

ORDINANCE NO. 10-14

AN ORDINANCE OF THE TOWNSHIP COMMITTEE AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF THE TOWNSHIP LAND USE AND DEVELOPMENT LEGISLATION BY AMENDING THE PROVISIONS CONCERNING SITE PLAN EXEMPTION FOR MINOR CONFORMING DEVELOPMENTS

WHEREAS, Chapter 166 of the Code of the Township currently sets forth various criteria and procedures whereby certain minor conforming development activities may receive an exemption from the requirement to obtain site plan approval from the Planning Board; and

WHEREAS, the Hanover Township Planning Board has recommended that the type and scale of projects eligible for such exemption be expanded; and

WHEREAS, such exemption would promote one of the purposes of the Municipal Land Use Law at N.J.S.A. 40:55D-2m, which is "To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land";

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

Section 1. Paragraph (1) in Subsection E. of Section 166-58., *Filing procedures; developments exempt from review*, in Article IX, *Filing and Review Procedures*, is hereby amended to read as follows:

- (1) Exemption criteria. Only improvements that meet the following criteria may be determined exempt:
 - (a) The development shall be limited to the following, alone or in combination:
 - [1] Changes of use or occupancy.
 - [2] Accessory buildings or other roofed accessory structures that do not exceed 300 square feet of gross floor area.
 - [3] Site improvements, other than accessory buildings or other roofed accessory structures that do not:
 - [a] increase the total improvement coverage on the site by more than 1,000 square feet; and
 - [b] in the case of development limited to demolition activities, grading, landscaping, walkways, fencing, lighting, drainage improvements and similar activities, do not result in site disturbance that exceeds 20,000 square feet.
 - [4] Outdoor dining facilities accessory to a permitted restaurant.
 - [5] Exterior wall finishes, roofs, doors, windows and similar improvements to existing buildings.

- [6] Solar or photovoltaic energy facilities or structures mounted on the roofs of buildings.
- (b) The development shall not include any of the following, which shall be required to obtain site plan approval:
 - [1] New principal buildings or additions to principal buildings.
 - [2] Improvements that require conditional use approval.
 - [3] Freestanding principal signs.
 - [4] Developments that do not fully comply with all applicable conditions of prior approvals for the property.
 - [5] Developments on properties with outstanding health, fire or building code, zoning or traffic safety violations.
 - [6] Developments that in the opinion of the Site Plan Exemption Committee may be harmful to the public health, safety and welfare, or when in the opinion of the Site Plan Exemption Committee the development raises issues or questions of sufficient importance that should be subject to full Planning Board review.
- (c) The proposed development must comply with all applicable provisions of Chapter 166 of the Code entitled Land Use and Development Legislation, including but not limited to the specific and general design guidelines, standards and construction specifications, performance standards, the zoning regulations and all other applicable laws, rules and regulations.

Section 2. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

Section 3. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 4. This ordinance shall take effect in accordance with the law.

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

ATTEST:



Joseph A. Giorgio, Township Clerk



Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: March 13, 2014

DATE OF ADOPTION: April 10, 2014