

ORDINANCE 13-13

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 REVISING VARIOUS DEVELOPMENT REGULATIONS CONCERNING STORMWATER RUNOFF; LIGHTING; NUMBER AND DIMENSIONS OF LOADING SPACES; PAVEMENT, CURBING, STRIPING OF PARKING AND LOADING SPACES; BUS SHELTERS AND ACCESSORY BUILDINGS; AND FLAG POLES

WHEREAS, the Township of Hanover has adopted Chapter 166 of the Code of the Township entitled Land Use and Development Legislation; and

WHEREAS, from time to time the Township Committee adopts amendments to Chapter 166 in order to clarify the regulations and update the Chapter to respond to current development practice; and

WHEREAS, the Planning Board has identified and recommended a number of amendments to Chapter 166 based upon its experience in reviewing development applications.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

Section 1. Subsection C. in Section 166-104., *Site plans*, in Article XV, *Design Standards*, is amended to read as follows:

C. Adequate provision is made for the disposal of stormwater as required by §166-104.1 and as approved by the Township Engineer.

Section 2. Subsection F. in Section 166-104., *Site plans*, in Article XV, *Design Standards*, is amended to read as follows:

F. Any lighting shall be so arranged and shielded as to reflect the light downward away from adjoining streets, residence zones or residential buildings. The lighting shall also comply with the following requirements:

(1) No lighting structure shall exceed 15 feet in height, except that light fixtures may be up to 30 feet high when both of the following conditions are complied with:

(a) Such fixtures shall be located at least 200 feet from the property line of any residentially developed lot; and

(b) Such fixtures shall only be permitted for larger parking areas, defined for purposes of this requirement as having at least 300 surface parking spaces.

(2) No lighting fixture shall exceed 250 watts, except for fixtures having a height greater than 20 feet, which shall not exceed 400 watts.

- (3) All lighting shall be equipped with shielding as to reflect the light downward and prevent the direct source of light from being visible from any point 3.5 feet or higher above the ground in any abutting residential zone or on the traveled way in any abutting street.
- (4) The maximum lumen power at any point along the property line of the premises upon which the lighting fixture is located shall be 0.5 foot-candle, except that this requirement shall not apply at the intersections of driveways with streets.

Section 3. Subsection I. in Section 166-104., *Site plans*, in Article XV, *Design Standards*, is amended by adding and inserting Paragraphs (4) and (5), to read as follows:

- (4) Dimensions of loading spaces. Loading spaces shall be designed to provide an off-street rectangular area with the following minimum dimensions, which shall exclude any street, driveway, access aisle or other right-of-way area adjacent to the loading space:

<u>Type of Vehicle</u>	<u>Space Width</u>	<u>Space Length</u>
Light delivery truck	11 feet	25 feet
Single-unit truck	12 feet	35 feet
Tractor trailer (WB-50)	12 feet	55 feet
Other	as determined by the reviewing agency	

When spaces are designed to be parallel to the access aisle, and additional 4 feet of depth shall be required at each end of the space, in order to provide for maneuvering area in and out of the space. This additional depth shall be striped on the pavement to prohibit parking within such area.

- (5) Access aisles for loading spaces. The width of access aisles serving loading spaces shall be not less than as follows, excluding the adjacent loading space:

<u>Vehicle Type</u>	<u>Required Aisle Width</u>
Light delivery truck	25 feet
Single-unit truck	35 feet
Tractor trailer (WB-50)	55 feet
Other	as determined by the reviewing agency

For purposes of administering the above requirements, the width of the access aisle shall be measured in the same direction as and along the sides (long dimension) of the loading space being served by the aisle.

Section 4. Section 166-104., *Site plans*, in Article XV, *Design Standards*, is amended by adding and inserting a new Subsection Q, to read as follows:

Q. Curbing, pavement, and striping design standards for parking and loading areas and driveways.

- (1) Parking and loading areas shall be enclosed by granite block curbing having an exposed face six inches high above the paved surface, provided that, flush or depressed curbs shall be permitted where necessary and appropriate for vehicular access, barrier-free access, shopping cart access and special drainage situations, as determined by the reviewing agency. Flush or depressed curb may constructed of granite block or concrete, as determined by the reviewing agency.
 - (a) Wheel stops shall be permitted, and may be required, in locations where flush curbs or no curbs are permitted, in order to avoid excessive encroachment beyond the edge of parking and loading areas by motor vehicles, as determined by the reviewing agency.
 - (b) When curbs are provided, additional barriers such as wheel stops or bollards shall not be located between the curb and the parked vehicle.
- (2) All off-street parking areas shall be surfaced with bituminous concrete at least two inches thick after compaction, on a bituminous stabilized base at least four inches thick after compaction and approved by the Township Engineer. A greater thickness and/or different material and specifications may be required by the reviewing agency in locations used by heavy trucks or where warranted by sub-base conditions.
- (3) Each parking space, except for parallel spaces (i.e., with the long dimension parallel to the adjacent access aisle) shall be indicated on the paved area with hairpin striping which meets the following specifications:
 - (a) Each painted line shall be four inches wide.
 - (b) Two parallel lines shall be painted on each side of each parking space.
 - (c) The distance between the two parallel lines shall be 10 inches (inside dimension) and 18 inches (outside dimension).
 - (d) The two parallel lines shall be centered along the imaginary line which is the boundary between two adjacent parking spaces.

