

ORDINANCE NO. 10-2024

AN ORDINANCE OF THE TOWNSHIP OF HANOVER, MORRIS COUNTY, NEW JERSEY, AMENDING CHAPTER 166 OF THE TOWNSHIP CODE, ENTITLED LAND USE AND DEVELOPMENT, IN ORDER TO AMEND VARIOUS DEFINITIONS RELATED TO WAREHOUSE/LOGISTICS USES, TO AMEND THE PERMITTED AND PROHIBITED USE LANGUAGE IN THE NONRESIDENTIAL ZONE DISTRICTS TO CLARIFY AND AMEND POLICY RELATED TO WAREHOUSE/LOGISTICS USES, TO ADOPT REGULATIONS FOR WAREHOUSE/ LOGISTICS USES, AND TO MAKE VARIOUS TECHNICAL AMENDMENTS TO THE PERMITTED AND PROHIBITED USE SECTIONS IN THE NONRESIDENTIAL ZONE DISTRICTS

WHEREAS, in recent years, industrial-scale warehousing for goods storage and distribution to businesses and retail customers has undergone rapid change with the growth of e-commerce and rising consumer expectations for same-day delivery services; and

WHEREAS, along with the growth in the number and scale of warehousing and distribution operations, the technology and operational characteristics, and the terminology used to describe such operations, has also changed; and

WHEREAS, the Township Committee desires to allow for the proper use of warehouse and logistics uses within the Township and to establish proper criteria for the regulation and development of proper and reliable standards for these uses; and

WHEREAS, warehousing and logistics operations can, if not properly sited and scaled, result in significant negative impacts, including impacts to quality of life, public health, safety, infrastructure, and transportation networks; and

WHEREAS, the Township Committee has identified certain provisions of Chapter 166 concerning warehouse/logistics uses which need to be defined, clarified, and/or amended; and

WHEREAS, the Township Committee desires to enact various technical amendments to the permitted and prohibited use sections in the nonresidential zone districts in order to update terminology, eliminate unnecessary cross-references, and avoid duplication; and

WHEREAS, the Township Committee finds that the proposed amendments will promote, protect, and facilitate the public health, safety and welfare by providing sufficient space in appropriate locations for commercial and industrial uses according to their respective environmental requirements in order to meet the needs of all New Jersey citizens, and by encouraging the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;

NOW, THEREFORE, BE IT ORDAINED by Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey as follows:

Section 1. Subsection A of Section 166-4, *Definitions and word usage*, in Article II, *Definitions*, is hereby amended by changing the definition of "industrial use" to read as follows:

INDUSTRIAL USE - A business establishment primarily engaged in the mechanical, physical, or chemical transformation of materials, substances, or components into new products. The materials, substances, or components transformed by industrial uses are raw materials that are products of agriculture, forestry, fishing, mining, or quarrying as well as products of other industrial establishments. The materials used may be purchased directly from producers, obtained through customary trade channels, or secured without recourse to the market by transferring the product from one establishment to another under the same ownership. Industrial uses may process materials or may contract with other establishments to process their materials for them. Industrial uses are often described as plants, factories, or mills and characteristically use power-driven machines and material handling equipment. The assembling of component parts of manufactured products is considered an industrial use, except as specifically excluded below. The new product of an industrial use may be finished in the sense that it is ready for utilization or consumption, or it may be semifinished to become an input for an establishment engaged in further transformation. Notwithstanding the foregoing, the following activities, when conducted as a principal use, shall not be considered industrial uses:

- (1) Tree harvesting or processing;
- (2) Mining and related activities;
- (3) Construction of structures and fabrication at the construction site by contractors;
- (4) Wholesale sales of finished products;
- (5) Warehouse/logistics uses, as defined by § 166-4;
- (6) Sorting scrap;
- (7) Mixing paints to customer order.

Section 2. Section 166-4, *Definitions and word usage*, in Article II, *Definitions*, is hereby amended by amending the definition of "self-service storage facility" to read as follows:

SELF-SERVICE STORAGE FACILITY - A use containing a building and any structures accessory thereto containing separate, individual and private storage spaces or areas of varying sizes leased or rented on individual leases for varying periods of time, and where tenants have access to such individual spaces, and where such spaces are designed and used for the storage of personal property or

business property, but not designed, intended or used for the storage of goods or property that is related to the shipping, delivery, receipt or transfer needs of commercial, industrial or other nonresidential tenants (see definition of “warehouse/ logistics use or development” below).

Section 3. Subsection A of Section 166-4, *Definitions and word usage*, in Article II, *Definitions*, is hereby amended by deleting the definition of “trucking terminal.”

