

ORDINANCE NO. 17-2015

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 AMENDING THE PERMITTED USES IN THE OB-RL, OB-DS, OB-RL3, I, I-2, I-4, I-5, I-P, I-P2, I-R AND PU ZONE DISTRICTS TO INCLUDE NONRESIDENTIAL SOCIAL ASSISTANCE ESTABLISHMENTS

WHEREAS, the Township of Hanover is divided into various residential and nonresidential zone districts, among which are included the OB-RL, OB-DS, OB-RL3, I, I-2, I-4, I-5, I-P, I-P2, I-R and PU zone districts,

WHEREAS, the OB-RL, OB-DS, OB-RL3, I, I-2, I-4, I-5, I-P, I-P2, I-R and PU zone districts permit a variety of office, research laboratory, industrial, warehouse, public, institutional and other uses; and

WHEREAS, the Township Committee considers it in the public interest to permit various nonresidential social assistance establishments in the OB-RL, OB-DS, OB-RL3, I, I-2, I-4, I-5, I-P, I-P2, I-R and PU zone districts due to their benefits to the general public and, in particular, to disadvantaged populations within society, and due to their similarity to certain other permitted uses in these districts.

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. Subsection A. in Section 166-4., *Definitions and word usage*, in Article II, *Definitions*, is hereby amended and supplemented to add and insert a new definition of "nonresidential social assistance establishment," to read as follows:

NONRESIDENTIAL SOCIAL ASSISTANCE ESTABLISHMENT – An establishment that provides social assistance services directly to their clients, including child and youth services, services for the elderly and persons with disabilities, other individual and family services, community food services, emergency and other relief services and vocational rehabilitation services, but excluding any establishment that provides housing or shelter, either permanent or temporary, on the subject property. The uses included within this definition are the same as the uses included in Industry Subsector 624, Social Assistance, in the North American Industrial Classification System, 2012 Edition, except that those industries in N.A.I.C.S. code 6242, Community Food and Housing, and Emergency and Other Relief Services, are not included in this definition.

Section 2. Subsection F. in Section 166-115., *Multiple principal buildings on the same lot; multiple principal uses within the same building*, in Article XIX, *General Provisions*, is hereby amended and supplemented to read as follows:

F. Restrictions on certain combinations of uses. Within any building or property, there shall be prohibited a mixture or combination of any of the uses in Column A below

with any of the uses in Column B below, except when such uses are accessory to the principal use, or unless the applicant demonstrates to the satisfaction of the Planning Board as part of a site plan application that such uses can reasonably function together within the same building and on the same site without undue interference with each other or without undue impairment of the health, safety and general welfare of site users:

A	B
Industrial and manufacturing uses, manufacturing uses, wholesale trade uses, construction uses and building trade contractors, construction equipment leasing or storage, truck depots, distribution facilities or truck storage, warehousing, repair and/or other services to motor vehicles, public utility stations or yards, and uses similar in character to the foregoing	Amusement and recreation services, including but not limited to dance studios, martial arts studios, tennis clubs, physical fitness centers, and other indoor physical fitness facilities; health services, including but not limited to medical offices; educational services and social services, including but not limited to schools, child-care centers, counseling services and unemployment services; membership organizations, including but not limited to nonprofit organizations and houses of worship; and other services and uses similar to the above, either in operational characteristics or function

Section 3. The title, opening paragraph and Subsection A. of Section 166-138.4., *Municipal uses and institutional uses*, in Article XIX, *General Provisions*, is hereby amended and supplemented to read as follows:

§ 166-138.4 Municipal uses, institutional uses and nonresidential social assistance establishments.

Notwithstanding any other provisions of this chapter, municipal buildings used for public purposes are permitted principal uses in any of the zone districts, except as may be otherwise prohibited by the Air Safety and Hazardous Zoning Act, Chapter 260 of the Laws of 1983. The Planning Board review of municipal buildings shall be guided, on an informal basis, by the standards in the PU Zone District for such uses and by the provisions for review of capital projects in N.J.S.A. 40:55D-26a.

Institutional uses and nonresidential social assistance establishments, as defined in §166-4A., are permitted in the zone districts indicated below and shall be subject to the following regulations, in addition to all other applicable regulations of this chapter; in the case of conflict between the following regulations and other regulations of this chapter, the following shall supersede such other regulations:

A. Where permitted.

- (1) Houses of worship, libraries and schools shall be permitted in the R-40, R-25, R-15, R-10 Zone Districts, in all RM Zone Districts and in the PU Zone District.
- (2) State-licensed hospitals and nonresidential social assistance establishments shall be permitted in the OB-RL, OB-DS, OB-RL3 Zone Districts, the I, I-2, I-4, I-5, I-P, I-P2, I-R zone districts and in the PU Zone District.

Section 4. Subsection E. of Section 166-138.4., *Municipal uses and institutional uses*, in Article XIX, *General Provisions*, is hereby amended and supplemented to read as follows:

E. Development standards in nonresidential zones. Where permitted in the nonresidential zones except the PU Zone, institutional uses and nonresidential social assistance establishments shall comply with the development standards of the zone within which they are located. Where permitted in the PU Zone, institutional uses and nonresidential social assistance establishments shall comply with the standards for such uses in the PU Zone.

Section 5. 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 6. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 7. 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: June 11, 2015

DATE OF ADOPTION: July 9, 2015

I hereby certify the foregoing to be a true copy of a
Resolution/Ordinance adopted by the Township Committee
of the Township of Hanover at a **Regular/Special Meeting**
held on the 9th day of July, 2015.


Joseph A. Giorgio, Township Clerk, R.M.C.