

ORDINANCE NO. 40-14

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

WHEREAS, Chapter 166 of the Township of Code entitled Lane Use and Development Legislation 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, such site plan 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 and supplemented 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] The following site improvements, other than accessory buildings or other roofed accessory structures:
 - [a] improvements that do not increase the total improvement coverage on the site by more than 1,000 square feet; and
 - [b] development that is limited to demolition activities, tree removal, grading, landscaping, fencing and similar activities; and
 - [c] minor lighting and drainage improvements; and
 - [d] outdoor dining facilities accessory to a permitted restaurant; and
 - [e] exterior wall finishes, roofs, doors, windows and similar improvements to existing buildings; and

- [f] 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 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 OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Ronald F. Francioli, Mayor

Joseph A. Giorgio, RMC, Clerk

DATE OF INTRODUCTION: September 25, 2014

DATE OF ADOPTION: October 23, 2014

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, that the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 25TH day of September, 2014, introduced and ready by title and passed on first reading and the Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 23rd day of October, 2014, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10 in Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATED: October 2, 2014