

**ORDINANCE NO. 32-2015**

**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 REGULATIONS FOR THE R-10A ZONE DISTRICT**

**WHEREAS**, the Township of Hanover has created the R-10A zone district, which currently permits single-family detached dwellings with appropriate development standards; and

**WHEREAS**, the Township Planning Board has recently considered an alternative development option for the district involving townhouses, and has recommended that the zone regulations be amended to permit townhouse development; and

**WHEREAS**, the Township Committee believes that the recommended townhouse development option would be in the public interest by reducing the permitted density, enabling a more efficient and attractive layout of open space, buildings and roadways, and by increasing setbacks and buffers from public roads and other property boundaries.

**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.** Article XXVIII A, entitled *R-10A Residence District*, containing Sections 166-176.1 through 166-176.5, is hereby amended to include Sections 166-176.1 through 166-176.7, to read as follows:

**ARTICLE XXVIII A**

**R-10A Residence District**

**§ 166-176.1. Purpose and intent.**

The R-10A District is intended to promote and encourage the development of the zone for single-family detached or townhouse dwelling units having a common open space area in accordance with appropriate standards.

**§ 166-176.2. Permitted principal uses.**

The following principal uses and structures shall be permitted in the R-10A zone district:

- A. Single-family detached dwelling units.
- B. Townhouse dwelling units.
- C. Any use permitted in all zone districts or in all residential zone districts by Chapter 166, Land Use and Development, of the Code of the Township of Hanover.

**§ 166-176.3. Permitted accessory uses.**

Permitted accessory uses shall be limited to those uses customarily incidental to permitted principal uses in the district, subject to the prohibitions in §166-176.4. The permitted accessory uses may include, but are not limited to:

- A. Driveways and walkways.
- B. Decks, patios, porches and steps.
- C. Off-street parking areas.
- D. Fences and walls.
- E. Signs in accordance with §166-142. of this Chapter.

**§ 166-176.4. Prohibited uses and structures.**

Any use other than the uses permitted by §166-180.26 and § 166-180.27 above shall be prohibited. In addition, the following uses and structures shall be specifically prohibited:

- A. Swimming pools, wading pools and other similar water features.
- B. Detached garages, sheds, gazebos, tents and other detached accessory buildings.
- C. Outdoor play equipment, including but not limited to swings, slides, tree houses, play/climbing structures, sand boxes, tennis or racquet courts, basketball courts and hoops. The foregoing shall not be construed to prohibit barbecue equipment located on a deck, porch or patio.
- D. Outdoor storage of commercial vehicles, boats, trailers, campers and similar vehicles. This shall not be construed to prohibit the parking of personal vehicles used on a daily basis permitted and regulated by §166-124B(1).

**§ 166-176.5. Regulations for single family detached dwelling units.**

In addition to any other applicable requirements of this chapter or any other applicable requirement, the following requirements shall apply to development of single family detached dwelling units within the R-10A zone district. For the purposes of administering these requirements, a parcel of land occupied by only one dwelling in a multiple dwelling development, such as in a condominium form of ownership, shall not be considered a "lot."

- A. Minimum lot/tract area: 3.5 acres (152,460 square feet), exclusive of any public street right-of-ways, road widening easements and road widening dedications for such streets.
- B. Maximum density: 4.35 dwelling units per acre, exclusive of any public street right-of-ways, road widening easements and road widening dedications for such streets. In addition, no more than 4 bedrooms per dwelling shall be permitted.
- C. Minimum yard depths. The minimum yard depths applicable to buildings shall be as follows:
  - (1) 50 feet between any public street right of way or any road widening easements, whichever is more restrictive, and the closest point of any building wall, or support column in the case of roofed areas without walls, but excluding roof overhangs beyond walls and support columns.

