

ORDINANCE NO. 23-2025

AN ORDINANCE OF THE TOWNSHIP OF HANOVER, MORRIS COUNTY, NEW JERSEY, AMENDING CHAPTER 166 OF THE TOWNSHIP CODE, ENTITLED LAND USE AND DEVELOPMENT, IN ORDER TO CREATE A NEW R-25N ZONE DISTRICT AND REGULATIONS AND TO CHANGE THE CLASSIFICATION FOR VARIOUS PROPERTIES WITH FRONTAGE ON MALAPARDIS ROAD, NEW JERSEY ROUTE 10, AND UKRAINE ROAD FROM THE R-25 ZONE DISTRICT TO THE NEW R-25N ZONE DISTRICT

WHEREAS, the following properties as identified on the Sheet 29 of the Township's tax maps are currently located in and classified as a part of the R-25 Single Family Residence District:

| Block | Lot | Street Address |
|--------------|------------|--------------------------|
| 2901 | 9 | 22 Malapardis Road |
| 2901 | 10 | 32 Malapardis Road |
| 2901 | 11 | 34 Malapardis Road |
| 2901 | 12 | 38 Malapardis Road |
| 2901 | 13 | 42 Malapardis Road |
| 2901 | 14 | 48 Malapardis Road |
| 2901 | 14.01 | 50 Malapardis Road |
| 2901 | 15 | 56 Malapardis Road |
| 2901 | 15.01 | 54 Malapardis Road |
| 2902 | 2 | 5 Malapardis Road |
| 2902 | 3 | 1031 Route 10 |
| 2903 | 11 | 71 Malapardis Road |
| 2903 | 12 | 67 Malapardis Road |
| 2903 | 13 | 61 Malapardis Road |
| 2903 | 14 | 57 Malapardis Road |
| 2903 | 15 | 51 Malapardis Road |
| 2903 | 16 | 45 Malapardis Road |
| 2903 | 17.01 | 43 Malapardis Road |
| 2903 | 18.01 | 41 Malapardis Road |
| 2903 | 19 | 39 Malapardis Road |
| 2903 | 20 | 33 Malapardis Road |
| 2903 | 21 | 27 Malapardis Road |
| 2903 | 22 | 25 Malapardis Road |
| 2903 | 23 | Off Malapardis Road; and |

WHEREAS, the Planning Board has performed an analysis of the character of the development of these properties, which are predominantly developed with single-family residential dwellings; and

WHEREAS, the Planning Board's analysis found that these properties are largely nonconforming with respect to the minimum lot width, minimum average lot width, minimum front yard depth, minimum side yard depth, and minimum combined side yard depth requirements of the R-25 zone district; and

WHEREAS, one of the primary objectives of the zoning requirements in the single-family zone districts is to protect the existing character of the neighborhood; and

WHEREAS, when the zoning regulations are more restrictive than the existing neighborhood character, this discourages investment by property owners seeking to improve their properties due to the time and expense needed to obtain variance relief; and

WHEREAS; pursuant to the Municipal Land Use Law, variance relief may only be granted for exceptional or particular situations, and not when the situations are typical, the appropriate means of relief, if warranted, is through an amendment of the zone regulations, not through the grant of variances; and

WHEREAS, to promote the public good in addressing the discrepancy between the existing character of and zoning regulations for this area of the Township, the Township Committee proposes to change the zone classification of these properties to a new R-25N zone district, with regulations that are more consistent with the character of the area;

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. Section 166-107, *Enumeration of districts*, in Article XVIII, *Districts and Zoning Map*, is hereby amended to read as follows:

§ 166-107. Enumeration of districts.

