ORDINANCE NO. 33-2026

AN ORDINANCE OF THE TOWNSHIP OF HANOVER IN MORRIS COUNTY, NEW JERSEY TO REVISE CHAPTER 166 "LAND USE AND DEVELOPMENT REGULATIONS" OF THE "CODE OF THE TOWNSHIP OF HANOVER" TO ESTABLISH A NEW DEFINITION FOR "DATA PROCESSING CENTER", AND ASSOCIATED PROVISIONS

WHEREAS, 'data processing centers' and/or 'computer and data processing services' are listed as a permitted principal use in the Township's O-S Office - Services District, OB-RL Office Building and Research Laboratory District, OB-DS Office Building – Designed Shopping Center District, I Industrial District, and I-2 Industrial District zones; and

WHEREAS, the Township of Hanover Land Use and Development Regulations Ordinance contains a definition of 'data processing center' which was initially added to the Code in 2004 and amended in 2011; and

WHEREAS, computer and data processing center uses have evolved in function, scale, and resource consumption, including substantial impacts on such resources as energy and water consumption, and substantial impacts on surrounding and other properties with respect to noise and vibration and to the public and its general welfare within the last several years, occurring with increased demand and proliferation of high-density hyper-scale data center development throughout the United States; and

WHEREAS, the Township of Hanover, consistent with the purposes of the State of New Jersey Municipal Land Use law, seeks to protect its residents from the adverse impacts of land development; and

WHEREAS, the NJDEP's current noise regulations which supersede municipal noise regulations may have potential limitations to adequately limit and enforce the continuous noise and vibration impacts commonly associated with high-density hyper-scale data center uses to adequately protect the general welfare and sensitive land uses, including but not limited to, residential uses, schools and daycare facilities, and thus technical compliance with current NJDEP standards may nevertheless result in negative impacts to surrounding uses and the general health and welfare, as studies have indicated that noise from such uses extend well beyond their property lines; and

WHEREAS, the typical components of high-density hyper-scale data centers contribute to off-site impacts and resource consumption, that the Township of Hanover seeks to avoid in an effort to protect and promote the public health, safety and general welfare; and

WHEREAS, the Mayor and Township Committee recognize that computer centers as defined herein are part of the infrastructure of the modern economy and that such uses are, when properly located and regulated, can promote economic development and support the local tax base with minimal impacts to the public; and

WHEREAS, the Mayor and Township Committee find it in the best interest of the Township and the health, safety and general welfare of the public to establish, as a permitted accessory use in specified zones, a 'computer center' definition in the Township Land Use and Development Regulations Ordinance that promotes the public health, safety and general welfare and prohibit 'high-density computer data centers' in the Township.

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

Section 1. Preamble and Statement of Purpose. The preamble to this ordinance is hereby incorporated as if fully restated herein. The purpose of this ordinance is to amend the Township of Hanover Land Use and Development Regulations by adding thereto definitions for (a) high density computer data centers and (b) computer centers, and providing regulations with respect to these uses.

Section 2. Delete Definition of 'Data Processing Center'. Section 166-4, "Definitions", in Chapter 166, "Land Use and Development Regulations" of the "Code of the Township of Hanover" ("Code" or "Township Code") is hereby amended and supplemented by deleting the existing definition of 'Data Processing Center'.

Section 3. 'High-Density Computer Data Centers' and 'Computer Centers', Defined. Subsection A of Section 166-4, "Definitions" in Chapter 166, "Land Use and Development Regulations" of the "Code of the Township of Hanover" ("Code" or "Township Code") is hereby amended and supplemented by adding thereto the following new definitions:

A. High-Density Computer Data Centers

(1) 'High-Density Computer Data Centers': Shall mean a building, structure, or premises used for the storage, management, processing, routing, transmission, or hosting of digital data, applications, or computing services through the use of servers, networking equipment, or similar electronic infrastructure, including commercial colocation facilities, cloud computing facilities, server farms, cryptocurrency mining operations, and wholesale digital infrastructure uses.

