

ORDINANCE NO. 3-15

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 ZONING CLASSIFICATION OF BLOCK 4701, LOT 29 AS DESIGNATED ON THE TOWNSHIP'S TAX MAP FROM THE R-15 ZONE DISTRICT TO A NEW R-15A ZONE DISTRICT AND BY ADOPTING DEVELOPMENT STANDARDS FOR THE NEW DISTRICT.

WHEREAS, certain property identified on the Tax Maps of the Township of Hanover as Block 4701, Lot 29 and having a street address of 325 Whippany Road in the Whippany Section of the Township is currently developed with a house of worship and related accessory structures; and

WHEREAS, the subject property is currently located in the R-15 Residence District, which district permits single-family detached dwellings, public and semipublic buildings and uses such as churches and schools; and

WHEREAS, the subject property is located at the intersection of Whippany Road and Park Avenue, two heavily traveled roadways; and

WHEREAS, due to the property's shape and location at the intersection of these busy roadways, the Township Committee desires to provide an alternative to the development of single-family detached dwellings on the property; and

WHEREAS, the Township Committee also desires to promote the strategic development of housing appropriate for senior citizens who no longer desire to maintain a single-family residence.

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. 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-15A Residence Overlay District

R-10	Residence District
R-10A	Residence District
R-M	Residence District
RM-2	Residence District
R-15A	Residence District
RM-4	Residence District
AH-1	Affordable Housing Overlay District
B	Business 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. Subsection A. of Section 166-108., *Map, schedule and appendices*, in Article XVIII, *Districts; Map and Schedule*, is hereby amended 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 February 2015; 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 3. 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 by adding and inserting a new Paragraph (19) to read as follows:

(19) In the R-15A Zone as set forth in Article XXVIIA.

Section 4. Paragraph (2) in Subsection A. in Section 166-125., *Buffer requirements*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

(2) Where a multifamily residential zone district or the R-10A district or a multifamily residential development in the R-15A overlay district abuts a property in a single-family residential zone district and the property in the single-family residential district is vacant or developed with a single-family or two-family dwelling;

Section 5. Paragraph (1) in Subsection C. of Section 166-125., *Buffer requirements*, in Article XIX, *General Provisions*, is hereby amended 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-15A, R-M, RM-2, R-15A	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 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 50 feet, and no buffer shall be required to have a depth that exceeds 150 feet

Section 6. Part 5, *Zoning*, is hereby amended by adding and inserting a new Article XXVIIA entitled, *R-15A Residence Overlay District*, to read as follows:

ARTICLE XXVIIIA
R-15A Residence Overlay District

§ 166-173.1. Purpose and intent.

The purpose and intent of the R-15A Zone District is to provide an alternative development option to single-family detached housing and institutional uses by permitting age-restricted townhouse development in accordance with appropriate standards.

§ 166-173.2. Permitted principal uses.

The following principal uses and structures shall be permitted in the R-15A Zone District:

- A. Townhouses, also known as single-family attached dwellings.
- B. Single-family detached dwelling units.
- C. Open space and recreational uses, public or private, limited to outdoor active and passive recreation facilities.
- D. Conditional uses permitted in and as regulated for the R-15 zone district by this Chapter.
- E. Any use permitted in all zone districts or in the R-15 zone district by this Chapter.

§ 166-173.3. Permitted accessory uses.

Permitted accessory uses shall be limited to those uses customarily incidental to the permitted principal uses in the district. Permitted accessory uses to single-family attached developments shall include, but not be limited to, clubhouses, pools, tennis courts and similar personal recreation facilities for the exclusive use of the residents and guests of the development. Permitted accessory uses for single-family detached residential developments shall be as permitted in the R-15 zone district by this Chapter.

§ 166-173.4. Prohibited uses.

Any use other than the uses permitted by this Article shall be prohibited.

§ 166-173.5. 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-15A Overlay Zone District:

- A. Single-family detached dwellings. The development of single-family detached dwellings shall be subject to the requirements of the R-15 Zone District and to all requirements of this chapter that generally apply to single-family detached dwellings.
- B. Townhouse dwellings. The development of townhouse dwellings shall be subject to the following requirements:
 - (1) Minimum townhouse development area: 5 acres.
 - (2) Maximum tract density: 5.6 dwelling units per acre of the tract, not to exceed 33 total dwelling units.
 - (3) Minimum front yard, buildings: 50 feet from any public street right-of-way.
 - (4) Minimum side and rear yards: 40 feet.
 - (5) Minimum distance between buildings. The following minimum dimensions shall separate principal buildings:
 - (a) Front wall facing front wall: 70 feet at any point.
 - (b) Front wall facing rear wall: 60 feet.
 - (c) Front wall facing end/side wall: 50 feet.
 - (d) End/side wall facing end/side wall; 20 feet.
 - (e) End/side wall facing rear wall: 30 feet.
 - (f) Rear wall facing rear wall: 40 feet.
 - (g) In case of uncertainty as to the definition of "front," "rear" or "end/side" walls, or in case the angle of the walls facing each other makes interpretation of the required setbacks uncertain, the more restrictive of possible interpretations shall apply.
 - (6) Maximum height of principal buildings. No building shall exceed 35 feet in height or 2 1/2 stories, whichever is less.
 - (7) Accessory buildings. Accessory buildings and other roofed accessory structures shall comply with the minimum setback requirements applicable to principal buildings. Detached accessory buildings shall be located at least 25 feet from residential buildings located in the R-15A District. Accessory buildings shall not exceed one story or 15 feet in height, whichever is less.