For the purposes of this chapter, the Township of Hanover is divided into various zone districts, known as:

R-40 Single Family Residence District
R-40N Single Family Residence District
R-30 Single Family Residence District
R-25N Single Family Residence District
R-25 Single Family Residence District
R-21 Single Family Residence District
R-15 Single Family Residence District
R-10 Single Family Residence District
R-10A Residence District
R-M Residence District
RM-2 Residence District
RM-3 Residence District
RM-4 Residence District
RM-5 Residence District
RM-6 Residence District
RM-7 Residence District
AH-1 Affordable Housing Overlay District

AH-2 Affordable Housing Overlay District
B Business District
B-P2 Business and Professional District
B-10 Highway Commercial District
B-10W Highway Commercial District
WC Whippany Center District
D-S Designed Shopping Center District
O-S Office-Services District
OB-RL Office Building and Research Laboratory District
OB-DS Office Building - Designed Shopping Center District
OB-RL3 Office Building and Research Laboratory District
I Industrial District
I-2 Industrial District
I-4 Industrial District
I-5 Industrial District
I-P Industrial Park District
I-P2 Industrial Park District
I-B2 Industrial-Business District
I-B3 Industrial-Business District
I-R Industrial - Recreation District
I-7 Industrial Overlay District
A Airport District
PU Public Use District

Section 2. Subsection A of Section § 166-108, *Zoning Map*, in Article XVIII, *Districts and Zoning Map*, is hereby amended to read as follows:

A. The Zone Map delineating the zone districts within the Township, entitled "Zoning Map, Township of Hanover, Morris County, New Jersey," dated September 2025, is hereby declared to be a part of this chapter.

Section 3. Chapter 166, *Land Use and Development*, is hereby amended by adding and inserting a new Article XXVC, *R-25N Single Family Residence District*, to read as follows:

ARTICLE XXVC

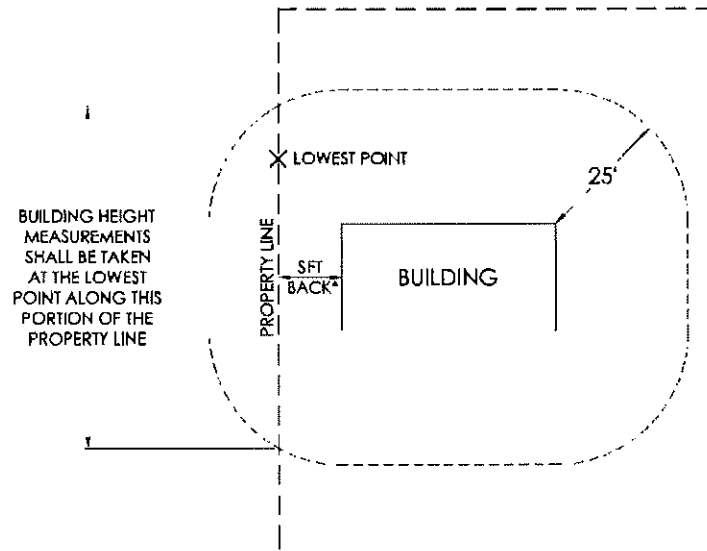
R-25N Single Family Residence District

§ 166-167.3. District regulations.

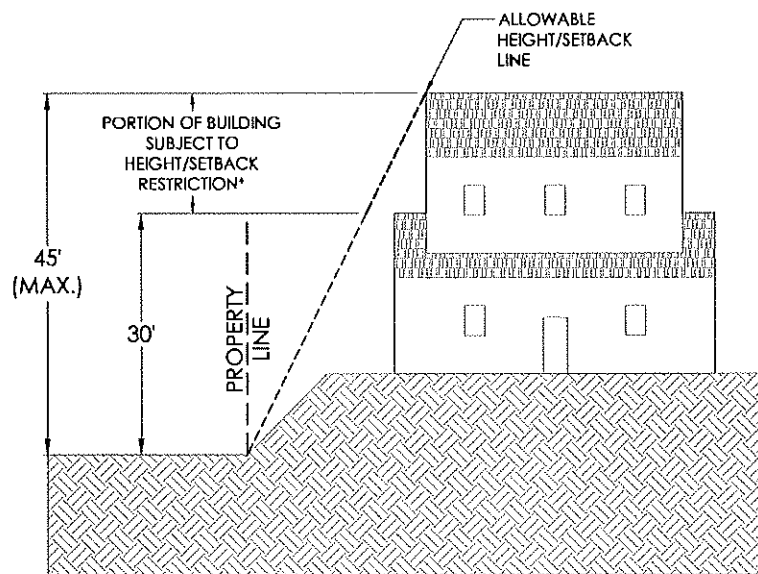
- A. Permitted principal uses and structures. The following principal uses and structures shall be permitted in the R-25N Zone District:
- (1) Single-family residential uses in detached single-family residential structures;
 - (2) Community residences and shelters;
 - (3) Public buildings and uses;
 - (4) Houses of worship;
 - (5) Public libraries and schools limited to those included within the definition of institutional uses" in § 166-4;
 - (6) Home medical offices permitted by § 166-115.1; and