- (2) 20 feet between the edge of pavement of any private roadway, or 25 feet in the case of a private roadway with a sidewalk, and the closest point of any building wall, or support column in the case of roofed areas without walls, but excluding roof overhangs beyond walls and support columns.
  - (3) 40 feet abutting any other tract boundary and the closest point of any building wall, or support column in the case of roofed areas without walls, but excluding roof overhangs beyond walls and support columns; provided, however, that a minimum yard depth of 35 feet shall be permitted for up to one half of the dwellings in the development. The location of the reduced 35-foot yard depths shall be where such reduced depth will have a lessened impact on adjacent properties, as determined by the Planning Board during the site plan review process and made a condition of any approval that may be granted. In those locations where a yard depth of less than 40 feet is proposed, the Board may at its discretion, required an increase in buffer depth, planting density or other enhanced buffer/screening techniques.
- D. Minimum distance between dwellings. The following minimum dimensions shall separate principal buildings, with such distance measured between the closest points of building walls, or support columns in the case of roofed areas without walls, but excluding roof overhangs without support columns:
- (1) Front wall facing front wall: 70 feet.
  - (2) Front wall facing rear wall: 60 feet.
  - (3) Front wall facing end/side wall: 50 feet.
  - (4) End/side wall facing end/side wall: 16 feet.
  - (5) End/side wall facing rear wall: 30 feet.
  - (6) Rear wall facing rear wall: 45 feet.
- E. Maximum height of principal buildings: 2½ stories and 35 feet.
- F. Maximum floor area ratio: 35% of the lot/tract area, cumulative for all buildings, including the area of any private roadway, but excluding the right-of-way and any road widening easement or dedication for public streets.
- G. Maximum building coverage: 20% of the lot/tract area, cumulative for all buildings, including the area of any private roadway, but excluding the right-of-way and any road widening easement or dedication for public streets.
- H. Maximum improvement coverage: 40% of the lot/tract area, cumulative for all buildings, including the area of any private roadway, but excluding the right-of-way and any road widening easement or dedication for public streets.

**§ 166-176.6. Regulations for townhouse dwelling units.**

In addition to any other applicable requirements of this chapter or any other applicable requirement, the following requirements shall apply to development of townhouse dwelling units within the R-10A zone district. For the purposes of administering these requirements, a parcel of land occupied by only one dwelling in a multiple dwelling development, such as in a condominium form of ownership, shall not be considered a "lot."

- A. Minimum lot/tract area: 3.5 acres (152,460 square feet), exclusive of any public street right-of-ways, road widening easements and road widening dedications for such streets.
- B. Maximum density: 4.1 dwelling units per acre, exclusive of any public street right-of-ways, road widening easements and road widening dedications for such streets. In addition, no more than 4 bedrooms per dwelling shall be permitted.
- C. Minimum yard depths. The minimum yard depths applicable to buildings shall be as follows:
  - (1) 50 feet between any public street right of way or any road widening easements, whichever is more restrictive, and the closest point of any building wall, or support column in the case of roofed areas without walls, but excluding roof overhangs beyond walls and support columns.
  - (2) 20 feet between the edge of pavement of any private roadway, or 25 feet in the case of a private roadway with a sidewalk, and the closest point of any building wall, or support column in the case of roofed areas without walls, but excluding roof overhangs beyond walls and support columns.
  - (3) 40 feet abutting any other tract boundary and the closest point of any building wall, or support column in the case of roofed areas without walls, but excluding roof overhangs beyond walls and support columns.
- D. Minimum distance between dwellings. The following minimum dimensions shall separate principal buildings, with such distance measured between the closest points of building walls, or support columns in the case of roofed areas without walls, but excluding roof overhangs without support columns:
  - (1) Front wall facing front wall: 70 feet.
  - (2) Front wall facing rear wall: 60 feet.
  - (3) Front wall facing end/side wall: 50 feet.
  - (4) End/side wall facing end/side wall: 20 feet.
  - (5) End/side wall facing rear wall: 30 feet.
  - (6) Rear wall facing rear wall: 45 feet.
- E. Maximum height of principal buildings: 2½ stories and 35 feet.
- F. Maximum floor area ratio: 35% of the lot/tract area, cumulative for all buildings, including the area of any private roadway, but excluding the right-of-way and any road widening easement or dedication for public streets.
- G. Maximum building coverage: 21% of the lot/tract area, cumulative for all buildings, including the area of any private roadway, but excluding the right-of-way and any road widening easement or dedication for public streets.
- H. Maximum improvement coverage: 38% of the lot/tract area, cumulative for all buildings, including the area of any private roadway, but excluding the right-of-way and any road widening easement or dedication for public streets.

