

ORDINANCE NO. 01-2024

AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 95 "LAND USE AND ZONING," ARTICLE II "DEFINITIONS", SECTION 95-3 "DEFINITIONS" TO CLARIFY AN EXISTING DEFINITION AND ADD NEW DEFINITIONS AND TO AMEND AND SUPPLEMENT ARTICLE VII "ZONING," SECTION 95-53.6 "SED (SPECIAL ECONOMIC DEVELOPMENT) INDUSTRIAL DISTRICT REGULATIONS" TO ADD PERMITTED USES, AMEND THE BULK STANDARDS, AND UPDATE THE SITE DEVELOPMENT REQUIREMENTS

WHEREAS, the SED Zone is situated at a prime location within the Township of East Hanover at the intersection of Route 10 and Ridgedale Avenue; and

WHEREAS, the Township of East Hanover is desirous of ensuring the SED Zone remains a quality employment center that meets the needs of the 21st century workplace; and

WHEREAS, the Township of East Hanover seeks to expand the list of permitted uses in the Zone and recognizes that to attract top talent, workplaces need to offer a variety of accessory amenities, and

WHEREAS, the Mayor and Council for the Township of East Hanover have reviewed the recommendations of the Township Planner and agree the suggested changes should be implemented.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council that:

SECTION 1. The Township Code, Chapter 95 "Land Use and Zoning," Article II "Definitions," Section §95-3 "Definitions," shall be amended to add the following underlined text, delete the following text in ~~strikeout~~, and add the following new definitions alphabetically:

CO-WORKING OFFICES

A room or group of rooms or suites used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment that is shared by workers for different companies.

FLOOR AREA, USABLE NET

~~The sum of the Gross floor area excluding stairwells, elevator shafts, equipment and utility rooms, dead storage, common building lobbies, and loading dock areas, horizontal areas of a floor or several floors of a building, measured between the inside face of exterior walls or from the center line of walls separating two units, having a clear ceiling height of at least four feet, but no more than 10% of the usable floor area shall have a ceiling height of less than the prescribed ceiling height for the type of building concerned in the Building Code; no cellar, basement, attic, garage space or crawl space is to be considered as included in a "usable area."~~

PRODUCTION STUDIO

A premise used for producing live broadcasts, audio or video recordings or transmissions, podcasts, films, and the like.

SECTION 2. The Township Code, Chapter 95 “Land Use and Zoning,” Article VII “Zoning,” Section §95-53.6 “SED (Special Economic Development) Industrial District regulations,” shall be amended to add the following underlined text and delete the following text in ~~strikeout~~:

A. Purpose of the SED District.

(1) The SED (Special Economic Development) Industrial District is designed to facilitate the creation of a 21st century workplace over multiple lots that attract today’s and tomorrow’s workforce. The District seeks to draw science, technology, and health companies to create a quality employment center within the Township. ~~production of affordable housing by establishing special design and use standards in an industrial/office/research development zone together with a cash contribution for affordable housing in lieu of provision of either inclusionary residential development or application of development impact fee ordinances.~~

~~(2) The adoption of this section is consistent with and in furtherance of the 1986 Municipal Master Plan update which recommended that the purpose of the special economic development designation is to encourage coordinated development and preservation of large tracts of land zoned for industrial development and which concluded that maintenance of large tracts of land will result in greater economic development to the Township and would permit the most appropriate utilization of the property by the owner.~~

2. Permitted principal uses shall be as follows:

(1) Pharmaceutical manufacturing that complies with the performance standards delineated in in §95-39.2, warehousing, processing, and distribution. Any deviations from the performance standards outlined in §95-39.2 shall be treated as “C” bulk variances. Business campus uses primarily related to the pharmaceutical industry, including, but not limited to:

~~(a) Research and development laboratories.~~

~~(b) Chemical and pharmaceutical manufacture, warehousing, processing and distribution.~~

~~(c) Business, corporate and professional offices for executive and administrative purposes.~~

(2) Business, corporate, and professional offices for executive and administrative purposes.

(3) ~~(2)~~ The finishing or assembling of articles made from previously prepared or refined materials, for example, component assembly.

(4) ~~(3)~~ The preparation and fabrication of metals and metal products or chemicals and chemical products.