- (7) Home occupations permitted by § 166-115.1.
- B. Conditional uses and structures. No conditional uses and structures shall be permitted in the R-25N District.
- C. Permitted accessory uses and structures. The following accessory uses and structures shall be permitted in the R-25N Zone District:
- (1) Accessory buildings and roofed accessory structures permitted by § 166-114 and § 166-118;
 - (2) Outdoor storage permitted by § 166-124;
 - (3) Patios and decks permitted by § 166-136;
 - (4) Outdoor recreational facilities permitted by § 166-136.1;
 - (5) The keeping of animals permitted by § 166-136.2;
 - (6) Antennas permitted by § 166-138.1;
 - (7) Fences and walls permitted by § 166-138.2;
 - (8) Family day-care homes permitted by § 166-138.3;
 - (9) Solar or photovoltaic energy facilities and structures permitted by § 166-138.5.1;
 - (10) Signs permitted by Article XX;
 - (11) Driveways and off-street parking facilities as permitted by § 166-154; and
 - (12) Other accessory uses and structures customarily subordinate and incidental to permitted principal uses.
- D. Prohibited uses and structures. Any use or structure other than those uses or structures permitted in Subsection A, B or C above are prohibited, unless specifically permitted by other superseding law.
- E. Lot and bulk regulations, single-family residential use. The following bulk and lot regulations shall apply to single-family residential development within the R-25N Zone District:
- (1) Minimum lot area. Each lot shall contain an area of at least 25,000 square feet.
 - (2) Minimum lot width. Each lot shall have a width of at least 90 feet, measured parallel to and at a distance of 100 feet from the front lot line, and as set forth in the definition of "lot width" in § 166-4.
 - (3) Minimum average lot width. Each lot shall have an average width of at least 90 feet within 160 feet of the front lot line, and as set forth in the definition of "lot width" in § 166-4.
 - (4) Minimum lot frontage. Each lot shall comply with the frontage requirements of § 166-121.
 - (5) Minimum lot depth. Each lot shall have a depth, as defined by § 166-4 of at least 160 feet.
 - (6) Minimum front yard depth. Each front yard, as defined and regulated by § 166-4 and § 166-113, shall have a depth of at least 30 feet.