**§ 166-176.7. Regulations applicable to both single family detached and townhouse dwelling units.**

- A. Common areas. Within any development, all yard areas and other open areas not occupied by buildings, except for any public streets, shall be maintained in single ownership. The maintenance of such common areas shall be subject to the provisions in §166-103F.
- B. Garages. Garages accessory to dwellings shall be subject to the following requirements:
  - (1) All garages shall be attached to the dwelling unit that they serve.
  - (2) The cumulative width of garage door openings for each dwelling shall not exceed 18 feet.
- C. Driveways. Driveways serving dwellings shall be subject to the following requirements:
  - (1) Driveway location. Driveway access to individual dwelling units shall be prohibited from North Jefferson Road, Park Avenue or Whippany Road. The foregoing shall not be construed to prohibit shared access to such streets via a driveway or roadway serving multiple units and located internal to the development, subject to the provisions in Paragraph C(2) below:
  - (2) Maximum number of driveways: one driveway providing access to individual dwelling units shall be permitted for each dwelling, subject to the provisions in Paragraph C(1) above. One driveway providing shared access for multiple dwelling units within the development shall be permitted to/from each of North Jefferson Road, Park Avenue and Whippany Road.
  - (3) Maximum driveway width: 20 feet for driveways serving individual dwelling units.
  - (4) Minimum distance between driveways: 10 feet for single-family detached dwellings.
  - (5) Minimum driveway length: 20 feet, measured from the edge of the pavement of the roadway from which the driveway provides access or from the sidewalk along such roadway, whichever is more restrictive. Driveways shall be designed to allow vehicles to park in the driveway without encroaching into the roadway or into the sidewalk along the roadway, or that portion of the driveway used by pedestrians using the sidewalk.
- D. Decks, patios and porches. Decks, patios and porches shall be subject to the following requirements:
  - (1) Porches at the front or side of dwellings shall comply with the setback and dimensional requirements applicable to the dwellings.
  - (2) Patios and decks shall only be permitted to located at the rear of dwellings, provided, however, that no decks shall be permitted at the rear of a dwelling when the rear of the dwelling faces a public street; only patios, recessed porches and steps shall be permitted in such locations. In such locations, any recessed porches and steps shall be at or below the first or ground floor of the dwelling.

I hereby certify the foregoing to be a true copy of a Resolution/Ordinance adopted by the Township Committee of the Township of Hanover at a Regular/Special Meeting held on the 21<sup>st</sup> day of December, 2015.

  
Joseph A. Giorgio, Township Clerk, R.M.C.

- (3) Patios and porches located at the rear of dwellings shall be located at least 50 feet from any public street, measured from the right-of-way and any widening easement or dedication for such street.
- (4) Decks, patios and porches located at the rear of dwellings shall be located at least 25 feet from all property lines other than public streets.
- (5) The requirements of § 166-136 shall apply, except where such requirements conflict with this Subsection.

- E. Fences and walls. Fences and walls shall be subject to the following requirements:
- (1) A fence or wall at least 4 feet high, but not more than 6 feet high, shall be required at the tract boundary, except for the frontage on any streets, to separate and screen any development from surrounding properties. Such fence shall be designed to prevent views through the fence. The use of chain link material for such fence shall be prohibited.
  - (2) The only other fences that shall be permitted shall be a fence along the frontage with North Jefferson Road as regulated by §166-138.2, privacy fences located adjacent to patios or decks, or safety fencing for any stormwater detention or retention basins. Said privacy fences shall not exceed a height of 6 feet.
  - (3) Fences or walls shall not be used to separate dwellings are to separate yard areas for individual dwellings.

**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, RMC, Clerk

  
Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: November 12, 2015  
DATE OF ADOPTION: December 21, 2015