- (5) ~~(4)~~ Research and product development activities, including laboratories and structures and facilities used in connection therewith and the testing, sale, or lease of articles designed and produced in such laboratories.
- (6) ~~(5)~~ Electronic data centers.
- (7) ~~(6)~~ The manufacture and/or assembly of plastic products as listed under the North American Industry Classification Systems – 326 Plastics and Rubber Products Manufacturing.
- (8) ~~(7)~~ Technical training institutions and schools.
- (9) Light manufacturing in the field of science and/or technology in conformance with the performance standards delineated in §95-39.2. Any deviations from the performance standards outlined in §95-39.2 shall be treated as “C” bulk variances.
- (10) Co-working offices.
- (11) Production studios.
- (12) Multiple permitted uses are allowed on the same parcel and in a single building.

3. Permitted accessory uses shall be as follows:

- (1) Buildings, structures and uses which are required to satisfy local, state or federal regulatory or environmental requirements related to the pharmaceutical research and manufacturing uses or other uses permitted within the zone ~~and utility buildings and uses.~~
- (2) Utility buildings and uses, including detached mechanical and electrical facilities. Cafeterias and dining areas.
- (3) Off-street parking and parking structures.
- (4) Indoor and outdoor ~~Recreational facilities for employees,~~ including but not limited to day care, ball fields and gyms.
- (5) Signs as permitted by §95-100 et. seq.
- (6) Regional stormwater detention facilities and private water systems.
- (7) Resource recovery, recycling and waste disposal facilities for materials generated on site.
- (8) Pollution prevention and control facilities.
- (9) Maintenance, supply, and equipment storage facilities.
- (10) Outdoor dining. ~~Such other uses as are clearly accessory to the principal structure and uses.~~

- (11) Gazebos.
- (12) Outdoor storage, subject to the following conditions:
 - (1) Outdoor storage shall only be allowed in conjunction with the uses permitted under subsection B.(1), (3), (4), (5), (7), and (9) above.
 - (2) Outdoor storage areas shall not be visible from a public street or any adjacent residential use.
 - (3) Outdoor storage shall be fully screened from public streets and adjacent residential uses by either a six-foot-tall solid fence or a minimum six-foot-tall, staggered row of evergreen trees.
 - (4) Outdoor storage shall be limited to five (5%) percent of the principal building's footprint.
- (13) Warehousing as an accessory use to the uses permitted under subsection B.(1), (3), (4), (5), (7), and (9) above, which shall be limited to thirty (30%) percent of the building's gross floor area.
- (14) Amphitheater.
- (15) Conference and meeting facilities.
- (16) Roof-mounted solar.
- (17) The following uses are permitted, but they are restricted to the employees of the site, their family members, and contractors and visitors to the site. Said uses shall not be available to the public.
 - (1) Cafeterias and dining areas.
 - (2) Eatery restaurant, without a drive-through.
 - (3) Restaurant.
 - (4) Day care.
 - (5) Pet day care.
 - (6) Dry cleaner.
 - (7) Health, wellness, and medical offices.
 - (8) Instructional uses.
 - (9) Retail.

(10) Salon.

(18) Such other uses as are clearly accessory to the principal structure and uses.

(19) Multiple permitted accessory uses are allowed on the same parcel and in a single building.

4. Prohibited uses.

(1) Uses and activities which are specifically prohibited for the Light Industry I-3 Zone in §95-59B.

(2) ~~and~~ Warehousing unrelated to the storage of chemicals and pharmaceuticals are specifically prohibited in the SED Zone as a principal use.

(3) Residential.

5. Buffer area requirement. There shall be established along any lot line ~~the rear lot line of Block 99, Lot 12,~~ which is immediately adjacent to existing residential uses or zones, a one-hundred-foot buffer area from buildings. Vegetation and hardwood forests within buffer areas shall be preserved and supplemented where necessary ~~from time to time~~ in order to provide screening between this ~~tract~~ zone and adjacent single-family dwellings. ~~The area of this buffer shall be included in the total tract area for the purposes of calculating lot area, coverage, setbacks and open space.~~ Permitted uses within this buffer area shall include roadways for security purposes, drainage swales and water retention facilities.

6. Bulk Coverage and height requirements.

(1) Minimum lot size – 15 acres. ~~Coverage and height requirements shall be as follows:~~

| Building Type | Maximum Building Coverage (percent) | Maximum Height (feet) |
|--|--|----------------------------------|
| Principal buildings | 30 | 75 |
| Total of principal and accessory buildings | 35 (see above) | n/a |
| Office buildings | | 75 |
| Warehouses (unmanned) | | 85 |
| Warehouses and storage | | 75 |
| Manufacturing facilities | | 65 |
| Parking structures | | 65 |

(2) ~~Minimum yard setbacks: The height shall be measured from the average top of grade and shall be measured to top of roof. The permitted height of the structures shall exclude rooftop mechanical and architectural appurtenances and discharge stacks. Rooftop mechanical structures shall be shielded from public view as nearly as possible.~~

(1) From Route 10 – 75 feet.

