

**ORDINANCE 28-2016**

**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 REGULATIONS GOVERNING THE OPERATION OF GASOLINE STATIONS AND MOTOR VEHICLE REPAIR OR MAINTENANCE ESTABLISHMENTS**

**WHEREAS**, Chapter 166 currently regulates gasoline stations and motor vehicle repair or maintenance establishments; and

**WHEREAS**, the current regulations are based upon and designed to regulate traditional stations and establishments that are developed singly, with a convenience store, or with other minor uses; and

**WHEREAS**, there is a recent market and land use trend to development gasoline stations, automotive tire services and similar establishments in combination with and as part of larger scale retail developments; and

**WHEREAS**, the Township Committee desires to accommodate this trend and believes that such accommodation can be made while preserving the overall intent of the regulations for such uses.

**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 166-150., *Conditional use requirements for specific uses*, in Article XXI, *Conditional Uses*, is hereby amended to read as follows:

- A. Gasoline stations. Gasoline stations shall be permitted as a conditional use in the B, B-1, B-P, BP-2, D-S, I-B, I-B3 and OB-DS zone districts, subject to the following requirements. Such requirements shall be in addition to all other applicable requirements of the respective zone district and of this chapter, except in case of conflict.
- (1) In the D-S, OB-DS and I-B3 zones, the gasoline station shall be located within and be a part of a designed shopping center development or other development designed and used for retail sales, retail banks, personal services, rental and leasing establishments, eating and drinking establishments, or a combination of any of the foregoing, which developments contain a minimum floor area of 75,000 square feet. In other zones, the gasoline station shall be located on a corner lot at one of the following intersections:
- (a) Route 10 and Ridgedale Avenue.
  - (b) Route 10 and the entrance or exit ramps for Route 287.

- (c) Route 10 and North or South Jefferson Road.
  - (d) Route 10 and Whippany Road.
  - (e) Route 10 and Troy Hills Road.
  - (f) Route 10 and Algonquin Parkway.
  - (g) Parsippany Road and Whippany Road.
  - (h) Hanover Avenue and Ridgedale Avenue.
- (2) When the gasoline station is located within and part of a designed shopping center or other development pursuant to Paragraph A.(1). above, the gasoline station shall be considered part of such development and shall be subject to the minimum lot area requirements for such developments. In all other circumstances, the lot shall contain the following minimum contiguous developable areas. Such minimum developable area shall exclude any wetlands, wetland transition areas, floodways or other areas that are prohibited from development, but shall include non-developable areas located within minimum required buffer areas or other minimum required landscaped areas.
- (a) Gasoline station only: 40,000 square feet, or as required by the zone district, whichever is greater.
  - (b) Gasoline station and convenience store or automated car wash, when permitted: 80,000 square feet.
  - (c) Gasoline station and motor vehicle repair or maintenance establishment, other than automated car wash, when permitted: 60,000 square feet.
  - (d) Gasoline station and permitted use(s) other than specified above: 40,000 square feet plus the lot area required for such other use in the zone district within which the gas station is located, but in no event less than 50,000 square feet, or as required by the zone district, whichever is greater.
- (3) When a gasoline station is combined with any other use, the area actually developed or reserved for development by the gasoline station shall not be less than the lot area required for the establishment without such additional uses; provided that this requirement shall not apply when the gasoline station is located within and part of a designed shopping center or other development pursuant to Paragraph A.(1). above.
- (4) The gasoline station lot shall have frontage upon a public street as required in the zone district within which the gas station is located, but in no event less than 150 feet, or as required by the zone district, whichever is greater; provided that this requirement shall not apply when the gasoline station is located within and part of a designed shopping center or other development pursuant to Paragraph A.(1). above.
- (5) The gasoline station lot shall have a depth as required in the zone district within which the gas station is located, but in no event less than 150 feet.

