

ORDINANCE NO. 8-2015

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 4701, LOT 29 ON THE TAX MAP AND ALSO KNOWN AS 325 WHIPPANY ROAD, FROM THE R-15 ZONE DISTRICT TO THE R-10A ZONE DISTRICT AND BY AMENDING THE DEVELOPMENT STANDARDS IN THE R-10A ZONE DISTRICT

WHEREAS, certain property identified on the Tax Maps of the Township as Block 4701, Lot 29 and having a street address of 325 Whippany Road 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 conventional development of single-family detached dwellings on the property;

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. 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 March, 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 2. Section 166-176.5., *Lot, bulk, intensity of use and other regulations*, in Article XXVIII A entitled, *R-10A Residence District*, is hereby amended to read as follows:

§ 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: 3.5 acres (152,460 square feet), exclusive of any public street right-of-ways, road widening easements and road widening dedications for such streets.
- B. Maximum density: 4.35 dwelling units per acre, exclusive of any public street right-of-ways, road widening easements and road widening dedications for such streets. In addition, no more than 4 bedrooms per dwelling shall be permitted.
- C. Minimum yard depths. The minimum yard depths applicable to buildings shall be as follows:
 - (1) 50 feet abutting any public street, 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) 20 feet abutting any private roadway, 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) 40 feet abutting any other tract boundary, 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 35 feet shall be permitted for up to one half of the dwellings in the development. The location of the reduced 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 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: 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 35 feet.
- F. Maximum floor area ratio: 35% of the lot/tract area, cumulative for all buildings, including the area of any private roadway, but excluding the right-of-way and any road widening easement or dedication for public streets.
- G. Maximum building coverage: 20% of the lot/tract area, cumulative for all buildings, including the area of any private roadway, but excluding the right-of-way and any road widening easement or dedication for public streets.
- H. Maximum improvement coverage: 40% of the lot/tract area, cumulative for all buildings, including the area of any private roadway, but excluding the right-of-way and any road widening easement or dedication for public streets.
- 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 18 feet.
- K. Driveways. Driveways serving dwellings shall be subject to the following requirements:
 - (1) Driveway location. Driveway access to individual dwelling units shall be prohibited from North Jefferson Road, Park Avenue or Whippany Road. The foregoing shall not be construed to prohibit shared access to such streets via a driveway or roadway serving multiple units and located internal to the development, subject to the provisions in Paragraph K.(2) below:
 - (2) Maximum number of driveways: one driveway providing access to individual dwelling units shall be permitted for each dwelling, subject to the provisions in Paragraph K.(1) above. One driveway providing shared access for multiple dwelling units within the development shall be permitted to/from each of North Jefferson Road, Park Avenue and Whippany Road.
 - (3) Maximum driveway width: 20 feet for driveways serving individual dwelling units.
 - (4) Minimum distance between driveways: 10 feet.

- (5) Minimum driveway length: 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 50 feet from any public street, measured from the right-of-way and any widening easement or dedication for such street.
 - (4) Decks, patios and porches located at the rear of dwellings shall be located at least 25 feet from all property lines other than public streets.
 - (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 4 feet high, but not more than 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 6 feet.
 - (3) Fences or walls shall not be used to separate dwellings or to separate yard areas for individual dwellings.

Section 3. 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 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 5. 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: February 26, 2015

DATE OF ADOPTION: March 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 26th day of February, 2015, 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 March, 2015, 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: March 16, 2015