(2) From Ridgedale Avenue – 50 feet.

- (3) From an adjacent residential zone or lot – 100 feet.
 - (4) From an adjacent non-residential zone or lot – 50 feet. However, buildings existing as of October 1, 2023 may be 25 feet from any adjacent non-residential zone or lot.
 - (5) Accessory uses and structures (excluding parking structures, which shall be treated as a principal structure for purpose of setbacks) from public street rights-of-way and adjacent residential parcels and zones – 50 feet.
 - (6) Accessory uses and structures (excluding parking structures, which shall be treated as a principal structure for purpose of setbacks) from all other property lines – 20 feet.
- (3) Maximum building coverage – 30%~~Maximum impervious surface coverage: 70%~~
 - (4) Maximum lot coverage – 60%
 - (5) Maximum building height:
 - (1) Principal buildings – 75 feet.
 - (2) Parking structures – 65 feet.
 - (3) Parapets, mechanical equipment, screening associated with such equipment, and any other structure located on the roof shall extend no more than five feet above the maximum permitted building height.
 - (4) Accessory buildings and structures – 25 feet.
 - (6) More than one principal building is permitted on a lot.
7. Other provisions and requirements. ~~Building setbacks and lot size, shall be as follows:~~
- (1) Off-street parking. ~~Minimum building setback from Route 10: 75 feet; and from Ridgedale Avenue: 50 feet.~~
 - (1) Off-street parking shall be provided on the same lot as the use which it is intended to serve and it shall be located outside of the required yard setbacks from Route 10, Ridgedale Avenue, and any residential zone or lot. Parking shall be provided as follows:
 - [1] Office, co-working office, and health/wellness/medical offices – one space per 400 square feet of net floor area.
 - [2] Electronic data centers – three spaces per four employees on the peak shift.
 - [3] Technical and training institutions and schools – one space for each 1.25 persons employed therein, plus one space for each five students.

- [4] Research activities – one space for each 500 square feet of net floor area or one space per employee on the peak shift, whichever is greater.
 - [5] Dry cleaner, instructional use, pet day care, day care, cafeteria and dining areas, restaurant and eatery restaurant, retail, and salon – no parking requirement.
 - [6] Uses listed in Subsection B.(1), (3), (4), (7), (9), and (11) above – one space for each 600 square feet of net floor area or one space per employee on the peak shift, whichever is greater.
- (2) The cumulative parking requirements for all land uses on a parcel may be reduced if it can be demonstrated that the peak usage of multiple land uses occur at different times. In order to obtain approval for a reduction of the cumulative parking requirement based on shared parking principles, a Shared Parking Plan prepared by a licensed engineer or planner shall be submitted for review and approval by the Board. The Shared Parking Plan shall be based on a shared parking model published by the Institute of Transportation Engineers (ITE), the Urban Land Institute (ULI) or other widely accepted industry model. ~~Minimum building setback from adjacent residential zone: 100 feet.~~
- (3) All parking spaces shall be a minimum of nine feet by 18 feet and shall be delineated with hairpin striping. ~~Minimum building setback from nonresidential zone: 20 feet, of which 10 feet may be paved and the balance grassed or planted.~~
- (4) Loading facilities. ~~Minimum lot size: 100 acres, together with smaller tracts which are contiguous or devoted to the same operation and use.~~
- (1) Where goods, merchandise, materials or equipment are delivered to, shipped from or loaded at a use, an off-street loading area must be planned and provided in accordance with the following:
- [1] Buildings within 100 feet of Ridgedale Avenue and Route 10 shall not have a loading dock facing the public street. Buildings within 250 feet of a residential zone or lot shall not have a loading dock facing said residential zone or lot.
 - [2] A buffer shall be provided to shield the loading area from view of the public right-of-way or an adjacent residential property. A buffer shall consist of a six-foot-tall solid fence or a double row of staggered evergreens a minimum of six feet tall.
 - [3] The site plan application shall include a full description of the nature and extent of the loading and unloading operations to be undertaken at the use as well as the types of materials involved, including any materials which may be hazardous, toxic or have special handling considerations.
 - [4] The site plan application shall identify the number and types of vehicles, including but not limited to flatbed trucks, tractor-trailer trucks, tank trucks and pickup trucks, that shall be loaded or unloaded, the duration of the loading or unloading operations and the maximum number of vehicles by type expected to be loading or unloading at one time.