- (7) Minimum depth of each side yard. One side yard, as defined and regulated by § 166-4 and § 166-113, shall have a depth of at least 10 feet, for principal buildings up to 25 feet high. For principal buildings greater than 25 feet high, one side yard, as defined and regulated by § 166-4 and § 166-113, shall have a depth of at least 15 feet. For all principal buildings, the second side yard shall have a depth of at least 20 feet. 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.
- (8) Minimum combined depth of both side yards. The combined depth of both side yards, as defined and regulated by § 166-4 and § 166-113, shall be the greater of:
 - (a) The sum of the minimum side yard depth for each side yard, as set forth in Subsection E(7) above; or
 - (b) Thirty percent of the lot width at a distance of 50 feet from the front lot line and as set forth in the definition of "lot width" in § 166-4.
- (9) Minimum rear yard depth. Each rear yard, as defined and regulated by § 166-4 and § 166-113, shall have a depth of at least 50 feet.
- (10) Maximum building height. Principal buildings shall not exceed a height, as set forth in the definition of "height of building or structure" in § 166-4, of 35 feet, and no principal building shall contain more than 2 1/2 stories above finished grade.
- (11) Maximum height-setback ratio. The height of the principal building shall not be greater than 2.2 times the distance of the building from any property line located within 25 feet of the building, except as provided otherwise below. For purposes of administering this requirement, the following shall apply:
 - (a) The height of the building shall be measured between the building roof and the lowest finished grade at any property line within 25 feet of the building.
 - (b) The distance of the building from the property line shall be measured perpendicular to the property line.
 - (c) No building shall be required to have a height of less than 30 feet above the lowest finished grade at the lot line within 25 feet of the building.
 - (d) No building shall be permitted to have a height greater than 45 feet above the lowest finished grade at the lot line within 25 feet of the building.
 - (e) If the building varies in height, the foregoing requirements shall apply independently to each portion of the building, based upon the height of such portion.
 - (f) In case of conflict between the provisions of this Subsection E(11) and the maximum height limitations or the minimum yard requirements for the district, the more restrictive requirement shall apply.
 - (g) The following diagrams illustrate the foregoing requirements:



* FOR THIS REGULATION, SETBACK IS MEASURED PERPENDICULAR FROM THE PROPERTY LINE.



* FOR THIS REGULATION, BUILDING HEIGHT IS MEASURED FROM THE LOWEST POINT AT THE PROPERTY LINE WITHIN 25 FEET OF THE BUILDING.

- (12) Maximum floor area ratio. The floor area ratio on each lot, as defined and measured in § 166-4 and § 166-113.2, shall comply with the requirements set forth in § 166-113.1.
- (13) Maximum coverage by buildings and abovegrade structures. The building coverage on each lot, as defined by § 166-4, shall comply with the requirements set forth in § 166-113.1.
- (14) Maximum improvement coverage. The improvement coverage on each lot, as defined by § 166-4, shall comply with the requirements set forth in § 166-113.1.

- F. Regulations for other permitted principal uses. The following regulations shall apply to development for permitted principal uses other than single-family detached residences within the R-25N Zone District:
- (1) Community residences and shelters shall comply with the regulations for single-family detached residential development.
 - (2) Houses of worship shall comply with the regulations in § 166-138.4.
 - (3) Libraries and schools shall comply with the regulations in § 166-138.4.
 - (4) Home medical offices shall comply with the regulations in § 166-115.1.
 - (5) Home occupations shall comply with the regulations in § 166-115.1.
- G. Other regulations. In addition to the above requirements, any development in the R-25N Zone District must comply with all applicable regulations of this chapter, including but not limited to the following:
- (1) The regulations for accessory buildings and roofed accessory structures in § 166-114 and § 166-118;
 - (2) The regulations for outdoor storage in § 166-124;
 - (3) The regulations for patios and decks in § 166-136;
 - (4) The regulations for outdoor recreational facilities in § 166-136.1;
 - (5) The regulations for antennas in § 166-138.1;
 - (6) The regulations for fences and walls in § 166-138.2;
 - (7) The regulations for family day-care homes in § 166-138.3;
 - (8) The regulations for solar or photovoltaic energy facilities and structures in § 166-138.5.1;
 - (9) The regulations for the keeping of animals in § 166-136.2;
 - (10) The regulations for signs in Article XX; and
 - (11) The regulations for driveways and off-street parking facilities as in Article XXIII.

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.

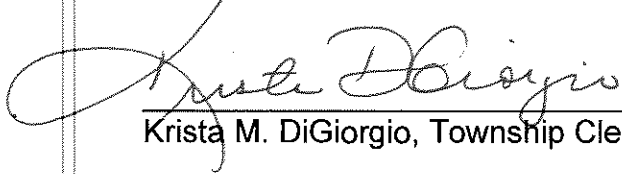
Section 6. The Township Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, N.J.S.A. 40:55D-62.1, and N.J.S.A. 40:55D-63. Upon the adoption of 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.

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: August 14, 2025

DATE OF ADOPTION: September 11, 2025

