Maximum improvement coverage: 70% of the lot area.
- F. Maximum building height.
- (1) Principal buildings: six stories and 85 feet, subject to the exclusion for rooftop equipment in Paragraph (2).(d). below.
 - (2) Rooftop mechanical equipment, elevator penthouses, chimneys and similar apparatus and related structures shall be screened from view on all sides by parapet walls, roofs, screens or similar features. If the screening of such equipment and structures is designed to appear as an integral part of the building architecture, then no additional requirements shall apply other than E.(1) above. Examples of the foregoing include equipment that is completely screened from view at a point 6 feet above ground level at the property line by a parapet wall, cupola, false mansard roof, etc. Where the screening of such equipment and structures is not designed as an integral part of the building architecture, or it is visually apparent that the screening is intended primarily for screening purposes, the following shall apply:
 - (a) Such equipment, structures and screening shall be set back from the perimeter of the roof a distance not less than the height of the equipment above the roof.

- (b) For buildings having a horizontal area of less than 50,000 square feet, the height of such equipment, structures and screening may not exceed the height of the roof upon which they are installed by more than one fourth (1/4) of the elevation of such roof.
 - (c) For buildings having a horizontal area of at least 50,000 square feet, the height of such equipment, structures and screening may not exceed the height of the roof upon which they are installed by more than one half (1/2) of the elevation of such roof, up to a maximum height of 15 feet above the roof. Any such equipment, structures and screening having a height that exceeds one fourth (1/4) of the roof elevation shall be set back from the perimeter of the roof a distance not less than twice the height of the screening and equipment above the roof.
 - (d) The horizontal area of such equipment, structures and screening shall not exceed 5% of the horizontal area of the roof upon which they are placed. For purposes of administering the foregoing, the area enclosed by screening that does not completely enclose equipment or structures, shall be computed as the area of the smallest horizontal rectangle within which the screening and equipment is located.
- (3) Accessory buildings: as required by § 166-114.C. and other applicable laws, rules and regulations.
- G. Minimum front yard. Buildings shall be located at least 100 feet from the Route 10 right-of-way or any road widening easement for Route 10, whichever is more restrictive. Buildings shall be located at least 75 feet from all other front lot lines or road widening easements, whichever is more restrictive.
 - H. Minimum side yard. Buildings shall be located at least 50 feet from side lot lines, provided that buildings shall be located at least 60 feet from the right-of-way or road widening easement for Route 287, whichever is more restrictive.
 - I. Minimum rear yard. Buildings shall be located at least 60 feet from rear lot lines.
 - J. Maximum number of principal buildings: no limit for shopping centers; one principal building per lot for other uses.
 - K. Maximum number of uses within the same building: no limit.
 - L. Minimum distance between principal buildings. The minimum distance between principal buildings shall be 40 feet.

§ 166-193.4. Other requirements.

In addition to all other applicable requirements of this article, Chapter 166 and any other applicable law, rule or regulation, development within the OB-DS Zone District shall comply with the following requirements:

- A. Access and circulation. The reviewing board may require a traffic study for any large-scale development, which study shall demonstrate that the access and circulation design for the proposed development will not result in unreasonable traffic congestion or unsafe traffic conditions, based upon the type of development proposed.
- B. Buffers and landscaping.
 - (1) Designed shopping centers and conference centers shall be exempt from the requirement to provide buffers between the development and public streets as set forth in § 166-125.A.(3). All other uses shall provide buffers and landscaping as required by §§ 166-125., 166-153.J., 166-153.M. and other applicable requirements of this Chapter.
 - (2) Parking area landscaping. Landscape plantings around the perimeter of parking areas shall be provided, plus landscaped islands between every bay of parking as required by § 166-153.M. As an alternative to providing a landscaped island between every bay of parking, a development shall be permitted to provide up to three adjacent bays of parking without any landscaped islands between the bays, but only if a buffer consisting of plantings, berms, walls, fencing and/or topography is provided between the front lot lines and the parking area, and the buffer is designed to reasonably screen the view of the parking area from the street as determined by the Planning Board. Under no circumstances shall there be more than three adjacent bays of parking without any landscaped islands separating the bays.
- C. Architectural design.
 - (1) Large buildings shall be designed to avoid unbroken building masses in walls that face the street through the use of projections, recesses, varying materials and other methods, or such walls shall be screened from view by plantings.
 - (2) Buildings shall either be designed with pitched roofs or with parapets or other architectural features that provide visual breaks in large areas of flat/level roofs.
- D. Outdoor sales and storage accessory to retail use. Outdoor sales and storage areas accessory to retail use, whether covered by a roof or uncovered, are permitted when delineated on a plan as approved by the Planning Board. Such areas shall comply with the following:
 - (1) Such areas shall be limited to no more than 20% of the gross floor area of the use to which the area is accessory.
 - (2) Such areas shall be construed to be leasable area for purposes of determining the required number of parking and loading spaces.

- (3) Such areas shall not impede pedestrian, customer, or vehicular circulation, and shall be designed to discourage inappropriate or unsafe circulation movements.
 - (4) The applicant for any such areas shall be required to demonstrate that such areas shall be properly contained so as to avoid unauthorized enlargement of such areas and to avoid litter or windblown or waterborne debris.
 - (5) The applicant for any such areas shall be required to demonstrate that such areas will not interfere with the reasonable use of other businesses within the development or on adjacent properties.
 - (6) The applicant for any such areas shall be required to demonstrate that such areas will not be prominently visible from nearby residential areas and will not be a distraction to passing travelers or prominently visible from any public street.
- E. Research laboratories permitted by this Article shall comply with the following requirements:
- (1) 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.
 - (2) 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.
- F. Parking decks. Notwithstanding any other provision of this chapter, parking decks shall comply with the following requirements:
- (1) No parking deck shall be located in a front yard.
 - (2) No parking deck shall exceed a height of thirty-three (33) feet.
 - (3) Parking decks shall comply with the required setback provisions for principal buildings.
 - (4) The floor area of any parking deck shall be excluded from the floor area or leasable area calculations for purposes of complying with the maximum floor area ratio and parking requirements.
 - (5) Parking decks shall be exempt from the provisions of Section 166-153.M.

Section 25. 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 26. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 27. This ordinance shall take effect in accordance with the law.

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

ATTEST:

Joseph A. Giorgio, Township Clerk

Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: October 25, 2012

DATE OF ADOPTION: December 13, 2012

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 25th day of October 2012, 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 13th day of December, 2012 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: November 15, 2012