(2) High-Density Computer Data Centers shall be deemed a prohibited principal permitted use in all zone districts in the Township of Hanover.

(3) The term 'High-Density Computer Data Center' shall not include:

(a) Server rooms, network facilities, or computer processing facilities that are clearly incidental and subordinate to a principal permitted use on a site and that are operated solely for the internal business or ancillary core businesses, administrative, communications, cybersecurity, operational, or utility functions of the principal permitted use/occupant.

B. Computer Centers

(1) 'Computer Centers' shall mean an accessory use that identifies those server rooms, network facilities, or computer processing facilities that are clearly incidental and subordinate to the principal permitted use on the property they are intended to serve, and that are operated solely for the internal business, administrative, communications, cybersecurity, operational, or utility functions of the principal use/occupant, and not as a 'High-Density Computer Data Center' as defined herein.

(2) Computer Centers as set forth herein shall be permitted as an accessory use to a permitted principal use in all nonresidential zones.

(3) The floor area devoted to such use shall not exceed twenty percent of the gross floor area of the principal building or 2,500 square feet, whichever is less. For purposes of this sub-section, the 2,500 square foot cap shall apply to the aggregate gross floor area of all buildings that comprise a development.

(4) The Computer Center shall not constitute the principal use of the property.

(5) No portion of the facility is to be used primarily for cryptocurrency mining, high-density computational processing for off-site customers, or wholesale digital infrastructure services.

(6) The Computer Center shall not be served by a dedicated utility transmission substation, exclusive of the following uses: financial institutions, hospitals, public utilities, educational institutions, and government agencies.

(7) No dedicated electric utility substation, switching station, or comparable major electrical infrastructure shall be constructed primarily to serve the Computer Center, exclusive of the following uses: financial institutions, hospitals, public utilities, educational institutions, and government agencies.

Section 4. Amendments to Zones. Amendments to the O-S Zone, OB-RL Zone, OB-DS Zone, I Zone and I-2 Zone districts shall read as follows.

A. O-S Office – Services Zone District

(1) Amend Section 166-189.6.B by deleting "Data Processing Centers" as principal permitted use.

(2) Amend Section 166-189.8 Accessory Uses, Prohibited Uses and Use Limitations by inserting a new Section 189.8.E Computer Centers to read as follows:

E. Computer Centers operated by a principal permitted use shall be permitted as an accessory use and allowed in this zone, as regulated as follows:

(1) The floor area devoted to such use shall not exceed twenty percent of the gross floor area of the principal building or 2,500 square feet, whichever is less. For purposes of this sub-section, the 2,500 square foot cap shall apply to the aggregate gross floor area of all buildings that comprise a development.

(2) The Computer Center shall not constitute the principal use of the property.

(3) No portion of the facility is to be used primarily for cryptocurrency mining, high-density computational processing for off-site customers, or wholesale digital infrastructure services.

(4) The Computer Center shall not be served by a dedicated utility transmission substation, exclusive of the following uses: financial institutions, hospitals, public utilities, educational institutions, and government agencies.

(5) No dedicated electric utility substation, switching station, or comparable major electrical infrastructure shall be constructed primarily to serve the Computer Center, exclusive of the following uses: financial institutions, hospitals, public utilities, educational institutions, and government agencies.

B. OB-RL Office Building and Research Laboratory District

(1) Amend Section 166-190 "Permitted Uses and Structures" as follows:

F. Delete Section 166-190.F "Data Processing Centers, but only within a Planned Commercial Development" as a principal permitted use.

G. Amend Section 166-190 by inserting a new Section 166-190.M to read as follows: "Permit accessory Computer Centers operated by a principal permitted use allowed in this zone, as regulated by Section 166-189.8.E herein".

C. OB-DS Office Building - Designed Shopping Center District

(1) Amend Section 166-193.1 "Permitted Principal, Accessory and Conditional Uses", as follows:

(a) Amend Section 166-193.1.A by deleting Section 166-193A(9) "Computer and Data Processing Services" as a principal permitted use.

