

ORDINANCE 15-2016

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 FOR GASOLINE STATIONS AND MOTOR VEHICLE REPAIR AND MAINTENANCE ESTABLISHMENTS

WHEREAS, the Chapter 166 of the Township Code currently permits and regulates public garages and motor vehicle service stations; and

WHEREAS, due to their unique needs and characteristics, these uses are regulated differently than other uses; and

WHEREAS, due to recent industry trends, the characteristics of gasoline stations and repair facilities have changed since the current regulations were adopted, and it is therefore appropriate to update such regulations; and

WHEREAS, due to their high levels of activity, their unique signage needs and other characteristics, and their potential to create negative esthetic and other impacts, it is in the public interest to regulate gasoline stations in a manner appropriate for their characteristics.

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 by deleting the definition of “garage, public” and “motor vehicle service station.”

Section 2. Subsection A. in Section 166-4., *Definitions and word usage*, in Article II, *Definitions*, is hereby amended by adding definitions for “gasoline station” and “motor vehicle repair or maintenance establishment,” to read as follows:

GASOLINE STATION – An establishment primarily engaged in retailing automotive fuels (e.g., diesel fuel, gasohol, gasoline, alternative fuels) and in the refueling of motor vehicles to the general public on the same premises where the fuel is stored.

MOTOR VEHICLE REPAIR OR MAINTENANCE ESTABLISHMENT – An establishment primarily engaged in the provision of repair, maintenance and/or washing services for motorized passenger vehicles, such as but not limited to passenger cars, pickup trucks, vans, motorcycles and snowmobiles. Excluded from this definition are automotive body shops and body painting establishments, and establishments engaged in the repair, maintenance and/or washing of trucks other than pickup trucks, construction vehicles, construction equipment and other non-passenger vehicles.

Section 3. Paragraph (4) in Subsection C. in Section 166-141., *Regulations applicable in all zones*, in Article XX, *Signs*, is hereby amended to read as follows:

- (4) There shall be no illumination of any pylon sign between the hours of 11:00 p.m. and 7:00 a.m., except in the case of gasoline stations when open for business.

Section 4. Section 166-146., *Sign regulations for gasoline service stations*, in Article XX, *Signs*, is hereby amended to read as follows:

§ 166-146. Sign regulations for gasoline stations.

Notwithstanding any other provisions of this chapter, gasoline stations, where permitted, may display only the following signs, which are deemed customary and necessary to their respective business:

- A. One freestanding sign advertising the name of the station, and/or the brand name, and/or the logo of the gasoline sold. Such sign shall be subject to the following requirements:
- (1) The area of the sign shall not exceed 40 square feet.
 - (2) The height of the sign shall not exceed 20 feet.
 - (3) The sign shall not reduce or interfere with the appropriate sight lines at the intersections of roadways, driveways and other vehicular travel areas, as determined by the Township Engineer based upon the particular conditions of the site and adjacent roadways.
- B. One sign mounted on the wall of the station building, or on a canopy over the fuel pumps, identifying the name of the station and/or the brand name and/or the logo of the gasoline sold. Such sign shall be subject to the same regulations as building-mounted signs for retail business establishments in the same zone district as the gasoline station. Notwithstanding the foregoing, gasoline stations located upon property that has frontage upon more than one street may have one building or canopy sign for each street, provided that not more than one sign shall be permitted to be oriented to each street.
- C. Miscellaneous ancillary informational signs, including but not limited to signs located on gasoline pumps, lead warning signs, emergency shut-off signs, no smoking signs, and any other sign required by law, all as determined to be reasonably necessary by the Board. The intent in permitting such signs shall be to provide information to employees and patrons, and not to advertise the gas station to passing roadway traffic.
- D. Commercially manufactured signs advertising the price of fuel only shall be permitted to be attached to the permitted freestanding sign as regulated in Subsection A as stated above; provided, however, that said price signs meet the following required conditions:
- (1) The total area of such signs shall not exceed 60 square feet in area.
 - (2) All requirements applicable to freestanding signs in Subsection A. above shall be complied with.