Section 4. Subsection A of Section 166-4, *Definitions and word usage*, in Article II, *Definitions*, is hereby amended by adding and inserting in correct alphabetical order the following definition:

WAREHOUSE/LOGISTICS USE OR DEVELOPMENT - A use and/or development devoted to the storage of goods, products, and/or materials and/or used for the receipt of bulk products and separation and distribution of those products to other warehouse/ logistics uses/developments or to individual businesses or end-user consumers. A warehouse/logistics use or development may include value-added services between a supplier and its customers such as breaking down of large orders from a single source into smaller orders (break-bulk functions), product mixing, sorting, packaging, cross-docking, order fulfillment, order returns, the consolidation of several orders into one large order for distribution to several recipients and/or vice versa. A warehouse/logistics use/development may be a principal use or an accessory use, as may be permitted by the zoning regulations in Part V of this chapter. Warehouse/logistics uses and developments shall be further defined as small, medium, or large, based upon the following criteria:

<u>Criterion (per lot)</u>	<u>Small</u>	<u>Medium</u>	<u>Large</u>
Gross floor area (sq. ft.)	0-25,000	25,001-150,000	150,001-300,000
Truck/van loading bays/spaces	0-10	11-30	31-40
Truck/van parking/storage/ waiting spaces (excluding loading bays/spaces)	0-10	11-30	31-100

In determining the definition of any warehouse/logistics use, a “truck/van loading bay/ space” means a space or berth used for the loading or unloading of cargo, products, and/or materials to or from trucks or vans, and a “truck/van parking/storage/waiting space” means a space used or designed to be used for the parking, short- or long-term storage, stopping or standing, and/or waiting in line for access to loading bays/spaces by trucks or vans, but excluding the parking of employees’ personal vans in parking spaces if such vans are not used for loading/unloading activities for the warehouse/ logistics use.

If a warehouse/logistics use or development meets some criteria of one size definition and some criteria of another size definition, then the use or development shall be defined based upon the largest size definition that any of its characteristics meet. For

example, a warehouse/logistics use with a gross floor area of 20,000 square feet, 12 loading bays/spaces, and five truck/van parking/storage/waiting spaces would be classified as a medium warehouse/logistics use or development, based upon the number of loading bays/spaces.

Section 5. Subsection F of Section 166-115, *Multiple principal buildings on the same lot; multiple principal uses within the same building; multiple drive-in or drive-through uses on the same lot*, in ARTICLE XIX, *General Provisions*, is hereby amended 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 Site Plan Exemption Committee or the Planning Board, as applicable, 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

Industrial and manufacturing uses, manufacturing uses, wholesale trade uses, construction uses and building trade contractors, construction equipment leasing or storage, warehouse/logistics uses, repair and/or other services to motor vehicles, public utility stations or yards, and uses similar in character to the foregoing.

B

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 6. Article XIX, *General Provisions*, in Part 5, *Zoning*, is hereby amended by adding and inserting a new Section 166-129.1, entitled "Requirements for warehouse/logistics uses and developments," to read as follows:

§ 166-129.1. Requirements for warehouse/logistics uses and developments.

In addition to the requirements set forth for the various zone districts and all other applicable requirements of this chapter, the following requirements shall apply to warehouse/logistics uses as defined by § 166-4. In case of conflict between the requirements of this section and any other requirement of this chapter, the following requirements shall apply, unless specifically stated otherwise.

- A. Maximum height. The maximum building height shall be 50 feet, or the maximum height permitted by the zone district, whichever is more restrictive.
- B. Hours of operation near residential zones. In order to limit negative impacts to area residents, outdoor warehouse/logistics activities located within 250 feet of residential zones shall be prohibited during the hours of 9:00 p.m. to 7:00 a.m. For purposes of administering this requirement:
 - (1) "Outdoor warehouse/logistics activities" include but are not limited to vehicle loading/unloading, packing, breaking, assembling, or arranging material or product, forklift operations, truck/van parking or idling, other truck/van movements, or truck/van/equipment servicing, when any of the foregoing occur outside of a building.
 - (2) "Residential zones" include any zone district designed primarily for residential uses, including but not limited to single-family detached dwellings, single-family attached dwellings (also known as townhouses), and multifamily dwellings, including but not necessarily limited to zone districts having a title beginning with the letters "R," "R-M," "RM-," or "AH-."
 - (3) The 250 feet distance shall be measured between the residential zone boundary and the location of the outdoor activity and/or the area designed and approved for such activity, whichever results in the shorter distance.
- C. Access restrictions, travel routes.
 - (1) Driveway access shall be limited to streets with an existing or proposed right-of-way width of at least 60 feet at the point of access.
 - (2) Driveway access shall be located at least 100 feet from the nearest property line in a residential zone district, measured between the closest point of the driveway (excluding curb returns) to the nearest residential property line, and measured along the centerline of the street between the projections of the driveway and property line.
 - (3) To avoid excessive and undue impacts such as noise, vibration, exhaust, pavement deterioration, etc. upon residential properties or streets in residential areas, or to avoid impacts upon other areas or streets,

including excessive peak hour traffic congestion, the reviewing agency, as part of any site plan or site plan exemption application, may restrict the location of driveway access, the distance between driveways, the direction of travel, the turning movements at driveway intersections with public streets, and the type or size of vehicles permitted to use such driveways.

- (4) Where gates, guard shacks, or checkpoints are proposed at the entrance(s) to the facility, adequate queuing space shall be provided within the property boundaries to prevent stacking of vehicles on or along public streets.
- (5) A traffic study prepared by a professional traffic engineer shall be submitted with any application for development, unless waived by reviewing agency or its designee. Such studies shall include the following:
 - (a) The study shall include the estimated number of trips generated by the development, including but not limited to truck/van trips. If the specific nature of the use is unknown, as in a speculative development, the traffic study shall estimate the number of trips based upon the use having the highest trip generation rates, daily and peak hours, of any use to which the building and site are suitable.
 - (b) The traffic impact study shall include a truck routing map identifying anticipated routes to and from the proposed facility to the Township boundary.
 - (c) The truck routing map shall be consistent with existing truck routing signage and trip distribution data presented in the traffic study and shall identify any new proposed truck routes and necessary truck routing signage.

