

ORDINANCE NO. 18-2013

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 CLASSIFICATION OF LOTS 4 AND 5 IN BLOCK 2902 FROM THE R-25 ZONE TO THE B-P ZONE, BY ADDING CONVENIENCE STORES AND MOTOR VEHICLE SERVICE STATIONS AS A CONDITIONAL USE IN THE B-P ZONE, BY AMENDING THE B-P ZONE REGULATIONS, BY AMENDING THE SIGN REGULATIONS FOR GASOLINE SERVICE STATIONS, AND BY AMENDING THE ACCESS REGULATIONS FOR NONRESIDENTIAL USES

WHEREAS, the Township Planning Board recently amended the Land Use Plan Element of the Township Master Plan to recommend a change in the boundaries of and the permitted uses within the B-P zone district; and

WHEREAS, the Planning Board in its resolution adopting the plan amendment stated that the reason for the change was to encourage the redevelopment of existing obsolete and underutilized properties within the district, while providing appropriate standards for a slightly wider range of uses than currently permitted; and

WHEREAS, the Planning Board has recommended the adoption of regulations that would implement the amended land use plan concerning the B-P 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. Subsection A. of Section 166-108., *Map, schedule and appendices*, in Article XVIII, *Districts; Map and Schedule*, is hereby amended and supplemented to read as follows:

- A. The Zone Map delineating the zone districts within the Township, entitled "Zoning Map, Township of Hanover," dated September 27, 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.

Section 2. Section 166-129., *Access to nonresidential zones and uses*, in Article XIX, *General Provisions*, is hereby amended and supplemented 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 or unless such access improves traffic flow or traffic safety, while minimizing negative impacts to area residents, 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 3. Section 166-150., *Conditional use requirements for specific uses*, in Article XXI, *Conditional Uses*, is hereby amended and supplemented by the addition of a new Subsection J., to read as follows:

- J. Convenience stores, alone or in combination with a motor vehicle service station in the B-P zone district. Convenience stores, alone or in combination with a motor vehicle service station, shall be permitted in the B-P zone district only if all of the following requirements are complied with:
- (1) The subject property shall have frontage on both Route 10 and Jefferson Road.
 - (2) The use shall only be permitted at such time that Jefferson Road is improved with at least five travel lanes along the site frontage and Route 10 is improved with a dedicated right turn lane along the site frontage on Route 10. This condition is required due to traffic volumes and roadway conditions within the zone district, and due to the potential for negative impacts from this use upon traffic conditions. In the event that such improvements are proposed by the developer to be made as a condition of approval, this condition shall be deemed to be satisfied.
 - (3) The subject property shall contain a lot area of at least 80,000 square feet, exclusive of any road widening easements.
 - (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 and washing windows, and except for self-service air pumps for tires and self-service vacuums for motor vehicles.
 - (5) Any fuel pumps, canopy over the fuel pumps and shelter for pump attendants shall be located at least one hundred twenty-five (125) feet from any vacant or residential property located in a residential zone district, exclusive of any public street right-of-way.

Section 4. Section 166-186.3., *Permitted conditional uses*, in Article XXXIA, *B-P Business and Professional District*, is hereby amended and supplemented to read as follows:

§166-186.3. Permitted conditional uses.

The following conditional use as permitted and regulated in Article XXI of this Chapter shall be permitted in the B-P Zone District:

- A. Community centers.
- B. Convenience stores, alone or in combination with a motor vehicle service station, as regulated in §166-150.J.

Section 5. Subsection B. in Section 166-186.4., *Prohibited uses*, in Article XXXIA, *B-P Business and Professional District*, is hereby amended and supplemented to read as follows:

- B. Public garages and motor vehicle service stations, except as specifically permitted by §166-186.3.

Section 6. Subsection N. in Section 166-186.4., *Prohibited uses*, in Article XXXIA, *B-P Business and Professional District*, is hereby amended and supplemented to read as follows:

- N. Establishments engaged in retail sales, except for convenience stores and motor vehicle service stations permitted by §166-186.3, restaurants permitted by §166-186.1.D. and not prohibited by §166-186.4.D., §166-186.4G or §166-186.4.K., and retail sales which are minor in nature and incidental and accessory to a permitted principal use.

Section 7. Subsection G. in Section 166-186.5., *Required conditions*, in Article XXXIA, *B-P Business and Professional District*, is hereby amended and supplemented to read as follows:

- G Minimum front yard. There shall be a minimum front yard setback of fifty (50) feet, measured from the street right-of-way line, and any road widening easement for the street.

Section 8. Subsection L. in Section 166-186.5., *Required conditions*, in Article XXXIA, *B-P Business and Professional District*, is hereby deleted.

Section 9. Subsection M. in Section 166-186.5., *Required conditions*, in Article XXXIA, *B-P Business and Professional District*, is hereby amended and supplemented to read as follows:

M Location of parking and loading spaces. Except as provided otherwise by this Chapter, parking and loading spaces shall be prohibited in the front yard. Parking and loading areas in the side and rear yards and driveways in the front yard shall be located at least ten (10) feet from any property line.

Section 10. Subsection N. in Section 166-186.5., *Required conditions*, in Article XXXIA, *B-P Business and Professional District*, is hereby amended and supplemented to read as follows:

N Signs. Except as provided otherwise by this Chapter, signs shall be required to comply with the provisions of § 166-144. and all other applicable provisions of Article XX, Signs; provided, however, and notwithstanding the provisions of § 166-144., that no sign shall be permitted to have an area greater than thirty-five (35) square feet.

Section 11. Section 166-186.5., *Required conditions*, in Article XXXIA, *B-P Business and Professional District*, is hereby amended and supplemented by adding a new Subsection O. to read as follows:

O. Supplemental regulations applicable to convenience stores and motor vehicle service stations. In addition to the conditional use requirements in §166-150.J, the requirements of this Section, and the other applicable requirements of this Chapter, the following requirements shall apply to convenience stores and motor vehicle service stations permitted in the B-P zone by §166-186.3. In case of conflict between the following requirements and the requirements of this Section, and the other applicable requirements of this Chapter, the following shall apply and supersede such other requirements:

- (1) A canopy over the fuel pumps and shelter for pump attendants shall not be considered principal buildings for purposes of determining compliance with §166-186.5.J.
- (2) Any fuel pumps, canopy over the fuel pumps and shelter for pump attendants shall be permitted in the front yard. Such structures and equipment shall comply with the minimum front yard depth requirement for principal buildings in §166-186.5.G.
- (3) The architectural design of the exterior facades and roofs of the building, any fuel pump canopies and the principal signs shall be designed to be compatible with that of the Hanover Township municipal building, as determined by the Planning Board at the time of site plan review.
- (4) Parking areas may be located in the front yard, but shall be located at least fifteen (15) feet from any street right-of-way and any road widening easement. In the event that parking located in the front yard is located across the street from property in a residential zone, such parking shall be located at least

twenty-five (25) feet from said street right-of-way and any road widening easement for said street.

Section 12. 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 13. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 14. This ordinance shall take effect in accordance with the law.

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

Ronald F. Francioli, Mayor

ATTEST:

Joseph A. Giorgio, Township Clerk

DATE OF INTRODUCTION: June 13, 2013

DATE OF ADOPTION: September 26, 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 26th 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