

ORDINANCE NO. 11-2023

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AMENDING CHAPTER 166, LAND USE AND DEVELOPMENT, OF THE CODE OF THE TOWNSHIP OF HANOVER BY AMENDING THE REGULATION OF BUILDING HEIGHT IN THE OB-RL AND OB-RL3 ZONE DISTRICTS, AND BY AMENDING THE REGULATION OF SOLAR PANELS

**WHEREAS**, Chapter 166 of the Township Code regulates the height of various structures, including but not limited to buildings and solar panels; and

**WHEREAS**, the Township Committee has become aware of certain discrepancies in such regulations, and these discrepancies are inconsistent with proper planning and the intent of the regulations; and

**WHEREAS**, the Township Committees desires to eliminate these discrepancies in a manner consistent with the original intent of the regulations;

**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.** The opening paragraph of Section 166-138.5.1, *Solar or photovoltaic energy facilities and structures*, is amended to read as follows:

**§ 166-138.5.1. Solar or photovoltaic energy facilities and structures.**

In addition to all other applicable requirements of this chapter, solar or photovoltaic energy facilities and structures shall be permitted in the following locations and shall be subject to the following requirements, except as specifically provided otherwise for solar or photovoltaic energy facilities and structures by this chapter or other applicable law. In case of conflict between the following requirements and the other requirements of this chapter not pertaining specifically to solar or photovoltaic energy facilities and structures, the following shall supersede:

**Section 2.** Paragraph (2) in Subsection L of Section 166-192, *Required conditions*, in Article XXXIII, *OB-RL Office Building and Research Laboratory District*, is amended to read as follows:

- (2) No building or structure shall exceed a maximum of 75 feet in height, exclusive of roof tanks and supports, chimneys or head houses or similar enclosures for elevators or air-conditioning machinery, dish antennas or other apparatus. The foregoing roof structures shall not exceed 10 feet in height, except for enclosures for elevators and stairwells, which shall not exceed 16 feet in height, nor shall the total area of rooftop appurtenances that exceed the permitted building height exceed 5% of the roof area to which they are attached; provided, however, that parking structures shall not exceed a maximum of 46 feet in height, or the height of the principal building or buildings to which they are accessory, whichever results in the lesser parking deck height.

**Section 3.** Subsection B of Section 166-193.8, *Planned industrial development*, in Article XXXIIIB, *OB-RL3 Office Building and Research Laboratory District*, is amended to read as follows:

B. Maximum building height: As required by §166-193.7F.

**Section 4.** 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 5.** 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.

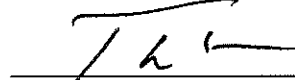
**Section 6.** The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63. Upon the adoption of this Ordinance after 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 7.** This ordinance shall take effect upon publication and in accordance with the law.

ATTEST:

  
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Krista M. DiGiorgio, Township Clerk


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

  
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Thomas "Ace" Gallagher, Mayor

DATE OF INTRODUCTION: March 9, 2023  
DATE OF ADOPTION: April 13, 2023

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CERTIFICATION

I, Krista M. DiGiorgio, Township Clerk of the Township of Hanover, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Committee of said Township on the 13<sup>th</sup> day of April, 2023 at a meeting duly convened, of said Body.

  
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Krista M. DiGiorgio, RMC, Township Clerk