D. Other requirements.

- (1) Warehouse/logistics uses and/or developments may not include on-site retail sales or wholesale sales to customers as an accessory use unless specifically permitted by this Chapter.
- (2) Each warehouse/logistics use and/or development shall provide off-street loading facilities which meet the minimum requirements of this Chapter and are sufficient to accommodate the maximum demand generated by the use.
- (3) A minimum of one off-street loading space for each loading bay/door shall be provided.

- (4) All loading/unloading spaces and all truck/van parking/storage/waiting spaces shall be delineated on the pavement, and no truck/van loading, unloading, parking, storage, or waiting shall be permitted except in a space delineated for such purposes.
- (5) Each loading space and the needed maneuvering room shall be located entirely on the lot containing the warehouse/logistics use and/or development.
- (6) Each loading space shall have sufficient maneuvering room to avoid conflicts with parking and traffic movements within and outside of the lot. No facility shall be designed or used in such a manner that it creates a safety hazard, public nuisance, or an impediment to traffic off or on the lot.
- (7) All assembly, packing, sorting, and servicing of vehicles or equipment, etc. shall be conducted inside the building or between the building and trucks located in designated loading or unloading spaces or bays or docks adjacent to the building. The foregoing shall not be construed to prohibit any outdoor storage that may be permitted and regulated by this chapter.

Section 7. Section 166-155, *Requirements for other than residential zones*, in Article XXIII, *Off-Street Parking and Loading*, is hereby amended by

§ 166-155. Requirements for other than residential zones.

Use (where permitted)	Minimum Quantity of Parking Spaces
Warehouse/logistics use	1 per 800 square feet of gross floor area

Section 8. Subsection A of Section 166-156, *Off-street loading and unloading space*, in Article XXIII, *Off-Street Parking and Loading*, is hereby amended.

- A. In all districts, for every building or part thereof hereafter erected for or converted to manufacturing, storage, goods display, retail stores, wholesale stores, warehouse/logistics uses, markets, hospitals, laundries, dry cleaning, offices or other uses similarly requiring the receipt or distribution in vehicles of materials or merchandise there shall be provided on the same premises at least one loading or unloading space, provided that additional spaces may be required if determined necessary by the reviewing agency to accommodate the needs of the use and to avoid inappropriate parking, stopping or standing of trucks. In developments containing more than one principal building, the sharing of one or more loading spaces between multiple buildings shall be permitted if the applicant demonstrates that such space(s) will function appropriately.

Section 9. Paragraphs (7) and (8) in Subsection A of Section 166-182, *Prohibited uses*, in Article XXX, *B Business District*, are hereby amended to read as follows:

- (7) Warehouse/logistics uses as defined in § 166-4, unless accessory to a permitted principal use.
- (8) Storage yards, unless accessory to a permitted principal use.

Section 10. The opening paragraph in Subsection A of Section 166-183.2, *Permitted principal uses*, in Article XXXA, *B-10 Highway Business District*, is hereby amended to read as follows:

- A. The permitted principal uses in the B-10 Zone District overlay in the I – Industrial Zone District shall be limited to those set forth below.

Section 11. The opening paragraph in Subsection B of Section 166-183.2, *Permitted principal uses*, in Article XXXA, *B-10 Highway Business District*, is hereby amended to read as follows:

- B. The permitted principal uses in the B-10 Zone District shall be limited to those set forth below. When provided, the number in parentheses following the uses listed below refers to the code number assigned by the North American Industry Classification System (NAICS), 2017 edition, and such use shall be defined as described in the text of that document, available online at <http://www.census.gov/eos/www/naics/>. The following list is subject to any applicable use limitations set forth in this chapter:

Section 12. Paragraph (1)(k) in Subsection B of Section 166-183.2, *Permitted principal uses*, in Article XXXA, *B-10 Highway Business District*, is hereby amended to read as follows:

- (k) Nonstore retailers, limited to electronic shopping and mail-order houses (4541), but excluding warehouse/logistics uses as defined by § 166-4, unless permitted by Subsection B(16) below.

Section 13. Section 166-183.5, *Prohibited uses and use limitations*, in Article XXXA, *B-10 Highway Business District*, is hereby amended by adding and inserting a new Subsection I, to read as follows:

- I. Warehouse/logistics uses as defined in § 166-4, unless specifically permitted or unless accessory to a permitted principal use.

Section 14. Paragraph (1)(l) in Subsection A of Section 166-183.10, *Permitted principal uses*, in Article XXXB, *B-10W Highway Business District*, is hereby amended to read as follows:

- (l) Nonstore retailers, limited to electronic shopping and mail-order houses (4541), but excluding warehouse/logistics uses.

Section 15. Section 166-183.13, *Prohibited uses and use limitations*, in Article XXXB, *B-10W Highway Business District*, is hereby amended by adding and inserting a new Subsection I, to read as follows:

- I. Warehouse/logistics uses as defined in § 166-4, unless accessory to a permitted principal use.

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

- G. Warehouse/logistics uses as defined in § 166-4, unless accessory to a permitted principal use.

Section 17. Section 166-186.16, *Prohibited uses*, in Article XXXIC, *WC Whippany Center District*, is hereby amended by adding and inserting a new Subsection J, to read as follows:

- J. Warehouse/logistics uses as defined in § 166-4, unless accessory to a permitted principal use.

