

**TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON
ORDINANCE NO. 2024-09**

AN ORDINANCE OF THE TOWNSHIP OF NORTH HANOVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AMENDING AND REVISING CERTAIN SECTIONS OF CHAPTER 16 “ZONING” OF THE TOWNSHIP CODE, AS AMENDED

WHEREAS, fueling stations with a convenience retail store have become a regular and popular commercial use in New Jersey, including in communities surrounding North Hanover Township; and

WHEREAS, the Township Committee recognizes that such a use would also be appropriate for North Hanover Township and would help to serve its residents; and

WHEREAS, the Township Committee desires to amend the Township’s existing zoning ordinances, specifically Chapter 16 of the Township Code, to permit this type of commercial use within certain commercial zoning districts in the Township, that necessarily would require amending certain associated bulk standards related thereto.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of North Hanover, in the County of Burlington, State of New Jersey, that certain sections of Chapter 16 of the Township Code, entitled “Zoning” be and are hereby amended as follows:

SECTION 1. Amendment to 16-060 Definitions. §16-060 Definitions, of the Code of the Township of North Hanover is hereby amended to include the following (deletions have strikethrough; additions are bolded and underlined; amendments to original ordinance are italicized and highlighted):

Fueling Station with Convenience Retail Sales. ~~*A vehicle fueling station with a retail establishment*~~
~~*A retail facility with a co-located convenience store and fueling station in one (1) or more principal building(s) operating up to twenty-four (24) hours per day, seven (7) days per week, which may offer prepackaged food products and grocery items, hot and cold made-to order drinks and food, household items, tobacco products, newspapers and magazines, in-store ATM and lottery, outside propane kiosk, ice chest and air pump equipment.*~~ ~~*and The use typically includes*~~ **outside facilities for dispensing motor fuels, which may include both gasoline and diesel fuel for light trucks and passenger vehicles under a lit canopy, in addition to electric vehicle supply/service equipment (EVSE).** ~~*The*~~ **s** ~~*Servicing of motor vehicles is not a component of this a Fueling Station w/ Convenience Retail Sales use. Fueling Stations with Convenience Stores shall also comply with the bulk and design requirements established for service stations, per §16-270.*~~

SECTION 2. Amendment to 16-110.1 Principal Permitted Uses. §16-110.1 Principal Permitted Uses, of the Code of the Township of North Hanover is hereby amended as follows (deletions have strikethrough; additions are bolded and underlined):

16.110.1 Principal Permitted Uses.

- A. *No changes.*
- B-S. *No changes.*

- T. Professionals;
- U. Fueling Station with Convenience Retail Sales.**

SECTION 3. **Amendment to 16-110.3 Building Height.** §16-110.3 Building Height, of the Code of the Township of North Hanover is hereby amended as follows (deletions have strikethrough; additions are bolded and underlined):

16-110.3 Building Height. A maximum of four stories or thirty-five feet, except a service station **canopy and a fueling station with convenience retail sales canopy, which shall not exceed** ~~eighteen~~ **23 feet in height**, and, **Further**, where the requirements of the Federal Aviation Administration dictate a lesser maximum height, **the FAA requirements shall apply.**

SECTION 4. **Amendment to 16-200.1 Principal Use.** §16-200.1 Principal Use, of the Code of the Township of North Hanover is hereby amended as follows (deletions have strikethrough; additions are bolded and underlined; amendments to original ordinance are italicized and highlighted):

16-200.1 Principal Use. **Unless otherwise provided in this Chapter, No** lot shall have erected upon it more than one principal use **or principal building or structure.** ~~No more than one principal dwelling or building shall be permitted on one lot except shopping centers and apartments receiving site plan approval where all uses are permitted for that zone and except agricultural uses where the residence and permitted agricultural business are permitted on the same lot. This restriction shall not apply to housing facilities for farm laborers employed on the premises during the term of their employment.~~

A. No more than one principal dwelling or building shall be permitted on one lot except as permitted herein.

B. Planned commercial developments, shopping centers, and fueling stations with convenience retail stores with fuel dispensing may include more than one building and more than one use when all buildings and uses are permitted in the zoning district and when all buildings and uses will be operated and maintained as part of an overall coordinated development.