- (6) The minimum front yard shall be as required in the zone district within which the gas station is located, but in no event less than 50 feet, measured to the principal building, fuel pumps and islands, and any canopy over the fuel pumps.
- (7) The minimum side and rear yards shall be as required in the zone district within which the gas station is located, but in no event less than 25 feet for the principal building or 50 feet for the fuel pumps and islands and any fuel pump canopy.
- (8) The gasoline station lot shall be located at least 200 feet from any private property located in a residential zone district, except within the B-P zone district; provided that this requirement shall not apply when the gasoline station is located within and part of a designed shopping center or other development pursuant to Paragraph A.(1). above.
- (9) There shall be provided along all street frontages a landscaped island at least 15 feet in depth, or as required by the zone district regulations, whichever is greater. In the event that the property frontage is located across the street from property in a residential zone, such island shall have a depth of at least 25 feet, or as required by the zone district regulations, whichever is greater. Such depths shall be measured from the street right-of-way or, where one exists, the road widening easement, whichever is more restrictive.
- (10) Outdoor display of products for sale shall be prohibited.
- (11) When the gasoline station is located within and part of a designed shopping center or other development pursuant to Paragraph A.(1). above, there shall be provided shared access between the gasoline station and other development in the shopping center or other development, such that a patron of any of the foregoing uses shall be able to drive a motor vehicle between such uses without traveling on a public street.

**Section 2.** Subsection K. in Section 166-150., *Conditional use requirements for specific uses*, in Article XXI, *Conditional Uses*, is hereby amended to read as follows:

- K. Motor vehicle repair or maintenance establishments. Motor vehicle repair or maintenance establishments shall be permitted as a conditional use in the B, B-1, D-S, I-B, I-B3 and OB-DS Districts, subject to the following requirements:
- (1) In the D-S, OB-DS and I-B3 zones, the establishment shall be located within and be attached to the main building in a designed shopping center development or other development designed and used for retail sales, retail banks, personal services, rental and leasing establishments, eating and drinking establishments, or a combination of any of the foregoing, which developments contain a minimum floor area of 75,000 square feet. In other zones, the establishment lot shall have frontage on State Highway Route 10.
  - (2) When the establishment is located within and part of a designed shopping center or other development pursuant to Paragraph K.(1). above, the establishment shall be considered part of such development and shall be

subject to the minimum lot area requirements for such developments. In all other circumstances, the lot shall contain the following minimum contiguous developable areas. Such minimum developable area shall exclude any wetlands, wetland transition areas, floodways or other areas that are prohibited from development, but shall include non-developable areas located within minimum required buffer areas or other minimum required landscaped areas.

- (a) Motor vehicle repair or maintenance establishment, without additional uses, and excluding an automated car wash: 20,000 square feet, or as required by the zone district, whichever is greater.
  - (b) Automated car wash: 40,000 square feet, or as required by the zone district, whichever is greater.
  - (c) Motor vehicle repair or maintenance establishment with automated car wash: 60,000 square feet.
  - (d) Motor vehicle repair or maintenance establishment and permitted use other than specified above: 20,000 square feet plus the lot area required for such other use in the zone district within which the establishment is located, but in no event less than 30,000 square feet or less than the minimum lot area required by the zone district, whichever is greater.
- (3) When a motor vehicle repair or maintenance establishment is combined with any other use, the area actually developed or reserved for development by the motor vehicle repair or maintenance establishment shall not be less than the lot area required for the establishment without such additional uses; provided that this requirement shall not apply when the establishment is located within and part of a designed shopping center or other development pursuant to Paragraph K.(1). above.
  - (4) The minimum front yard shall be as required in the zone district within which the establishment is located, but in no event less than 50 feet, measured to the principal building.
  - (5) The minimum side and rear yards shall be as required in the zone district within which the establishment is located, but in no event less than 25 feet for the principal building.
  - (6) The establishment lot shall be located at least 200 feet from any private property located in a residential zone district; provided that this requirement shall not apply when the establishment is located within and part of a designed shopping center or other development pursuant to Paragraph K.(1). above.
  - (7) There shall be provided along all street frontages a landscaped island at least 15 feet in depth, or as required by the zone district regulations, whichever is greater.
  - (8) There shall be no outdoor display of products for sale.