Section 18. Section 166-188, *Prohibited uses*, in Article XXXII, *D-S Designed Shopping Center District*, is hereby amended by adding and inserting a new Subsection E, to read as follows:

- E. Warehouse/logistics uses as defined in § 166-4, unless accessory to a permitted principal use.

Section 19. Subsection A of Section 166-189.8, *Accessory uses, prohibited uses and use limitations*, in Article XXXIIB, *O-S Office - Services District*, is hereby amended to read as follows:

- A. Permitted accessory uses shall be limited to uses which are naturally and normally incidental to and subordinate to the permitted principal use or uses on the premises, including but not limited to parking and loading areas, signs and other outdoor use functions. For certain uses, permitted accessory uses include food preparation, serving and dining facilities. Warehouse/logistics uses as defined in § 166-4 shall be permitted only when accessory to a permitted principal use.

Section 20. Section 166-190, *Primary intended use*, in Article XXXIII, *OB-RL Office Building and Research Laboratory District*, is hereby amended to change the section title to "Permitted uses and structures," and to amend the remainder of the section to read as follows:

§ 166-190. Permitted uses and structures.

The permitted uses and structures in the OB-RL Office Building and Research Laboratory Zone District shall be as follows; provided, however, that any part of the OB-RL Zone that falls within an area defined as an airport hazard area in the Air Safety and Hazardous Zoning Act of 1983, N.J.A.C. 16:62 et seq., as amended May 15, 1989, shall comply with the provisions of said chapter. State-licensed hospitals and nursing homes are not permitted within any part of an area that falls within said airport hazard area.

- A. Professional, executive, or administrative offices.
- B. Laboratories devoted exclusively to research design and experimentation.
- C. State-licensed hospitals and nursing homes.
- D. Indoor physical fitness facilities.
- E. Conditional uses as permitted and regulated in Article XXI of this chapter.
- F. Data processing centers, but only within a planned commercial development.
- G. Planned commercial developments (PCD). The permitted principal uses within a planned commercial development shall be limited to professional, executive or administrative offices, laboratories devoted exclusively to research design and experimentation and data processing centers.
- H. Planned industrial developments (PID) as hereinafter regulated in § 166-192L. The permitted principal uses within a planned industrial development shall be limited to laboratories devoted exclusively to research design and experimentation.
- I. More than one principal building on a lot in the OB-RL Zone is only permitted where said buildings are part of an approved PCD or PID as herein regulated.
- J. Pilot plants for the testing of manufacturing, processing or fabrication methods or for the testing of products or materials shall be permitted only as an accessory use to a research laboratory.
- K. Uses and structures accessory to business and professional offices, data processing centers and research laboratories, shall be permitted, including garages for the storage and maintenance of company, employee and visitor motor vehicles and the storage of gasoline and lubricating oils therefor; parking facilities; maintenance and utility shops for the upkeep and repair of buildings and structures and service; central heating and power plants for furnishing heat and electrical energy to structures on the site only or, in the

case of planned development, on the overall planned development tract; training schools for employees; buildings for the storage of documents, records and personal property; communication facilities; and clinics, dining and recreational facilities, banks, post offices, company stores and guest lodges to be used only by company employees and by visitors to the building or buildings, provided that such uses are planned as an integral part of the development.

- L. Other uses and structures which are naturally and normally incidental to and subordinate to the permitted principal use or uses on the premises shall be permitted, including but not limited to parking and loading areas, signs and outdoor use functions not otherwise prohibited.

Section 21. Subsection K of Section 166-191, *Prohibited uses*, in Article XXXIII, *OB-RL Office Building and Research Laboratory District*, is hereby amended to read as follows:

- K. Warehouse/logistics uses as defined in § 166-4, except when accessory to a permitted principal use.

Section 22. Section 166-191, *Prohibited uses*, in Article XXXIII, *OB-RL Office Building and Research Laboratory District*, is hereby amended by adding and inserting new Subsections P, Q, R, and S, to read as follows:

- P. No materials or finished products shall be manufactured, processed or fabricated on said premises for sale, except such as are incidental to permitted laboratory research, design or experimental work.
- Q. No manufactured or commercial explosives shall be kept, maintained or stored on said premises, except in small quantities for laboratory research, design or experimental use, and then only in compliance with all applicable federal, state and local safety statutes.
- R. No animal shall be kept or maintained for laboratory research, design or experimental work unless a written permit is first obtained from the Board of Health.
- S. No use permitted shall be of such nature as to endanger neighboring properties, nor shall any such use be so conducted as to be noxious or offensive by reason of odor, dust, smoke, gas, vibration, or noise.

Section 23. Section 166-193.2, *Prohibited uses*, in Article XXXIIIA, *OB-DS Office Building — Designed Shopping Center District*, is hereby amended by adding and inserting a new Subsection G, to read as follows:

- G. Warehouse/logistics uses as defined in § 166-4, unless accessory to a permitted principal use.

Section 24. Section 166-193.6, *Prohibited uses*, in Article XXXIIIB, *OB-RL3 Office Building and Research Laboratory District*, is hereby amended to read as follows:

§ 166-193.6. Prohibited uses.

