

ORDINANCE NO. 14-2015

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 DEVELOPMENT REGULATIONS FOR RETAIL SALES AND SERVICE USES IN THE I-B3 ZONE DISTRICT

WHEREAS, the I-B3 zone district is located along Hanover Avenue, Horsehill Road and Ridgedale Avenue; and

WHEREAS, the I-B3 zone district was formerly an area that was used and zoned primarily for industrial, laboratory, warehouse, office and related uses; and

WHEREAS, after an analysis by the Planning Board, the I-B3 was created in 2010 in order to recognize the decline of industry and office development in the region, the under-utilization of certain properties, and the need for the Township's land use policies to accommodate a broader range of uses in the area of the zone; and

WHEREAS, the I-B3 zone currently permits a range of industrial, laboratory, office, retail sales and service, and other uses; and

WHEREAS, the current standards for retail sales and service uses are intended to ensure large-scale, coordinated development of such uses, and to discourage small, isolated and uncoordinated retail sales and services development; and

WHEREAS, the Planning Board has recently conducted further study and has recommended that the standards for development of retail sales and service uses be amended to permit such development on smaller lots in certain cases; and

WHEREAS, the Planning Board's recommendation is consistent with the I-B3 zone's original goal to encourage large-scale, coordinated retail sales and service use development.

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. Subsections A. and B. in Section 166-203.9., *Lot, bulk and intensity of use standards*, in Article XXXVIB, *I-B3 Industrial and Business District*, are hereby amended and supplemented to read as follows:

A. Minimum lot/tract area.

- (1) Retail sales, banks, personal services, rental and leasing establishments, eating and drinking establishments and conference centers: 10 acres minimum net developable area, except as provided otherwise herein. Within said tract, developments involving multiple buildings or uses that are part of a single overall development, and which demonstrate a permanent right to shared access, parking, utilities and/or other improvements, as appropriate, may be permitted individual lots for buildings or uses, with no minimum area or width requirement, and said lots shall not be considered "lots" for purposes of administering setbacks, coverage, ratios or other requirements. Notwithstanding the minimum 10 acre lot/tract area requirement above, the minimum lot/tract area shall be 3 acres of net developable area for properties that meet all of the following requirements:
 - (a) Such properties shall either substantially abut or be located directly across the street from and substantially share the same street frontage with an existing development in the Township containing at least 10 acres net developable area and comprised of retail sales, banks, personal services, rental and leasing establishments, eating and drinking establishments and/or conference centers. For the purpose of administering this requirement, the following shall apply:
 - [1] "Substantially abut" shall mean having a shared contiguous property boundary at least 300 feet in length.
 - [2] "Located directly across the street from and substantially share the same street frontage" shall mean having a shared contiguous property frontage of at least 300 feet length for each tract and located on opposite sides of the same street in the same location.
 - (b) Such properties shall have at least 300 feet of contiguous frontage on Hanover Avenue or Ridgedale Avenue.
 - (c) Such properties shall be located in the I-B3 zone district.
 - (d) The access driveways for any development on such properties shall be coordinated with the access driveways serving the abutting/opposite 10 acre minimum commercial development, in order to provide improved traffic flow and safety, as determined by the Planning Board at the time of site plan review.
 - (e) The architectural design of the facades and roofs of buildings for any development on such properties shall be compatible with the facades and roofs of the buildings in the abutting/opposite 10 acre minimum commercial development, as determined by the Planning Board at the time of site plan review. The foregoing shall not be construed to require

the same or similar design between the developments, but only to ensure a coordinated visual appearance of the buildings in the developments.

- (2) Uses other than retail sales, banks, personal services, rental and leasing establishments, eating and drinking establishments and conference centers: 60,000 square feet net developable area.
- (3) For purposes of administering the foregoing lot/tract area provisions, "net developable area" shall be construed to the gross lot/tract area, excluding the area of all water bodies, floodways, wetlands, required wetland transition areas and conservation easements.

B. Minimum average lot/tract width. The average lot width shall be measured parallel to the front lot line and within 300 feet of the front lot line. For corner lots, the required width need only be complied with for one street frontage, not both frontages.

- (1) Retail sales, banks, personal services, rental and leasing establishments, eating and drinking establishments and conference centers: 600 feet; provided, however that the minimum average lot/tract width shall be 300 feet for properties permitted to contain less than 10 acres of net developable area pursuant to §166-203.9.A.(1) above.
- (2) Other than retail sales, banks, personal services, rental and leasing establishments, eating and drinking establishments and conference centers: 200 feet.

Section 2. Subsection N. in Section 166-203.9., *Lot, bulk and intensity of use standards*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended and supplemented to read as follows:

N. Minimum floor area. The minimum total floor area of all buildings within any development containing retail sales, banks, personal services, rental and leasing establishments, eating and drinking establishments and conference centers shall be 75,000 square feet; provided, however that the minimum floor area shall be 15,000 square feet for properties permitted to contain less than 10 acres of net developable area pursuant to §166-203.9.A.(1) above.

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.

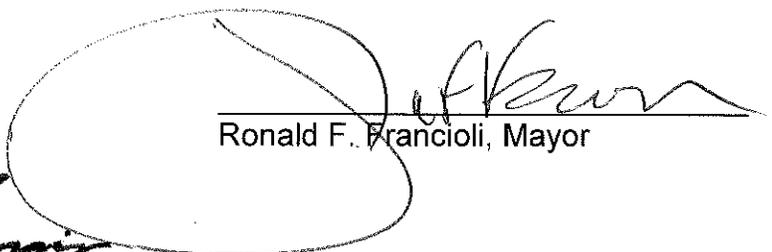
Section 5. This ordinance shall take effect in accordance with the law.

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

ATTEST:



Joseph A. Giorgio, Township Clerk

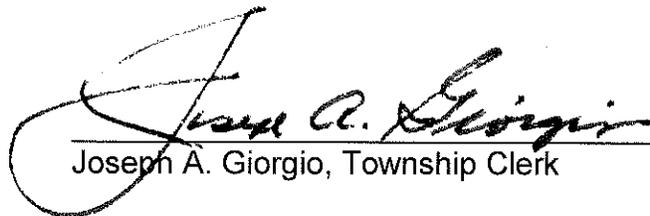


Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: April 23, 2015
DATE OF ADOPTION: May 28, 2015

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 28th day of May, 2015, at a meeting duly convened, of said Body.



Joseph A. Giorgio, Township Clerk