

ORDINANCE NO. 44-14

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 ADDING AN ALTERNATIVE MIXED-USE DEVELOPMENT OPTION FOR THE TC – TOWN CENTER ZONE DISTRICT

WHEREAS, the Chapter 166 of the Township of Code currently delineates certain properties along Eden Lane between Jefferson Road and Parsippany Road as a TC – Town Center District, which district was adopted by Ordinance 19-2004; and

WHEREAS, the TC zone district permits development of a mixed use planned commercial development incorporating a mixture of commercial, public and residential uses; and

WHEREAS, the TC zone district has remained undeveloped over the last ten years since its creation; and

WHEREAS, the Township Committee desires to accommodate an alternative mixed-use development option for the TC zone district, which development would be consistent with the historic use of the property and compatible with the surrounding area, while also continuing to permit the original planned commercial development;

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 166-207.1., *Purpose*, in Article XXXVIIA, *T-C Town Center District*, is hereby amended and supplemented to read as follows:

§ 166-207.1. Purpose.

The Town Center Zone District provides for a range of professional office, retail and limited residential uses to function as a mixed-use district within the geographic core of the Township of Hanover. It is further intended to create within the Town Center District vibrant open space and public access to the Whippany River. The district is intended to be designed in accordance with a comprehensive plan for the entire district with regard to the location of buildings, parking, public open space, vehicular and pedestrian circulation networks, utilities, storm water management and related site improvements, as set forth in § 166-207.2. The district is also intended to accommodate an alternative development scheme incorporating a mixture of office, warehouse and light industrial buildings and housing as set forth in § 166-207.3.

Section 2. The opening paragraph of Section 166-207.2., *Planned commercial development*, in Article XXXVIIA, *T-C Town Center District*, is hereby amended to read as follows:

§ 166-207.2. Planned commercial development - mixed-use town center.

In the T-C Town Center District, no building or premises shall be used and no building shall be erected or altered except as part of a planned commercial development for a mixed-use town center in accordance with the following standards or, in the alternative, for a mixed-use development in accordance with §166-207.3.:

Section 3. Section 166-207.3. in Article XXXVIIA, *T-C Town Center District*, is hereby amended to read as follows:

§166-207.3. Alternative development option.

As an alternative to the mixed-use planned commercial development permitted and regulated by § 166-207.2., there shall be permitted a mixed-use development in accordance with the following standards:

A. Permitted principal uses.

- (1) Industrial uses permitted in the I – Industrial zone district and meeting the performance standards of §166-197.
- (2) Storage and distribution warehouses.
- (3) Offices.
- (4) Laboratories devoted to research, design and experimentation.
- (5) Data processing centers.
- (6) Child care centers.
- (7) Buildings containing a combination of one or more of the uses in Paragraphs (1) through (6) above.
- (8) Single-family attached dwellings, also known as townhouses.
- (9) Multi-family dwellings.
- (10) Public uses and buildings owned or operated by the Township of Hanover or other governmental entity.

B. Permitted accessory uses.

- (1) Retail sales and retail services shall be permitted only if they are accessory to a permitted principal use.
- (2) Other accessory uses and accessory buildings incidental to any of the permitted principal uses.

C. Prohibited uses. Any use not specifically permitted shall be prohibited. In addition, and notwithstanding the uses permitted in Subsections A and B above, the following uses shall be specifically prohibited:

- (1) The display of goods for sale outside the confines of a building and any business conducted outside the confines of a building, except as specifically permitted herein.
- (2) Storage yards, except outdoor storage accessory to a permitted principal use.
- (3) The sale or rental of motor vehicles, mobile homes, trailers and campers.

- (4) Fuel oil dealers.
- (5) The storage and repair of heavy construction equipment either within or outside the confines of a building, such as but not necessarily limited to dump trucks, backhoes, bulldozers, road graders, cranes, front-end loaders, flatbed trailers, portable or stationary cement mixers, compactors, rollers or blacktop paving machines.
- (6) Trucking terminals. This prohibition is not intended to exclude warehousing and manufacturing uses to which trucking is ancillary.
- (7) Buildings containing a combination of nonresidential and residential uses, except for a mixture of residential uses with nonresidential uses that are accessory to the residential use, such as recreational space, meeting rooms, etc. for residents.
- (8) Any use prohibited in all nonresidential zones or throughout the Township by other regulations.