Any use other than those uses permitted in § 166-193.5 above is prohibited. In addition, the following uses shall be specifically prohibited:

- A. Retail sales unless accessory to a permitted principal use.
- B. Residential construction or use.
- C. Public or commercial incineration.
- D. Junkyards.
- E. Dumps, lagoons or pits for the disposal or storage of garbage, trash or any other liquid or solid waste materials, except by the municipality or its agent.
- F. Sand, clay, or gravel pits.
- G. Tar plants.
- H. The storage and repair of heavy construction equipment either within or outside the confines of a building, such as but not necessarily limited to dump trucks, backhoes, bulldozers, road graders, cranes, front-end loaders, flatbed trailers, portable or stationary cement mixers, compactors, rollers or blacktop paving machines.
- I. Amusement devices unless accessory to a permitted principal use. Nothing contained herein shall be construed to permit amusement devices that are available for operation to the general public. Their use shall be limited to company employees and visitors.
- J. Warehouse/logistics uses as defined in § 166-4, except when accessory to a permitted principal use.
- K. Refuse separation and recycling stations.
- L. Refuse transfer stations.
- M. Resource recovery plants.
- N. In addition to the above uses, none of the following additional uses shall be permitted in any part of an OB-RL3 Zone that falls within an area defined as an airport hazard area in the Air Safety and Hazardous Zoning Act, Chapter 260 of the Laws of 1983:
 - (1) Schools.

- (2) Bulk flammable or bulk compressed gas storage.
 - (3) Single uses that would attract crowds in excess of 500 persons.
 - (4) Uses that may attract massing birds, including landfills.
 - (5) Above-grade major utility transmission lines/mains.
 - (6) State-licensed hospitals and nursing homes.
- O. No materials or finished products shall be manufactured, processed, or fabricated on said premises for sale, except such as are incidental to permitted laboratory research, design or experimental work.
- P. No manufactured or commercial explosives shall be kept, maintained, or stored on said premises, except in small quantities for laboratory research, design or experimental use, and then only in compliance with all applicable federal, state and local safety statutes.
- Q. No animal shall be kept or maintained for laboratory research, design or experimental work unless a written permit is first obtained from the Board of Health.
- S. No use permitted shall be of such nature as to endanger neighboring properties, nor shall any such use be so conducted as to be noxious or offensive by reason of odor, dust, smoke, gas, vibration, or noise.

Section 25. Section 166-194, *Primary intended use*, in Article XXXIV, *I Industrial Districts*, is hereby amended to change the section title to "Permitted uses and structures," and to amend Subsections A and B of the section to read as follows:

§ 166-194. Permitted uses and structures.

- A. The following uses shall be permitted in the I – Industrial District; provided, however, that any part of the I Zone that falls within an area defined as an airport hazard area in the Air Safety and Hazardous Zoning Act of 1983, 2 N.J.A.C. 16:62 et seq., as amended May 15, 1989, shall comply with the provisions of said chapter:
- (1) Industrial uses as defined by § 166-4.
 - (2) Small, medium, and large warehouse/logistics uses as defined by § 166-4.
 - (3) Professional, executive, or administrative offices.
 - (4) Laboratories devoted exclusively to research design and experimentation.

- (5) State-licensed hospitals and nursing homes.
- (6) Indoor physical fitness facilities.
- (7) Data processing centers, but only within a planned commercial development.
- (8) Planned commercial developments (PCD) and planned industrial developments (PID). The permitted principal uses within a planned commercial development shall be limited to professional, executive, or administrative offices, laboratories devoted exclusively to research design and experimentation and data processing centers. The permitted principal uses within a planned industrial development shall be limited to laboratories devoted exclusively to research design and experimentation.
- (9) Conditional uses as permitted and regulated in Article XXI of this chapter.
- (10) Accessory uses and structures customarily subordinate and incidental to the permitted principal uses above.

B. (Reserved)

Section 26. Subsection K of 166-195, *Prohibited uses*, in Article XXXIV, *I Industrial Districts*, is hereby amended to read as follows:

K. Warehouse/logistics uses having characteristics that exceed any of the criteria for large warehouse/logistics uses in the definition of "warehouse/logistics use" in § 166-4.

Section 27. Section 166-198, *Primary intended use*, in Article XXXV, *I-2 Industrial District*, is hereby amended to change the section title to "Permitted and prohibited uses and structures," and to amend the remainder of the section to read as follows:

§ 166-198. Permitted and prohibited uses and structures.

The uses and structures permitted and prohibited in the I-2 Industrial Zone District shall be as set forth below. The intensity of operations shall not exceed the limitations imposed by the performance standards set forth in § 166-197 of this chapter.

A. Permitted uses shall be limited to:

- (1) Industrial uses as defined by § 166-4.
- (2) Small and medium warehouse/logistics uses as defined by § 166-4.
- (3) Professional, executive, or administrative offices.

- (4) Laboratories devoted exclusively to research design and experimentation.
- (5) State-licensed hospitals and nursing homes.
- (6) Indoor physical fitness facilities.
- (7) Data processing centers, but only within a planned commercial development.
- (8) Planned commercial developments (PCD) and planned industrial developments (PID). The permitted principal uses within a planned commercial development shall be limited to professional, executive, or administrative offices, laboratories devoted exclusively to research design and experimentation and data processing centers. The permitted principal uses within a planned industrial development shall be limited to laboratories devoted exclusively to research design and experimentation.
- (9) Conditional uses as permitted and regulated in Article XXI of this chapter.
- (10) Accessory uses and structures customarily subordinate and incidental to the permitted principal uses above.