Section 5. Subsection A. of Section 166-114., *Accessory buildings*, in Article XIX, *General Provisions*, is amended to read as follows:

A. General. No accessory building and other roofed accessory structure may be built on any lot on which there is no principal building or structure, except that bus shelters shall be permitted on a lot without a principal structure.

Section 6. Paragraph (3) in Subsection B. in Section 166-114., *Accessory buildings*, in Article XIX, *General Provisions*, is amended to read as follows:

- (3) No accessory building or other roofed accessory structure shall be permitted in the front yard, except for bus shelters and gatehouses designed and used to limit access to a development. Notwithstanding the foregoing, accessory buildings and roofed accessory structures on through lots shall be permitted in the second front yard between the rear of the building and the street right-of-way line to the rear of the building, but such accessory buildings and structures shall be set back from such street right-of-way line a distance equal to or greater than the required front yard setback for principal buildings.

Section 7. Paragraph (2)(a) in Subsection C. in Section 166-114., *Accessory buildings*, in Article XIX, *General Provisions*, is amended to read as follows:

- (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 or from any private street or other private roadway, 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.

Section 8. Paragraph (2)(c) in Subsection C. in Section 166-114., *Accessory buildings*, in Article XIX, *General Provisions*, is amended to read as follows:

- (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. Excluded from this requirement shall be those structures in the situations specified by Subsection C.(2)(a) above, for which no setback shall be required.

Section 9. Paragraph (4)(a) in Subsection C. in Section 166-114., *Accessory buildings*, in Article XIX, *General Provisions*, is amended to read as follows:

- (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. Excluded from this requirement shall be those structures in the situations specified by Subsection C.(2)(a) above, for which no setback shall be required.

Section 10. Paragraph (5)(a) in Subsection C. in Section 166-114., *Accessory buildings*, in Article XIX, *General Provisions*, is amended to read as follows:

- (a) Such buildings and structures having a building coverage of 500 square feet or less shall not be not closer to any side or rear property line than 20 feet, or the height of the accessory building or other roofed structure, whichever is greater. Excluded from this requirement shall be those structures in the situations specified by Subsection C.(2)(a) above, for which no setback shall be required.

Section 11. Paragraphs (3.) and (4.) of Subsection L. in Section 166-141., *Regulations applicable in all zones*, in Article XX, *Signs*, are amended to read as follows:

- (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 any public street right-of-way.
- (4) Except as provided otherwise in Subsection L.(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 public street right-of-way.

Section 12. Subsections A. through D. in Section 166-153., *General provisions*, in Article XXIII, *Off-Street Parking and Loading*, are amended to read as follows:

- A. All off-street parking areas shall be surfaced in accordance with the requirements of §166-104.
- B. Provisions shall be made for adequate drainage facilities for all parking, loading and storage areas in accordance with the requirements of §166-104. and §166-104.1.
- C. Each parking space shall be indicated on the paved area with hairpin striping as required by §166-104; and
- D. Adequate lighting of all parking and loading areas shall be provided as required by §166-104.

Section 13. Subsection H. in Section 166-153., *General provisions*, in Article XXIII, *Off-Street Parking and Loading*, is amended to read as follows:

- H. Parking areas shall be enclosed by curbs as required by §166-104.

Section 14. Section 166-156., *Off-street loading and unloading space*, in Article XXIII, *Off-Street Parking and Loading*, is amended to read as follows:

§ 166-156. Off-street loading and unloading space.

- A. In all districts, for every building or part thereof hereafter erected for or converted to:

Manufacturing, storage, goods display, retail stores, wholesale stores or warehouses, markets, hospitals, laundries, dry cleaning, offices or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise: there shall be provided on the same premises at least one loading or unloading space, provided that additional spaces may be required if determined necessary by the reviewing agency to accommodate the needs of the use and to avoid inappropriate parking, stopping or standing of trucks.

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.

B. In no case shall loading or unloading be conducted from public streets, and provided further that:

- (1) Each loading space comply with the minimum dimensions in §166-104.
- (2) No loading dock or loading space shall be permitted in the front yard of any lot.
- (3) No loading dock or loading space shall be permitted within five feet, or within the minimum setback required for parking areas and driveways, whichever is greater, from any side or rear property line.

Section 15. 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 16. 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 17. This ordinance shall take effect in accordance with law.

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

ATTEST:

Ronald F. Francioli, Mayor

Joseph A. Giorgio, Township Clerk

DATE OF INTRODUCTION: March 14, 2013

DATE OF ADOPTION: April 11, 2013

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C E R T I F I C A T I O N

I, Joseph A. Giorgio, Township Clerk of the Township of Hanover, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Committee of said Township on the 11th day of April, 2013, at a meeting duly convened, of said Body.

Joseph A. Giorgio, Township Clerk

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 March, 2013, 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 11th day of April, 2013, 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: March 21, 2013