

ORDINANCE NO. 17-2013

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 ZONE CLASSIFICATION OF BLOCK 9202, LOT 15 ON THE TAX MAP, AND ALSO KNOWN AS 62-66 NORTH JEFFERSON ROAD, FROM THE R-40 ZONE DISTRICT TO A NEW R-10A ZONE DISTRICT, AND BY ADOPTING STANDARDS FOR DEVELOPMENT IN THE NEW R-10A DISTRICT

WHEREAS, the Township Planning Board recently amended the Land Use Plan Element of the Township Master Plan to recommend a new R-10A zone district; and

WHEREAS, the Planning Board in its resolution adopting the Plan amendment cited as reasons: a) to encourage a transitional development on North Jefferson Road between an existing house of worship and adjacent single family dwellings; b) to encourage the elimination of a nonconforming use; and c) to encourage a form of development similar to the existing Windemere Court development located across North Jefferson Road; and

WHEREAS, the Planning Board has recommended the adoption of regulations that would implement the amended Land Use Plan concerning the R-10A zone.

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

Section 1. Section 166-107., *Enumeration of districts*, in Article XVIII, *Districts; Map and Schedule*, is hereby amended and supplemented 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-10A 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-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 2. Section 166-108., *Map, schedule and appendices*, in Article XVIII, *Districts; Map and Schedule*, is hereby amended and supplemented 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 September 12, 2013; 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.
- B. On the Zoning Map, the district boundary lines generally coincide with lot lines or the center lines of streams, streets or rights-of-way as they existed at the time of the adoption of this Chapter or the present amendment thereto, or as designated on said map by figures or dimensions. In the case of uncertainty or disagreement concerning the true location of any zone district boundary line, the determination thereof shall lie with the Board of Adjustment, in accordance with the procedures set forth in § 166-21.

Section 3. Paragraph (2) in Subsection C. in Section 166-115., *Second principal building on the same lot; multiple principal uses within the same building*, in Article XIX, *General Provisions*, is hereby amended and supplemented to read as follows:

(2) In the R-10A Zone as set forth in Article XXVIII.A.

Section 4. The opening paragraph of Subsection B. in Section 166-124., *Outdoor Storage*, is hereby amended and supplemented to read as follows:

B. Outdoor storage in residential zones. In the residential zones, unless specifically provided otherwise by the regulations in the various residential zones, outdoor storage shall only be permitted if it complies with every one of the following regulations

Section 5. Paragraph (2) in Subsection A. in Section 166-125., Buffer requirements, in Article XIX, General Provisions, is hereby amended and supplemented to read as follows:

(2) Where a multifamily residential zone district or the R-10A district abuts a property in a single-family residential zone district and the property is vacant or developed with a single-family or two-family dwelling;

Section 6. Paragraph (1) in Subsection C. of Section 166-125., Buffer requirements, in Article XIX, General Provisions, is hereby amended and supplemented to read as follows:

(1) Minimum depth of a buffer adjacent to residential zone districts. The minimum depth of the buffer adjacent to residential zone districts required by §166-125A.(1) and (2) shall be as set forth in the following table. The buffer depth shall be measured from and perpendicular to the property line of the property located in the zone within which the buffer is required.

Zone District	Minimum Buffer Depth
R-10A	10 feet
R-M, RM-2, RM-3	20 feet
B, B-1, B-P, B-P2	25 feet
D-S	50 feet
OB-RL, I, I-2, I-3, I-P and PU	Five (5) feet for each acre of lot area, excluding from said lot area any state open waters, wetlands and wetland transition areas 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 fifty (50) feet, and no buffer shall be required to have a depth that exceeds one-hundred fifty (150) feet.

Section 7. Part 5, *Zoning*, is hereby amended and supplemented by adding and inserting a new Article XXVIII A entitled, *R-10A Residence District*, to read as follows:

ARTICLE XXVIII A
R-10A Residence District

§ 166-176.1. Purpose and intent.

The R-10A District is intended to promote and encourage the development of the zone for single-family detached dwelling units having a common open space area in accordance with appropriate standards.

§ 166-176.2. Permitted principal uses.

The following principal uses and structures shall be permitted in the R-10A zone district:

- A. Single-family detached dwelling units.
- B. Any use permitted in all zone districts or in all residential zone districts by Chapter 166, Land Use and Development, of the Code of the Township of Hanover.

§ 166-176.3. Permitted accessory uses.

Permitted accessory uses shall be limited to those uses customarily incidental to permitted principal uses in the district, subject to the prohibitions in §166-176.4. The permitted accessory uses may include, but are not limited to:

- A. Driveways and walkways.
- B. Decks, patios, porches and steps.
- C. Off-street parking areas.
- D. Fences and walls.
- E. Signs in accordance with §166-142. of this Chapter.

§ 166-176.4. Prohibited uses and structures.

Any use other than the uses permitted by §166-180.26. and § 166-180.27. above shall be prohibited. In addition, the following uses and structures shall be specifically prohibited:

- A. Swimming pools, wading pools and other similar water features.
- B. Detached garages, sheds, gazebos, tents and other detached accessory buildings.

- C. Outdoor play equipment, including but not limited to swings, slides, tree houses, play/climbing structures, sand boxes, tennis or racquet courts, basketball courts and hoops. The foregoing shall not be construed to prohibit barbecue equipment located on a deck, porch or patio.
- D. Outdoor storage of commercial vehicles, boats, trailers, campers and similar vehicles. This shall not be construed to prohibit the parking of personal vehicles used on a daily basis permitted and regulated by §166-124.B.(1).

§ 166-176.5. Lot, bulk, intensity of use and other regulations.