B. Any use not specifically permitted shall be prohibited. No land or building shall be used or occupied for a use which will in any manner create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness or movement of air; electrical or other disturbance; glare; or liquid or solid wastes; in any manner or amount unless it conforms to the performance standards of § 166-197. In addition, the following uses shall be specifically prohibited:

- (1) Residential construction or use.
- (2) Retail or wholesale sales and services, unless accessory to a permitted principal use.
- (3) Public or commercial incineration.
- (4) Junkyards.
- (5) Dumps, lagoons or pits for the disposal or storage of garbage, trash or any other liquid or solid waste materials, except by the municipality or its agent.
- (6) Sand, clay or gravel pits, quarries or any commercial processing of earth or mineral extraction.

- (7) Tar plants and concrete or bituminous concrete processing plants.
- (8) The storage and repair of heavy construction equipment either within or outside the confines of a building, such as but not necessarily limited to dump trucks, backhoes, bulldozers, road graders, cranes, front-end loaders, flatbed trailers, portable or stationary cement mixers, compactors, rollers or blacktop paving machines.
- (9) Amusement devices, unless an integral part of the permitted accessory uses. Nothing contained herein shall be construed to permit amusement devices that are available for operation to the general public. Their use shall be limited to company employees and visitors.
- (10) Warehouse/logistics uses having characteristics that exceed any of the criteria for medium warehouse/logistics uses in the definition of "warehouse/logistics use" in § 166-4.
- (11) Refuse separation and recycling stations and refuse transfer stations.
- (12) Resource recovery plants.
- (13) The following additional uses in any part of an I-2 Zone that falls within an area defined as an airport hazard area in the Air Safety and Hazardous Zoning Act, Chapter 260 of the Laws of 1983:
 - (a) Schools.
 - (b) Bulk flammable or bulk compressed gas storage.
 - (c) Single uses that would attract crowds in excess of 500 persons.
 - (d) Uses that may attract massing birds, including landfills.
 - (e) Above-grade major utility transmission lines/mains.

Section 28. Subsection A of Section 166-203.2, *Permitted uses*, in Article XXXVIA, *I-B2 Industrial-Business District*, is hereby amended to read as follows:

- A. Industrial uses and small warehouse/logistics uses, both as defined in § 166-4.

Section 29. Paragraph (1)(a) in Subsection N of Section 166-203.4, *Required conditions*, in Article XXXVIA, *I-B2 Industrial-Business District*, is hereby amended to read as follows:

- (a) A self-service storage facility shall be designed and used for the storage of personal goods and property by a resident or business, provided that such storage shall not be of a type that could be characterized as a warehouse/logistics use as defined in § 166-4 for the shipping, delivery, receipt

or transfer of goods related to a nonresidential operation; only the storage of goods and property deemed to be of surplus or limited utility requiring temporary storage shall be permitted. Outdoor storage of vehicles shall also be permitted as regulated herein. It is the intent of this subsection to permit only storage that requires only infrequent site visitation by users of the facility, and not to permit storage that requires frequent site visitation by users of the facility.

Section 30. Subsection A in Section 166-203.6, *Permitted principal uses*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended to read as follows:

§ 166-203.6. Permitted principal uses.

The permitted principal uses in the I-B3 Zone District shall be limited to the following:

- A. Industrial uses as defined in § 166-4.

Section 31. Section 166-203. 8, *Prohibited uses*, in Article XXXVIB, *I-B3 Industrial and Business District*, is hereby amended by adding and inserting a new Subsection K to read as follows:

- K. Warehouse/logistics uses as defined in § 166-4, unless accessory to a permitted principal use.

Section 32. Section 166-204, *Primary intended use*, in Article XXXVII, *I-P Industrial Park District*, is hereby amended to change the section title to "Permitted uses and structures" and to amend the remainder of the section to read as follows:

§ 166-204. Permitted uses and structures.

The following uses shall be permitted in the I-P Industrial Park Zone; provided, however, that any part of the I-P Zone that falls within an area defined as an airport hazard area in the Air Safety and Hazardous Zoning Act of 1983, N.J.S.A. 6:1-81 et seq., as amended, N.J.A.C. 16:62 et seq., as amended May 15, 1989, shall comply with the provisions of said chapter and with the Air Safety and Zoning regulations, N.J.A.C. 16:62-1.1 et seq.:

- A. Professional, executive or administrative offices.
- B. Industrial uses as defined in § 166-4.
- C. Scientific or research laboratories.
- D. State-licensed nursing homes.
- E. Indoor physical fitness facilities.
- F. (Reserved)

- G. Municipal uses, institutional uses and nonresidential social assistance establishments as regulated by § 166-138.4 and by this article.
- H. Conditional uses as permitted and regulated in Article XXI of this chapter.
- I. Veterinary services, pet care services and pet boarding services, including as an accessory use outdoor training or exercising areas, and subject to compliance with the requirements of Chapter 117.
- J. Small warehouse/logistics uses as defined by § 166-4.
- K. Accessory uses and structures customarily subordinate and incidental to the permitted principal uses above.

Section 33. The opening paragraph of Section 166-205, *Prohibited uses*, in Article XXXVII, I-P Industrial Park District, is hereby amended to read as follows:

§ 166-205. Prohibited uses.