D. Nonresidential development standards.

- (1) Maximum floor area, nonresidential uses: 455,295 square feet for the district as a whole. Exempt from the foregoing floor area limitation are any public uses, parking decks and any nonresidential facilities associated with residential development, including, but not limited, to a club house and enclosed recreational facilities.
- (2) Minimum office floor area. 22% of the total nonresidential floor area in the district.
- (3) Maximum building height: 45 feet.
- (4) Maximum improvement coverage: 65% of the tract area devoted to nonresidential use.
- (5) Minimum setbacks for principal and accessory buildings, unless buffer or other requirements impose a greater setback:
 - (a) 75 feet from any public street.
 - (b) 75 feet from any residentially developed lot within the tract, or if the residential development within the tract is not located on a separate lot, 125 feet from any residential building.
 - (c) 125 feet from any vacant or residentially developed property in a single-family residential zone district, including but not limited to the R-15 zone district.
 - (d) 50 feet for principal buildings, and 20 feet for accessory buildings, from the property of the Morristown and Erie Railroad containing railroad tracks.
 - (e) 50 feet from Whippany River (top of bank) or other open water feature.

- (6) No nonresidential development shall be permitted in that portion of the district located between the Morristown and Erie railroad tracks, Legion Place and the Saint Mary's Roman Catholic Church cemetery property on Legion Place.
- (7) Minimum buffer between nonresidential and residential development. A planted buffer having a depth of at least 50 feet shall be provided between any nonresidential development and any residential development within or adjacent to the district. The buffer shall be designed to screen the nonresidential development from the view of the residential portion of the project. The foregoing buffer requirements shall not apply in the case of nonresidential development that is separated from the residential portion of the tract by the railroad property.
- (8) Truck access. The nonresidential development shall be designed to provide primary access to the property by large trucks from streets other than Eden Lane or Parsippany Road and to discourage use by large trucks of any access driveways from such streets. The primary route of access for large trucks shall be via Apollo Drive or Rosin Road, and the developer shall make all reasonable efforts, with the cooperation of the Township, to provide such access. For purposes of administering the foregoing requirements, "large trucks" shall be construed to mean any vehicle, other than emergency vehicles, with a wheelbase of at least 30 feet.
- (9) Parking and loading. The number and design of parking and loading spaces and driveways shall be in accordance with the provisions of Articles XV and XXIII of this chapter and any other provisions that apply generally to parking, loading and driveways, unless specifically provided otherwise by this Section. In addition, parking and loading areas shall comply with the following setback requirements, unless the buffer or other requirements impose a greater setback:
 - (a) 75 feet from any public street.
 - (b) 50 feet from any residentially developed lot within the tract, or if the residential development within the tract is not located on a separate lot, 75 feet from any residential building.
 - (c) 50 feet from any property in the a single-family residential zone district, including but not limited to the R-15 zone district.
 - (d) 10 feet from the property of the Morristown and Erie Railroad containing railroad tracks.
- (10) Signs. Signs for nonresidential development shall comply with the sign regulations applicable in the I – Industrial zone district.

E. Residential development standards.

- (1) Minimum and maximum residential area: 4 acres for any residential lot, or for any portion of the tract containing residential development not located on a separate lot, provided that the total area within the district developed for residential purposes shall be at least 8 acres and not greater than 11 acres.

- (2) Maximum number of dwelling units:
 - (a) 120 dwelling units for the entire district.
 - (b) 20 dwelling units within that portion of the district located north of the Morristown and Erie railroad tracks.
 - (c) 50 units in any multifamily building.
 - (d) 8 units in any townhouse or other single-family attached building.
- (3) Maximum improvement coverage: 65% of any residential lot or portion of the tract containing residential development not located on a separate lot.
- (4) Maximum residential building height: 45 feet and three stories.
- (5) Minimum setbacks for principal and accessory buildings, unless buffer or other requirements impose a greater setback:
 - (a) 75 feet from any public street, except that the minimum setback from Legion Place shall be 50 feet.
 - (b) 75 feet from any non-residentially developed lot within the tract, or if the nonresidential development within the tract is not located on a separate lot, 125 feet from any nonresidential building.
 - (c) 100 feet from the property of the Morristown and Erie Railroad containing railroad tracks.
 - (d) 35 feet from any other tract boundary.
 - (e) 50 feet from Whippany River (top of bank) or other open water feature.
- (6) Minimum distance between buildings. The following minimum dimensions shall separate principal buildings:
 - (a) Front wall facing front wall: 45 feet any point; provided, however, that the average distance between the front walls of any two buildings shall not be less than 55 feet.
 - (b) Front wall facing rear wall: 50 feet.
 - (c) Front wall facing end/side wall: 35 feet.
 - (d) End/side wall facing end/side wall: 25 feet.
 - (e) End/side wall facing rear wall: 30 feet.
 - (f) Rear wall facing rear wall: 40 feet.
 - (g) In the event of uncertainty as to the definition of "front," "rear" or "end/side" walls, or where the angle of the walls facing each other makes the interpretation of the required setbacks uncertain, the more restrictive of possible interpretations shall apply.