In addition to any other applicable requirements of this chapter or any other applicable requirement, the following requirements shall apply to development within the R-10A zone district. For the purposes of administering these requirements, a parcel of land occupied by only one dwelling in a multiple dwelling development, such as in a condominium form of ownership, shall not be considered a "lot."

- A. Minimum lot/tract area: The entire area of the R-10A district, exclusive of any street right-of-ways, road widening easements and road widening dedications.
- B. Maximum number of dwelling units: sixteen (16) dwelling units within the entire R-10A district.
- C. Minimum yard depths. The minimum yard depths applicable to buildings shall be as follows:
 - (1) Fifty (50) feet in the yard abutting North Jefferson Road, measured between the public street right of way or any road widening easements, whichever is more restrictive, to the closest point of any building wall, or support column in the case of roofed areas without walls, but excluding roof overhangs beyond walls and support columns.
 - (2) Twenty (20) feet in the yard abutting any roadway, public or private, other than North Jefferson Road, measured between the edge of the roadway pavement or any sidewalk along the roadway, whichever is more restrictive, and the closest point of any building wall, or support column in the case of roofed areas without walls, but excluding roof overhangs beyond walls and support columns.
 - (3) For yards abutting any other tract boundary, the minimum yard depth shall be forty (40) feet; measured between the boundary line and the closest point of any building wall, or support column in the case of roofed areas without walls, but excluding roof overhangs beyond walls and support columns; provided, however, that a minimum yard depth of thirty-five (35) feet shall be permitted for up to one half of the dwellings in the development. The location of the reduced thirty-five (35) foot yard depths shall be where such reduced depth

will have a lessened impact on adjacent properties, as determined by the Planning Board during the site plan review process and made a condition of any approval that may be granted, In those locations where a yard depth of less than forty (40) feet is proposed, the Board may at its discretion, required an increase in buffer depth, planting density or other enhanced buffer/screening techniques.

- D. Minimum distance between dwellings: sixteen (16) feet, measured the closest point of any building wall, or support column in the case of roofed areas without walls, but excluding roof overhangs beyond walls and support columns.
- E. Maximum height of principal buildings: 2½ stories and thirty-five (35) feet.
- F. Maximum floor area ratio: 35% of the lot/tract area, cumulative for all buildings, including the area of any roadway, but excluding the right-of-way and any road widening easement for North Jefferson Road.
- G. Maximum building coverage: 20% of the lot/tract area, cumulative for all buildings, including the area of any roadway, but excluding the right-of-way and any road widening easement for North Jefferson Road.
- H. Maximum improvement coverage: 40% of the lot/tract area, cumulative for all buildings, including the area of any roadway, but excluding the right-of-way and any road widening easement for North Jefferson Road.
- I. Common areas. Within any development, all yard areas and other open areas not occupied by buildings, except for any public streets, shall be maintained in single ownership. The maintenance of such common areas shall be subject to the provisions in §166-103.F.
- J. Garages. Garages accessory to dwellings shall be subject to the following requirements:
 - (1) All garages shall be attached to the dwelling unit that they serve.
 - (2) The cumulative width of garage door openings for each dwelling shall not exceed eighteen (18) feet.
- K. Driveways. Driveways serving dwellings shall be subject to the following requirements:
 - (1) Driveway location. In any development served by a roadway other than North Jefferson Road, driveway access shall be provided from said roadway and such driveway access shall be prohibited from North Jefferson Road.
 - (2) Maximum number of driveways: one for each dwelling.

- (3) Maximum driveway width: twenty (20) feet.
 - (4) Minimum distance between driveways: ten (10) feet.
 - (5) Minimum driveway length: twenty (20) feet, measured from the edge of the pavement of the roadway from which the driveway provides access or from the sidewalk along such roadway, whichever is more restrictive. Driveways shall be designed to allow vehicles to park in the driveway without encroaching into the roadway or into the sidewalk along the roadway, or that portion of the driveway used by pedestrians using the sidewalk.
- L. Decks, patios and porches. Decks, patios and porches shall be subject to the following requirements:
- (1) Porches at the front or side of dwellings shall comply with the setback and dimensional requirements applicable to the dwellings.
 - (2) Patios and decks shall only be permitted to be located at the rear of dwellings.
 - (3) Decks, patios and porches located at the rear of dwellings shall be located at least fifty (50) feet from North Jefferson Road, including any widening easement.
 - (4) Decks, patios and porches located at the rear of dwellings shall be located at least twenty-five (25) feet from all property lines other than the property line abutting North Jefferson Road.
 - (5) The requirements of §166-136. shall apply, except where such requirements conflict with this Subsection.
- M. Fences and walls. Fences and walls shall be subject to the following requirements:
- (1) A fence or wall at least four (4) feet high, but not more than six (6) feet high, shall be required at the tract boundary, except for the frontage on any streets, to separate and screen any development from surrounding properties. Such fence shall be designed to prevent views through the fence. The use of chain link material for such fence shall be prohibited.
 - (2) The only other fences that shall be permitted shall be a fence along the frontage with North Jefferson Road as regulated by §166-138.2., privacy fences located adjacent to patios or decks, or safety fencing for any stormwater detention or retention basins. Said privacy fences shall not exceed a height of six (6) feet.
 - (3) Fences or walls shall not be used to separate dwellings or to separate yard areas for individual dwellings.

Section 8. Section 166-142., *Signs in the R-40, R-25, R-15 and R-10 Zone Districts*, is hereby amended and supplemented to read as follows:

§ 166-142. Signs in the R-40, R-25, R-15, R-10 and R-10A Zone Districts.

In addition to the signs permitted in all districts, the only sign permitted is one nameplate sign for each dwelling not more than one square foot in area.

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

Section 11. 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: June 13, 2013
DATE OF ADOPTION: September 12, 2013

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 13th day of June, 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 12th day of September, 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: August 29, 2013