Any use not specifically permitted shall be prohibited. No land or building shall be used or occupied for a use which will in any manner create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution, heat, cold, dampness or movement of air; electrical or other disturbance; glare, or liquid or solid waste in any manner or amount unless it conforms with the performance standards of § 166-197 or any use which shall be detrimental to the health, safety, morals or general welfare of the Township of Hanover. In addition, the following uses are specifically prohibited:

Section 34. Subsections F, G, and L of Section 166-205, *Prohibited uses*, in Article XXXVII, I-P Industrial Park District, are hereby amended to read as follows:

- F. Self-service storage facilities, as defined in § 166-4.
- G. (Reserved).
- L. Warehouse/logistics uses having characteristics that exceed any of the criteria for small warehouse/logistics uses in the definition of "warehouse/logistics use" in § 166-4.

Section 35. Subsections A, B, and C of Section 166-207.4, *Permitted uses and structures*, in Article XXXVII B, I-4 Industrial District, are hereby amended to read as follows:

- A. Industrial uses, as defined in § 166-4, that comply with the performance standards in § 166-197 of this chapter.
- B. "Flex-buildings," defined as one- or two-story buildings designed to accommodate a variety of uses and internal space layouts, and limited to

industrial uses, offices, research laboratories and ancillary uses to the foregoing.

- C. Small, medium, and large warehouse/logistics uses as defined by § 166-4.

Section 36. Subsection C of Section 166-207.5, *Prohibited uses*, in Article XXXVII B, I-4 Industrial District, is hereby amended to read as follows:

- C. Warehouse/logistics uses having characteristics that exceed any of the criteria for large warehouse/logistics uses in the definition of "warehouse/logistics use" in § 166-4.

Section 37. Subsection A of Section 166-207.7, *Permitted uses and structures*, in Article XXXVII C, I-5 Industrial District, is hereby amended to read as follows:

- A. Industrial uses, as defined in § 166-4, that comply with the performance standards in § 166-197 of this chapter.

Section 38. Section 166-207.7, *Permitted uses and structures*, in Article XXXVII C, I-5 Industrial District, is hereby amended by adding and inserting a new Subsection J, to read as follows:

- J. Small and medium warehouse/logistics uses as defined by § 166-4.

Section 39. Section 166-207.8, *Prohibited uses*, in Article XXXVII C, I-5 Industrial District, is hereby amended to read as follows:

§ 166-207.8. Prohibited uses.

Any use other than those uses permitted in § 166-207.7 above is prohibited. No land or building shall be used or occupied for a use which will in any manner create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness or movement of air; electrical or other disturbance; glare; or liquid or solid wastes; in any manner or amount unless it conforms to the performance standards of § 166-197. In addition, the following uses are specifically prohibited:

- A. Residential construction or conversion.
- B. Business construction or conversion, unless permitted by § 166-207.7 or unless as an accessory use; provided, however, that amusement devices are only permitted as an accessory use to those uses as permitted and regulated in § 166-181.
- C. Public or commercial incineration.
- D. Junkyards.

- E. Dumps, lagoons or pits for the disposal or storage of garbage, trash or any other liquid or solid waste material, except by the municipality or its agent.
- F. Sand, clay or gravel pits, quarries or any commercial processing of earth or mineral extraction.
- G. Tar plants and concrete or bituminous concrete processing plants.
- H. Retail sales or services, unless permitted by § 166-207.7.
- I. The storage and repair of heavy construction equipment either within or outside the confines of a building, such as but not necessarily limited to dump trucks, backhoes, bulldozers, road graders, cranes, front-end loaders, flatbed trailers, portable or stationary cement mixers, compactors, rollers or blacktop paving machines.
- J. Warehouse/ logistics uses having characteristics that exceed any of the criteria for medium warehouse/logistics uses in the definition of “warehouse/logistics use” in § 166-4 shall be prohibited.
- K. Refuse separation and recycling stations.
- L. Refuse transfer stations.
- M. Resource recovery plants.
- N. In addition to the above uses, none of the following additional uses shall be permitted in any part of an I Zone that falls within an area defined as an airport hazard area in the Air Safety and Hazardous Zoning Act, Chapter 260 of the Laws of 1983:
 - (1) Schools.
 - (2) Bulk flammable or bulk compressed gas storage.
 - (3) Single uses that would attract crowds in excess of 500 persons.
 - (4) Uses that may attract massing birds, including landfills.
 - (5) Above-grade major utility transmission lines/mains.

Section 40. Subsection A of Section 166-207.10, *Permitted uses and structures*, in Article XXXVIID, *I-P2 Industrial Park District*, is hereby amended to read as follows:

§ 166-207.10. Permitted uses and structures.

The following uses shall be permitted in the I-P2 Zone District:

- A. Industrial uses, as defined in § 166-4, that comply with the performance standards in § 166-197 of this chapter.

Section 41. Section 166-207.10, *Permitted uses and structures*, in Article XXXVIID, *I-P2 Industrial Park District*, is hereby amended by adding and inserting a new Subsection J, to read as follows:

- J. Small and medium warehouse/logistics uses as defined by § 166-4.

Section 42. Section 166-207.11, *Prohibited uses*, in Article XXXVIID, *I-P2 Industrial Park District*, is hereby amended to read as follows:

§ 166-207.11. Prohibited uses.