- (7) Building design standards.
 - (a) Building dimension. The horizontal dimension of buildings shall not exceed 200 feet on any facade.
 - (b) Front wall horizontal projection. At least one story of the front wall of all principal buildings shall provide a horizontal projection or recess of at least four feet perpendicular to such front wall, at intervals of no greater than 30 feet measured parallel to such front wall. Such projections or recesses shall have a horizontal dimension of at least 12 feet, measured parallel to such front wall. The projections or recesses shall extend the full vertical height of the building story.
 - (c) Front wall material. The front wall of all principal buildings shall be surfaced with at least two different materials, including but not limited to brick, wood, stucco and similar materials. Each material shall comprise at least 25% of the front wall surface area.
 - (d) Windows and doors. At least 15% of the surface area of each wall of all townhouse and apartment buildings shall be comprised of windows and doors. Both pedestrian and garage doors shall be included in determining compliance with the foregoing requirement. The wall surface area shall be measured from the ground to the roof eaves, exclusive of gables located above the roof eaves. Walls facing interior courts shall be exempted from this requirement.
- (8) At least 100 housing units within the district shall be restricted to occupancy by persons 55 years of age or older housing so as to qualify for the "housing for older persons" within the meaning of the Fair Housing Amendments Act of 1998 and any amendments thereto, including but not limited to the Housing for Older Persons Act of 1995.
- (9) Minimum gross floor area, dwelling units:
 - (a) Efficiency: 600 square feet.
 - (b) One-bedroom: 700 square feet.
 - (c) Two-bedroom: 900 square feet.
 - (d) Three-bedroom: 1,050 square feet.
- (10) Affordable housing: At least 20 of the total housing units shall be affordable, provided that at least 15 affordable units shall have no age restriction or other occupancy restriction except as provided for family housing units by the rules of the New Jersey Council on Affordable Housing. In addition, all affordable dwelling units shall comply with all applicable rules and regulations of the N.J. Council on Affordable Housing at N.J.A.C. 5:97, of the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq., the N.J. Fair Housing Act and all other applicable rules and regulations pertaining to affordable housing, all as may be amended. In case of conflict between said rules, regulations and statutes and the requirements of this article, said rules, regulations and statutes shall supersede.

(11) Parking and access. The number and design of parking spaces and driveways shall be in accordance with the provisions of Articles XV and XXIII of this chapter and any other provisions that apply generally to parking, loading and driveways, unless specifically provided otherwise by this Section. In addition, parking areas shall comply with the following setback requirements, unless the buffer or other requirements impose a greater setback:

- (a) 75 feet from any public street, except that the minimum setback from Legion Place shall be 50 feet.
- (b) 10 feet from any other tract boundary.

(12) Signs. Signs for residential development shall comply with the sign regulations applicable in the R–M zone district.

F. Development standards applicable to both nonresidential and residential uses.

(1) No buildings, parking or loading areas, or other improvements shall be permitted between the Whippany River and Eden Lane, except for underground driveways providing access from Eden Lane to the development, necessary utilities to service the development, pathways, signage, lighting, landscaping and any improvements related to the foregoing.

Storm water detention or retention basins or similar structures may be located within this area only if the same are located underground or are planted with trees and shrubbery so as to function as a buffer and landscape amenity, as determined by the Planning Board.

(2) Applicant shall verify compliance with N.J.A.C. 7:26E and any other applicable regulations for site remediation as a prerequisite for preliminary site plan/subdivision approval.

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

DATE OF INTRODUCTION: November 24, 2014

DATE OF ADOPTION: December 11, 2014

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 24th day of November, 2014, introduced and ready 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 December, 2014, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10 in 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: December 4, 2014