

ORDINANCE NO. 28-2023

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 ZONE DISTRICT, AND BY AMENDING THE REGULATION OF SOLAR PANELS

WHEREAS, solar and photovoltaic energy facilities are defined as inherently beneficial uses by the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. due to the environmental and other benefits as a source of clean and sustainable energy; and

WHEREAS, for the same reasons Chapter 166 of the Township Code permits solar and photovoltaic energy facilities and structures in all the nonresidential zone districts of the Township; and

WHEREAS, in the nonresidential zone districts, solar or photovoltaic energy facilities are permitted to be located on the roof of buildings, on poles, on the ground, or on other structures; and

WHEREAS, the Township Committee, at the recommendation of the Planning Board, believes that it is in the public interest in certain situations to permit solar and photovoltaic energy facilities on the roof of parking structures at a sufficient height to allow for the clearance of motor vehicles beneath such facilities; and

WHEREAS, the Planning Board has identified planned development in the OB- RL zone district as a location where such facilities on the roof of parking decks could be developed without substantial negative detriments to surrounding areas;

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. Paragraphs (2), (3), and (4) in Subsection L of Section 166-192, *Required conditions*, in Article XXXIII, *OB-RL Office Building and Research Laboratory District*, are amended to read as follows:

- (2) No building or structure shall exceed a maximum of 75 feet in height; 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. Roof tanks and supports, chimneys, head houses, or similar enclosures for elevators or air-

conditioning machinery, dish antennas, solar panels or other apparatus mounted on the roof, and any screening for the same, shall not be subject to the foregoing height restrictions, but shall comply with the following requirements:

- (a) Roof-mounted structures shall not exceed 10 feet in height above the level of the roof where they are located, except for solar panels mounted on the roof of a parking deck, which shall not exceed 16 feet in height above the roof level.
 - (b) The total area of rooftop appurtenances that exceed the permitted building height shall not exceed 5% of the area of the roof upon which they are located; provided, however, that solar panels shall be exempt from this area limitation.
 - (c) The reviewing agency, as part of any site plan application or application for site plan exemption, shall determine the need for and manner of screening of roof-mounted structures. The need for and manner of such screening shall be intended to minimize detrimental visual, sound, light, or other impacts from such structures affecting abutting residential zones and streets. Such screening may include, but not be limited to, topographic changes, berms, vegetation, structural features or any combination of the foregoing. Structural screening, if required, shall be designed in a manner compatible with the finish of the exterior building walls.
- (3) No building shall be permitted closer to any tract boundary of a planned development or abutting street than two feet for every foot of building height or 100 feet, whichever results in the greater setback. If the building varies in height, the setback requirement shall apply independently to each portion of the building, based upon the height of such portion. The foregoing building heights shall be exclusive of the height of roof-mounted structures.
 - (4) No building or roofed structure shall be closer to another building or roofed structure than a distance that equals or exceeds the height of the higher building or structure. Enclosed walkways may connect individual buildings and, for the purpose of administering this section, shall not be construed as an integral part of either building. If the building or structure varies in height, the separation requirement shall apply independently to each portion of the building or structure, based upon the height of such portion. The foregoing building heights shall be exclusive of the height of roof-mounted structures.

Section 2. 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 3. 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 4. 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 5. 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

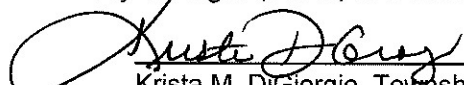


Thomas "Ace" Gallagher, Mayor

DATE OF INTRODUCTION: July 13, 2023
DATE OF ADOPTION: August 10, 2023

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 10th day of August, 2023, at a meeting duly convened, of said Body.



Krista M. DiGiorgio, Township Clerk