Any use other than those uses permitted in § 166-207.10 above is prohibited. In addition, the following uses are specifically prohibited:

- A. Residential construction or conversion.
- B. Public or commercial incineration.
- C. Junkyards.
- D. Dumps, lagoons or pits for the disposal or storage of garbage, trash or any other liquid or solid waste material, except by the municipality or its agent.
- E. Retail sales and service, except as specifically permitted by this article and except conditional uses as regulated in Article XXI; provided, however, that amusement devices are only permitted as an accessory use to those uses as permitted and regulated in § 166-181.
- F. Public warehouses.
- G. Trucking terminals.
- H. Bowling alleys and similar amusement buildings.
- I. Gasoline stations and motor vehicle repair or maintenance establishments.
- J. The storage and repair of heavy construction equipment either within or outside the confines of a building, such as but not necessarily limited to dump trucks, backhoes, bulldozers, road graders, cranes, front-end loaders, flatbed trailers, portable or stationary cement mixers, compactors, rollers or blacktop paving machines.
- K. Warehouse/ logistics uses having characteristics that exceed any of the criteria for medium warehouse/logistics uses in the definition of “warehouse/logistics use” in § 166-4.
- L. Refuse separation and recycling stations.

- M. Refuse transfer stations.
- N. Resource recovery plants.
- O. In addition to the above uses, none of the following additional uses shall be permitted in any part of an I-P2 Zone that falls within an area defined as an airport hazard area in the Air Safety and Hazardous Zoning Act.
 - (1) Schools.
 - (2) Bulk flammable or bulk compressed gas storage.
 - (3) Single uses that would attract crowds in excess of 500 persons.
 - (4) Uses that may attract massing birds, including landfills.
 - (5) Above-grade major utility transmission lines/mains.
 - (6) State-licensed hospitals and nursing homes.
- P. No land or building shall be used or occupied for a use which will in any manner create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution, heat, cold, dampness or movement of air; electrical or other disturbance; glare, or liquid or solid waste in any manner or amount unless it conforms with the performance standards of § 166-197 or any use which shall be detrimental to the health, safety, morals or general welfare of the Township of Hanover.

Section 43. Subsection A of Section 166-207.13, *Permitted uses and structures*, in Article XXXVIIIE, *I-R Industrial — Recreation District*, is hereby amended to read as follows:

- A. Industrial uses, as defined in § 166-4, and research laboratories, both of which shall comply with the performance standards in § 166-197 of this chapter.

Section 44. Section 166-207.13, *Permitted uses and structures*, in Article XXXVIIIE, *I-R Industrial — Recreation District*, is hereby amended by adding and inserting a new Subsection J, to read as follows:

- J. Small, medium, and large warehouse/logistics uses as defined by § 166-4.

Section 45. Section 166-207.14, *Prohibited uses*, in Article XXXVIIIE, *I-R Industrial — Recreation District*, is hereby amended to read as follows:

§ 166-207.14. Prohibited uses.

Any use other than those uses permitted in § 166-207.13 above is prohibited. In addition, the following uses shall be specifically prohibited:

- A. Residential construction or use.
- B. Retail or wholesale sales and services, unless specifically permitted or accessory to a permitted principal use.
- C. Public or commercial incineration.
- D. Junkyards.
- E. Dumps, lagoons or pits for the disposal or storage of garbage, trash or any other liquid or solid waste materials, except by the municipality or its agent.
- F. Sand, clay or gravel pits, quarries or any commercial processing of earth or mineral extraction.
- G. Tar plants and concrete or bituminous concrete processing plants.
- H. The storage and repair of heavy construction equipment either within or outside the confines of a building, such as but not necessarily limited to dump trucks, backhoes, bulldozers, road graders, cranes, front-end loaders, flatbed trailers, portable or stationary cement mixers, compactors, rollers or blacktop paving machines.
- I. Amusement devices, unless an integral part of the permitted accessory uses. Nothing contained herein shall be construed to permit amusement devices that are available for operation to the general public. Their use shall be limited to company employees and visitors.
- J. Warehouse/logistics uses having characteristics that exceed any of the criteria for large warehouse/logistics uses in the definition of "warehouse/logistics use" in § 166-4.
- K. Refuse separation and recycling stations and refuse transfer stations.
- L. Resource recovery plants.
- M. The following additional uses in any part of an I-R Zone that falls within an area defined as an airport hazard area in the Air Safety and Hazardous Zoning Act, Chapter 260 of the Laws of 1983:
 - (1) Schools.
 - (2) Bulk flammable or bulk compressed gas storage.
 - (3) Single uses that would attract crowds in excess of 500 persons.
 - (4) Uses that may attract massing birds, including landfills.
 - (5) Above-grade major utility transmission lines/mains.

N. No land or building shall be used or occupied for a use which will in any manner create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness or movement of air; electrical or other disturbance; glare; or liquid or solid wastes; in any manner or amount unless it conforms to the performance standards of § 166-197. In addition, the following uses shall be specifically prohibited:

Section 46. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 47. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Hanover, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Township of Hanover are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 48. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63. Upon the adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Township Tax Assessor as required by N.J.S.A. 40:49-2.1.

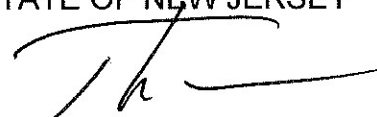
Section 49. This ordinance shall take effect upon publication and in accordance with the law.

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

ATTEST:



Krista M. DiGiorgio, Township Clerk



Thomas "Ace" Gallagher, Mayor

DATE OF INTRODUCTION: April 11, 2024
DATE OF ADOPTION: May 9, 2024