- (9) No vehicles shall be parked or stored outdoors overnight on the premises, unless such vehicles are located within the side and/or rear yards and are screened from the view of public streets and residential zones, with the design of such screening determined by the Planning Board.
- (10) No inoperable or unregistered vehicle shall be parked or stored on the property for more than 30 days per vehicle in any twelve-month period.
- (11) When the establishment is located within and part of a designed shopping center or other development pursuant to Paragraph K.(1). above, there shall be provided shared access between the repair or maintenance establishment and other development in the shopping center or other development, such that a patron of any of the foregoing uses shall be able to drive a motor vehicle between such uses without traveling on a public street.

**Section 3.** Subsection D. in Section 166-188., *Prohibited uses*, in Article XXXII, *D-S Designed Shopping Center District*, is hereby amended to read as follows:

- D. More than one principal building on a lot unless attached as regulated herein, except that more than one principal building utilized as a community center as permitted and regulated by § 166-150.I. is permitted on a lot, and further provided that this prohibition shall not apply to kiosks or pump canopies for gasoline stations permitted by §166-150.A. For the purpose of administering the above prohibition, two or more buildings that are connected to one another shall not be construed as being attached and an integral part of a single building unless they share a common partition wall for a distance that is at least equal to 1/3 the depth of the building having the shallower depth; provided, however, that no such distance shall be less than 30 feet. The depth of a building shall be measured as the mean distance from the front wall to the rear wall of said building.

**Section 4.** Paragraph (5).(o). of Subsection A. in Section 166-193.1., *Permitted principal, accessory and conditional uses*, in Article XXXIII, *OB-DS Office Building – Designed Shopping Center District*, is hereby amended to read as follows:

- (o) Automotive parts and accessories stores.

**Section 5.** Subsection C. in Section 166-193.1., *Permitted principal, accessory and conditional uses*, in Article XXXIII, *OB-DS Office Building – Designed Shopping Center District*, is hereby amended to read as follows:

C. Conditional uses.

- (1) Gasoline stations, when located within and part of a designed shopping center, shall be permitted as a conditional use as regulated by §166-150.A.
- (2) Freestanding cellular telecommunications facilities shall be permitted as a conditional use as regulated by § 166-150.B.
- (3) Motor vehicle repair or maintenance establishments shall be permitted as a conditional use as regulated by §166-150.K.

**Section 6.** Paragraph (1). of Subsection D in § 166-203.6., *Permitted principal uses*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended to read as follows:

- (1) Automotive parts and accessories stores.

**Section 7.** Section 166-203.7.1., *Permitted conditional uses*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended to read as follows:

**§ 166-203.7.1. Permitted conditional uses.**

- A. Gasoline stations shall be permitted in the I-B3 District only if they comply with the regulations for such uses or structures in § 166-150.A. Such requirements shall be in addition to all other applicable requirements of the I-B3 zone district and of this chapter, except in case of conflict, in which case the provisions of §166-150.A. shall apply.
- B. Motor vehicle repair or maintenance establishments shall be permitted as a conditional use as regulated by §166-150.K.

**Section 8.** Subsection E in Section 166-203.10., *Other requirements*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended to read as follows:

- E. Outdoor dining permitted as an accessory use to a convenience store shall be subject to the provisions of § 166-119.5., the same as if the convenience store were a restaurant.

**Section 9.** 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.

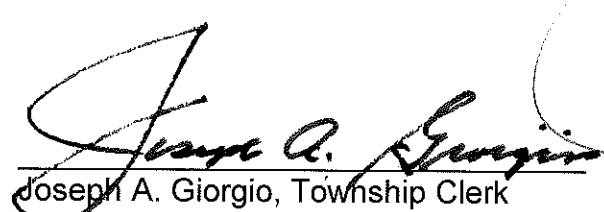
**Section 10.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**Section 11.** This ordinance shall take effect in accordance with the law.

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


ATTEST:

  
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Ronald F. Francioli, Mayor

  
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Joseph A. Giorgio, Township Clerk

DATE OF INTRODUCTION: September 8, 2016

DATE OF ADOPTION: October 13, 2016

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 27<sup>th</sup> day of October, 2016.  
  
Joseph A. Giorgio, Township Clerk, R.M.C.