

ORDINANCE NO. 29-13

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, BY REVISING THE REGULATIONS FOR THE OB-DS, I-B AND I-B3 ZONE DISTRICTS PERTAINING TO THE SALE OR RENTAL OF MOTOR VEHICLES, MOBILE HOMES, TRAILERS AND CAMPERS

WHEREAS, the zoning regulations for the Township of Hanover permits home improvement stores, hardware stores and garden centers in the OB-DS, I-B and I-B3 zone districts; and

WHEREAS, it is a common and typical practice for these uses to include as an accessory the sale and/or rental of certain motor vehicles and trailers; and

WHEREAS, the literal language of the regulations for the OB-DS, I-B and I-B3 zone districts prohibit these accessory uses; and

WHEREAS, in permitting these principal uses, it was never the Township's intent to prohibit customary sale and/or rental of motor vehicles and trailers, and that the ordinance should be amended in order to accurately reflect this intent.

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. Article XXXIIIA, *OB-DS Office Building – Designed Shopping Center District*, is hereby amended and supplemented by revising Subsection E. of Section 166-193.2., *Prohibited uses*, to read as follows:

- E. The sale or rental of motor vehicles, mobile homes, trailers and campers; provided, however, that such sale or rental shall be permitted when accessory to a permitted home improvement store, hardware store or garden center.

Section 2. Article XXXVI, *I-B Industrial-Business District*, is hereby amended and supplemented by revising Subsection G. of Section 166-201., *Prohibited uses*, by adding a new Paragraph (3), to read as follows:

- (3) The display and sale or rental of motor vehicles and trailers when accessory to a permitted home improvement store, hardware store or garden center.

Section 3. Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended and supplemented by revising Subsection G. of Section 166-203.8., *Prohibited uses*, to read as follows:

- G. The sale or rental of motor vehicles, mobile homes, trailers and campers; provided, however, that such sale or rental shall be permitted when accessory to a permitted home improvement store, hardware store or garden center.

Section 4. 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 5. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 6. This ordinance shall take effect in accordance with the 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: August 8, 2013

DATE OF ADOPTION: September 12, 2013

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CERTIFICATION

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 12th day of September, 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 8th day of August, 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 15, 2013