

**ORDINANCE NO. 27-12**

**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 AMENDING THE REGULATIONS FOR THE I-B3 ZONE DISTRICT, AND BY AMENDING VARIOUS OTHER PROVISIONS IN CHAPTER 166 TO BE CONSISTENT WITH THE FOREGOING AMENDMENT**

**Section 1.** Subsection A. of Section 166-4., *Definitions and word usage*, is hereby amended by adding and inserting a definition of “convenience store” to read as follows:

CONVENIENCE STORE – An establishment primarily engaged in the retail sale of convenience foods and beverages, newspapers and magazines.

**Section 2.** Subsection D. of Section 166-203.6., *Permitted principal uses*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended by the addition of Paragraphs (15) and (16), to read as follows:

(15) Convenience stores, subject to the special provisions in § 166-203.10E.

(16) Motor vehicle service stations, subject to the provisions in § 166-203.10E.

**Section 3.** Subsection C. of Section 166-203.7, *Permitted accessory uses*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended to read as follows:

C. Outdoor dining facilities accessory to permitted eating and drinking establishments, as regulated by § 166-119.5. or accessory to convenience stores, as regulated by § 166-203.10E.

**Section 4.** Subsection A. of Section 166-203.9., *Lot, bulk and intensity of use standards*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended to read as follows:

A. Minimum lot/tract area.

(1) Retail sales, banks, personal services, rental and leasing establishments, eating and drinking establishments and conference centers: 10 acres minimum 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 retail sales, banks, personal services, rental and leasing establishments, eating and drinking establishments and conference centers: 60,000 square feet 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.

**Section 5.** Section 166-203.9., *Lot, bulk and intensity of use standards*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended by adding a Subsection N, to read as follows:

- N. Minimum floor area. The minimum total floor area of all buildings within any development containing retail sales, banks, personal services, rental and leasing establishments, eating and drinking establishments and conference centers shall be 75,000 square feet.

**Section 6.** Section 166-203.10., *Other requirements*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended by adding a Subsection E, to read as follows:

- E. Motor vehicle service stations, convenience stores and motor vehicle service stations combined with a convenience store. In addition to the other applicable requirements, motor vehicle service stations, convenience stores and motor vehicle service stations combined with a convenience store shall comply with the following:
- (1) Such uses shall only be permitted as part of a larger retail development.
  - (2) Notwithstanding the definition of "motor vehicle service station" in § 166-4., there shall be no repair, maintenance or washing of motor vehicles conducted on the premises, except for customary services provided while refueling motor vehicles, such as adding vehicle fluids, washing windows, etc., and except for a self-service air pump for tires.
  - (3) Fuel pumps and canopies shall be located at least 50 feet from any front lot line and at least 25 feet from any side lot line and rear lot line.
  - (4) The architectural design of the exterior facades and roofs of the building and any pump canopies shall be designed to be compatible with that of the larger retail development, as determined by the Planning Board at the time of site plan review.
  - (5) Outdoor dining permitted as an accessory use to a convenience store shall be subject to the provisions of § 166-119.5., the same as if the convenience store were a restaurant.

**Section 7.** 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 8.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**Section 9.** 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: November 19, 2012

DATE OF ADOPTION: December 20, 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 19<sup>th</sup> day of November, 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 20<sup>th</sup> 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 29, 2012