- (8) Maximum coverage by buildings and improvements. The coverage by buildings shall not exceed 25% of the tract area. The coverage by all improvements, including buildings, decks and patios, paved areas and other improvements other than soil, organic mulch and vegetation, shall not exceed 60% of the tract area.
- (9) Buffer requirements. All of the applicable requirements of § 166-125. shall be complied with.
- (10) Maximum dwelling units in building. The number of dwelling units in any townhouse building shall not exceed six units.
- (11) Minimum dwelling unit gross floor area: 600 square feet, plus 150 square feet for each bedroom.
- (12) Building design.
 - (a) Building dimension. The horizontal dimension of buildings shall not exceed 204 feet on any facade.
 - (b) Front wall horizontal projection. The front wall of all townhouse buildings shall provide horizontal projections and/or recesses designed to provide visual interest and avoid large blank walls as viewed from the street or internal roadways.
 - (c) Front wall material. The front wall of all townhouse and apartment buildings shall be surfaced with at least two different materials, including but not limited to brick, wood, stucco and similar materials.
- (13) Access and circulation. The design of access and circulation improvements serving residential development within the R-15A District shall be in accordance with the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.). In addition, the following shall apply:
 - (a) Individual driveways serving townhouses shall not have direct access to a public street.
 - (b) Sidewalks shall be provided within any development to provide reasonable pedestrian access and circulation within the development and between the development and the surrounding public sidewalks.
- (14) Parking. The amount and design of on-site parking shall be provided in accordance with the requirements of the New Jersey Residential Site Improvement Standards (N.J.A.C. 5:21-1 et seq.). In addition, the following provisions shall apply:

- (a) The length of driveways intended for parking of vehicles shall be at least 20 feet for the entire width of the driveway, in order that vehicles are not required to encroach into pedestrian ways or internal roadways.
 - (b) Parking areas, driveways and internal roadways shall be set back at least 50 feet from all property lines abutting a residential zone, and at least 10 feet from street right-of-way lines.
 - (c) Parking areas shall be set back at least 10 feet from building walls, except parking spaces in driveways located in front of garage doors.
- (15) Occupancy restrictions. All dwelling units within any townhouse development in the R-15A District shall be restricted to occupancy by at least one person 55 years of age or older. In addition, no children under the age of 18 years shall be permitted to reside in such dwelling units on a permanent basis. Appropriate restrictive covenants shall be imposed upon any development within the R-15A District to ensure compliance with these age restrictions and with the "housing for older persons" exemptions of the Federal Fair Housing Act, 42 USC 3601, et seq.

Section 7. The title and Subsection A. of Section 166-143., *Signs in the RM, RM-2, RM-3, RM-4 and AH-1 Zone Districts*, is hereby amended to read as follows:

§ 166-143. Signs in the R-15A, RM, RM-2, RM-3, RM-4 and AH-1 Zone Districts.

- A. In the R-15A, RM, RM-2, RM-3, RM-4 and AH-1 Zone Districts, each multifamily or townhouse development shall be entitled to one freestanding sign at each vehicular entrance to the development, provided that such signs comply with the following requirements; provided, further, that if the R-15A, RM or RM-2 Zone is developed for residential use other than multifamily housing, the provisions of § 166-142. shall apply. Signs in the RM-2 Zone District for permitted nonresidential uses shall comply with the provisions of § 166-147.
- (1) The area of each sign shall not exceed eight square feet.
 - (2) The height of each sign shall not exceed six feet.
 - (3) All such signs shall be set back at least 10 feet from any street right-of-way.
 - (4) Said sign shall be an identification sign only, limited to the name of the development or project on site.
 - (5) The design and location of all such signs shall be subject to the review and approval of the Planning Board.

Section 8. 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 9. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 10. 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: January 22, 2015

DATE OF ADOPTION: February 26, 2015

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 22nd day of January, 2015, 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 26th day of February, 2015, 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: February 5, 2015