- E. In the event that a gasoline station is located on the same property or is part of the same development as other uses, the sign regulations shall be as follows:
- (1) If the signs for the gasoline station are separate and distinct from the signs for the other use(s), the regulations of this section shall apply to the gasoline station signs, and the sign regulations otherwise applicable to the other use(s) shall apply to such other use(s).
 - (2) If the signs for the gasoline station and the other use(s) are shared and not separate or distinct, as in the case of a gasoline station and convenience store operating under the same brand name, the regulations of this section shall apply to all of the shared signs.

Section 5. The opening paragraph in Section 166-150., *Conditional use requirements for specific uses*, in Article XXI, *Conditional Uses*, is hereby amended to read as follows:

In reviewing an application for any conditional use as herein provided, the Planning Board may impose such conditions and safeguards as it deems appropriate. In case of conflict between the following requirements and the other applicable requirements of this chapter, the following shall apply and supersede such other requirements. Conditional use requirements shall be as follows:

Section 6. 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, I-B and I-B3 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) 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) 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.
- (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.
- (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.

- (9) There shall be provided along all street frontages a landscaped island at least 15 feet in depth. In the event that the property frontage is located across the street from property in a residential zone, as in the B-P zone, such island shall have a depth of at least 25 feet from. Such depths shall be measured from the street right-of-way or, where one exists, the road widening easement.
- (10) Outdoor display of products for sale shall be prohibited.

Section 7. Section 166-150., *Conditional use requirements for specific uses*, in Article XXI, *Conditional Uses*, is hereby amended by adding and inserting a new Subsection K., 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 and I-B Districts, subject to the following requirements:
- (1) The lot shall have frontage on State Highway Route 10.
 - (2) 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.

- (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.
- (7) There shall be provided along all street frontages a landscaped island at least 15 feet in depth.
- (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.

Section 8. Paragraph (2)(b) in Subsection A. of Section 166-182., *Prohibited uses*, in Article XXX, *B Business District*, is hereby amended to read as follows:

- (b) Gasoline stations as regulated in § 166-150A.

Section 9. Paragraph (2)(b) in Subsection A of Section 166-185., *Prohibited uses*, in Article XXXI, *B-1 Business District*, is hereby amended to read as follows:

- (2) Any business conducted outside the confines of a building with the following exceptions:
 - (a) Plant material nurseries.
 - (b) Gasoline stations as regulated in § 166-150A.
 - (c) Drive-in banks.

Section 10. Subsection B of Section 166-186.3., *Permitted conditional uses*, in Article XXXIA, *B-P Business and Professional District*, is hereby amended to read as follows:

- B. Convenience stores, alone or in combination with a gasoline station, as regulated in § 166-150J.

Section 11. Subsections B., G., K. and N. of Section 166-186.4., *Prohibited uses and structures*, in Article XXXIA, *B-P Business and Professional District*, are hereby amended to read as follows:

- B. Motor vehicle repair or maintenance establishments.
- G. Drive-in business establishments, including but not limited to drive-in banks and restaurants, but excluding gasoline stations as regulated by § 166-150.J.
- K. Any business conducted outside the confines of a building, including but not limited to outdoor amusements, eating establishments where food or drink is consumed or served outside the confines of a structure on the premises and the display or storage of merchandise placed on the exterior premises of any building, but excluding gasoline stations as regulated by § 166-150.J.
- N. Establishments engaged in retail sales except for convenience stores and gasoline stations permitted by § 166-186.3., restaurants permitted by § 166-186.1.D. and not prohibited by § 166-186.4.D., § 166-186.4.G. or § 166-186.4.K., and retail sales which are minor in nature and incidental and accessory to a permitted principal use.

Section 12. Subsection O. of Section 166-186.5., *Required conditions*, in Article XXXIA, *B-P Business and Professional District*, is hereby amended by revising the opening paragraph to read as follows:

- O. Supplemental regulations applicable to convenience stores and gasoline stations. In addition to the conditional use requirements in §166-150.J., the requirements of this Section, and the other applicable requirements of this Chapter, the following requirements shall apply to convenience stores and motor vehicle service stations permitted in the B-P zone by §166-186.3.. In case of conflict between the following requirements and the requirements of this Section, and the other applicable requirements of this Chapter, the following shall apply and supersede such other requirements:

Section 13. Section 166-186.6., *Purpose and intent*, in Article XXXIB, *B-P2 Business and Professional District*, is hereby amended to read as follows:

The B-P2 District is intended to encourage the development of certain limited small-scale service establishments and professional office uses that provide services primarily to residents of the community. In appropriate locations and circumstances as set forth in this article, the district also promotes the development of certain retail sales establishments, gasoline stations, restaurants and housing.