(b) Amend Section 166-193.1.B Permitted Accessory Uses by inserting a new Section 166-193.1.B(10) as follows:

(10) Permit Computer Centers operated by a principal permitted use allowed in this zone, as an accessory use, as regulated by Section 166-189.8.E herein.

D. I – Industrial District

(1) Amend Section 166-194 "Permitted Uses and Structures" as follows:

(a) Amend Section 166-194.A by deleting Section 166-194.A(7) "Data Processing Centers, but only Within a Planned Commercial Development" as a principal permitted use.

(b) Amend Section 166-194.A by inserting a new Section 166-194.A(11) to read as follows:

(11) Permit accessory Computer Centers operated by a principal permitted use allowed in this zone, as an accessory use, as regulated by Section 166-189.8.E herein.

E. I-2 Industrial District

(1) Amend Section 166-198 "Permitted and Prohibited Uses and Structures" as follows:

(a) Amend Section 166-198A by deleting Section 166-198A(7) "Data Processing Centers, but only within A Planned Commercial Development" as a principal permitted use.

(b) Amend Section 166-198A by inserting a new Section 166-198.A(11) to read as follows:

(11) Permit accessory Computer Centers operated by a principal permitted use allowed in this zone, as an accessory use, as regulated by Section 166-189.8.E herein.

Section 5. **Prohibited Uses:** The following Sections of Chapter 166 of the Township of Hanover Land Use and Development Regulations are hereby amended:

A. 0-S Zone: Insert in Section 166-189.8 Accessory Uses, Prohibited Uses and Use Limitations, a new Section 166-189.8.E: High-Density Computer Data Centers.

B. OB-RL Zone: Insert in Section 166-191 Prohibited Uses a new Section 166-191.T: High-Density Computer Data Centers.

C. OB-DS Zone: Insert in Section 166-193.2 Prohibited Uses, a new Section 166-193.2.H: High-Density Computer Data Centers.

D. I Zone: Insert in Section 166-195 Prohibited Uses, a new Section 166-195.P: High-Density Computer Data Centers.

E. I-2 Zone: Insert in Section 166-198 Permitted and Prohibited Uses and Structures, a new Section 166-198.B(14) regarding Prohibited Uses: High-Density Computer Data Centers.

Section 6. **Prohibit High-Density Computer Data Centers.** Article XIX, "General Provisions" of Part 5 "Zoning" of Chapter 166 "Land Use and Development Regulations" of the Code of the Township of Hanover shall be amended and supplemented by adding thereto a new Section 166-112, "Prohibited uses" to read as follows:

§166-112 **Prohibited uses.**

A. High-Density Computer Data Centers as defined herein are expressly prohibited as a principal permitted use in all zone districts in the Township of Hanover.

Section 7. **Repealer.** All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed as to such inconsistencies only.

Section 8. **Severability.** If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

Section 9. Referral to Planning Board. The Township Clerk shall forthwith cause a copy of this ordinance to be referred to the Township Planning Board for review pursuant to N.J.S.A. 40:55D-26. This ordinance shall not be adopted until the Planning Board issues its report and recommendations or 35 days have elapsed since the referral, whichever is sooner.

Section 10. Filing with the Morris County Planning Board. The Township Clerk shall promptly cause a certified copy of this ordinance to be filed with the Morris County Planning Board upon its adoption.

Section 11. Effective date. This ordinance shall take effect 20 days after its final passage in accordance with State of New Jersey law and upon it having been filed with the Morris County Planning Board.

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

Thomas "Ace" Gallagher, Mayor

Attest:

Krista M. DiGiorgio, Township Clerk

DATE OF INTRODUCTION: September 10, 2026
DATE OF ADOPTION: October 8 ,2026

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CERTIFICATION

I, Krista M. DiGiorgio, Township Clerk of the Township of Hanover, in the 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 8th day of October, 2026, at a meeting duly convened, of said Body.

Krista M. DiGiorgio, Township Clerk