C. More than one apartment building is permitted on one lot when part of an overall residential development to be operated and maintained as one unified development.

D. Agricultural uses and one primary residential dwelling are permitted on the same lot.

E. The limitation above does not apply to housing facilities for farm laborers residing on the farm during the term of their employment.

SECTION 5. **Amendment to 16-230. 10 Minimum Parking Requirements.** §16-230.10 Minimum Parking Requirements, of the Code of the Township of North Hanover is hereby amended such that the following is to be inserted after "Fire house, one space for each two hundred fifty square feet of G.F.A." and before "Garden Apartments" in that section, as follows (deletions have strikethrough; additions are bolded and underlined, amendments to original ordinance are bolded, underlined and italicized):

Fueling Stations with Convenience Stores, 5.5 spaces per one thousand (1000) square feet of the convenience store's gross floor area

SECTION 6: At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular

weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 7: This Ordinance shall take effect upon final passage and publication according to law.

SECTION 8: The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Municipal Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

SECTION 9: All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.

SECTION 10: If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

On Introduction of Ordinance 2024-09:

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman Doyle			X			
Committeeman Forsyth			X			
Committeeman Kocubinski	X		X			
Deputy Mayor O'Donnell						X
Committeeman DeBaecke		X	X			

NOTICE

This Ordinance published herewith was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of North Hanover held on April 18, 2024. It will be further considered for final passage after a public hearing to be held on May 16, 2024, at the Municipal Building, 41 Schoolhouse Road, Jacobstown, NJ at 7:00 p.m. or as soon thereafter as the matter may be heard, at which time and place any persons desire to be heard upon the same will be given an opportunity to be heard. Copies of said ordinance are available to any member of the general public who wants a copy of the ordinance, free of charge at the Municipal Clerk's Office located in the Township Municipal Building, Monday through Friday, 8:30 a.m. to 4:30 p.m.

Mary Picariello, RMC/CMR/CTC
Municipal Clerk

On Introduction of Ordinance 2024-09, as amended:

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman Doyle			X			
Committeeman Forsyth			X			
Committeeman Kocubinski		X	X			
Deputy Mayor O'Donnell			X			
Mayor DeBaecke	X		X			

NOTICE

At a meeting of the Township Committee of North Hanover Township, held on May 16, 2024, the Township Committee amended Ordinance No.2024-09 which amendments substantially altered the substance of the ordinance, and Ordinance 2024-09, as amended, was introduced and passed upon first reading at the regular meeting of the Township Committee of the Township of North Hanover held on May 16, 2024. It will be further considered for final passage after a public hearing to be held on June 6, 2024, at the Municipal Building, 41 Schoolhouse Road, Jacobstown, NJ at 7:00 p.m. or as soon thereafter as the matter may be heard, at which time and place any person desiring to be heard upon the same will be given an opportunity to be heard. Copies of said ordinance, as amended, are available to any member of the general public who wants a copy of the ordinance, free of charge at the Municipal Clerk's Office located in the Township Municipal Building, Monday through Friday, 8:30 a.m. to 4:30 p.m.

Mary Picariello, RMC/CMR/CTC
Municipal Clerk

On Adoption of Ordinance 2024-09, as amended:

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman Doyle			X			
Committeeman Forsyth			X			
Committeeman Kocubinski	X		X			
Deputy Mayor O'Donnell		X	X			
Mayor DeBaecke			X			

NOTICE

The ordinance read by title upon second reading herewith has been adopted at the meeting of the Township Committee of North Hanover Township, held on June 6, 2024.

Mary Picariello, RMC/CMR/CTC
Township Clerk