Section 14. The opening paragraph of Section 166-186.9., *Conditional uses and structures*, in Article XXXIB, *B-P2 Business and Professional District*, is hereby amended to read as follows:

The following conditional uses and structures shall be permitted in the BP-2 District only if they comply with the appropriate regulations for such uses or structures set forth in this section. Such uses shall also be required to comply with the requirements for nonresidential uses in § 166-186.11. below and other applicable requirements of this chapter, provided that only violations of the requirements in Subsections A and B below shall be construed as violations of conditional use requirements. In case of conflict

between the conditional use regulations of this section and other requirements of this chapter, the conditional use regulations shall control.

Section 15. Subsection B. in Section 166-186.9., *Conditional uses and structures*, in Article XXXIB, *B-P2 Business and Professional District*, is hereby amended to read as follows:

- B. Gasoline stations, alone or on the same lot as other permitted uses, shall be permitted only if they comply with the requirements in §166-150.A., as well as the following requirements:
- (1) All buildings and paved areas devoted to the use shall be located within 400 feet of the intersection of the center lines of Parsippany Road and Whippany Road.
 - (2) Principal buildings shall be oriented so that the primary building facade faces Parsippany Road and not Whippany Road. The primary building facade shall be that facade containing the main public entrance to the building and the primary wall-mounted sign for the building, if any.
 - (3) Access shall be designed so that the primary access driveway shall be from Parsippany Road. Access to Whippany Road shall be limited to exit driveways only.
 - (4) There shall be no repair, maintenance or washing of motor vehicles conducted on the premises, except for customary services provided while refueling motor vehicles, such as adding vehicle fluids, washing windows, etc., and except for a self-service air pump for tires.

Section 16. Subsection C. in Section 166-186.10., *Prohibited uses and structures*, in Article XXXIB, *B-P2 Business and Professional District*, is hereby amended to read as follows:

- C. Any business conducted outside the confines of a building, except for gasoline stations as regulated by § 166-186.9. and except that uses permitted by §§ 166-186.7. and 166-186.9. that include a drive-in or drive through component accessory to the principal use shall not be prohibited.

Section 17. Paragraph (16) in Subsection D of Section 166-203.6., *Permitted principal uses*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby deleted.

Section 18. Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended by adding and inserting a new Section 166-203.7.1, entitled *Permitted conditional uses*, to read as follows:

§ 166-203.7.1. Permitted conditional uses.

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 12th day of May, 2016.

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

Gasoline stations, alone or in combination with other permitted uses, shall be permitted in the I-B.3. 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-B.3. zone district and of this chapter, except in case of conflict.

Section 19. The opening paragraph and Paragraph (2) in Subsection E. in Section 166-203.10., *Other regulations*, in Article XXXVIB, *I-B3 Industrial and Business District*, are hereby amended to read as follows:

E. Gasoline stations, convenience stores and gasoline stations combined with a convenience store. In addition to the other applicable requirements, gasoline stations, convenience stores and gasoline stations combined with a convenience store shall comply with the following:

(2) There shall be no repair, maintenance or washing of motor vehicles conducted on the premises, except for customary services provided while refueling motor vehicles, such as adding vehicle fluids, washing windows, etc., and except for a self-service air pump for tires.

Section 20. Subsection I. in Section 166-205., *Prohibited uses*, in Article XXXVII, *I-P Industrial Park District*, is hereby amended to read as follows:

I. Gasoline stations and motor vehicle repair or maintenance establishments.

Section 21. 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 22. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 23. 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
Joseph A. Giorgio, RMC, Clerk

John L. Ferramosca
John L. Ferramosca, Deputy Mayor

DATE OF INTRODUCTION: April 14, 2016

DATE OF ADOPTION: May 12, 2016