(5) Refuse.

- (1) Outdoor refuse and recycling containers shall be visually screened within a durable enclosure, six feet or taller, so as not to be visible from adjacent lots or streets.
- (2) No refuse and recycling storage areas shall be permitted between a street and the front of a building.
- (3) All materials or waste which might cause fumes or dust or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects shall be stored outdoors only if enclosed in solid and covered containers which are adequate to eliminate such hazards.
- (4) Refuse and recycling collection enclosures shall be designed of durable materials, with finishes and colors which are unified and harmonious with the overall architectural theme.

(6) Performance standards. All permitted uses are subject to the requirements of §95-39.2.

8. ~~Subdivision. The applicant may apply for a subdivision of one or more parts of the tract without regard to setbacks, minimum tract size, width, frontage and density for purposes of financing, administration or similar reasons. All conditions of prior site plan approvals that apply to those parcels being subdivided shall continue to be in force and effect.~~

9. ~~(Reserved)~~

10. ~~(Reserved)~~

11. ~~Minimum off-street parking requirements. For purposes of calculating parking requirements, parking located on Block 99, Lot 12, shall be considered as applicable to all parking requirements without respect to the specific location of buildings on the site and shall incorporate the following standards:~~

(1) ~~Required parking:~~

- (1) ~~There shall be 25 spaces per 10,000 feet of usable floor area. Usable floor area shall exclude storage areas and areas not occupied by employees.~~
- (2) ~~The applicant may seek to reduce the number of required spaces based on a survey of on-site parking needs at the time of any site plan review; provided, however, that the applicant shall not be required to provide additional parking on each building development unless the need for the parking is shown.~~

(2) ~~Parking shall be permitted in all required minimum yard setback areas.~~

(3) ~~All parking spaces shall be a minimum of none feet by 18 feet, except as may be provided in § 95-39B.(19) of this chapter.~~

- H. ~~L.~~ Development within the SED District shall comply with the Township's Affordable Housing Development Fee Ordinance found in §95-68.1.
- I. All parcels within the SED District shall have passenger vehicle access to both Route 10 and Ridgedale Avenue. This may be accomplished through easements or a private road network.
- J. ~~M.~~ Waivers of site plan submission requirements. Notwithstanding any provision set forth elsewhere in this chapter, the Planning Board may waive any engineering, construction and design requirements contained in this chapter and other Township ordinances, including but not limited to §§95-39 and 95-39.2, in order to achieve the objectives of the SED Zone and necessary to facilitate approval, provided that the Planning Board shall be satisfied that such waiver does not jeopardize the public health and safety. Section 39.1 of Article VI of this chapter of the Code of the Township of East Hanover shall be inapplicable to development applications in the SED Zone District.
- N. ~~Stormwater detention facilities. Stormwater detention facilities shall be provided by developers in the SED Zone in accordance with State DEPE and County Planning Board requirements. The applicant may propose to base its needs on a central regional watershed at the time of any site plan review.~~
- K. ~~O.~~ Contribution to off-tract improvements. A developer in the SED Zone shall not be requested or required to construct or contribute in any manner to any off-tract improvement unless over 50% of the need for such improvement is demonstrated to be necessitated by the proposed development. Where such construction or contribution may be required pursuant to this section, the developer's responsibility shall be no greater than a fair share of the cost of such improvements, based on the proportion of any improvement which is directly necessitated by the proposed development.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 4. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 5. This Ordinance shall take effect upon final publication as provided by law.

Attest:

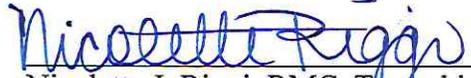
TOWNSHIP OF EAST HANOVER


Nicolette J. Riggi, RMC, Township Clerk


Joseph Pannullo, Mayor

Introduced: February 5, 2024
Adopted: March 4, 2024

I, Nicolette J. Riggi, RMC, Township Clerk of the Township of East Hanover, County of Morris, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Council at a duly convened meeting held on March 4, 2024.



Nicolette J. Riggi, RMC, Township Clerk

