

ORDINANCE NO. 18-2015

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 DEFINITION OF "FRONT YARD," THE GENERAL YARD REGULATIONS AND BY ESTABLISHING PERMITTED ENCROACHMENTS FOR FRONT, SIDE AND REAR YARDS

WHEREAS, Chapter 166 establishes various yard requirements in the various zone districts; and

WHEREAS, the Township Committee has determined that it is in the public interest to clarify and limit the permitted encroachments into such yards.

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. The definition of "front yard," within the definition of "yards" in Subsection A. of Section 166-4., *Definitions and word usage*, in Article II, *Definitions*, is hereby amended and supplemented to read as follows:

YARDS

(1) **FRONT YARD** — An open unoccupied space, unless occupied by a use or structure specifically permitted by this chapter, extending across the full width of the lot and lying between the street right-of-way and the nearest building on such lot. On corner lots, any yards facing any abutting streets shall be deemed to be front yards for the purposes of this chapter. Notwithstanding the foregoing, the space lying between the principal building and the right-of-way line of Interstate Route 24, Route 178 and Route 287 shall not be considered a front yard unless such right-of-way is permitted to be used for access to the property by motor vehicles.

Section 2. Section 166-113., *Yards*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

§ 166-113. Yards.

A. General. Every lot shall contain front, rear and side yards as required by this chapter. In addition, the following provisions shall apply:

- (1) All required yard depths shall be measured perpendicular to the lot line and shall be measured between the lot line and the nearest portion of the building, excluding any encroachments permitted by this chapter.
- (2) On streets less in width than proposed or required by applicable County, State or Borough plans or regulations, the minimum required front yard shall

be measured from the proposed right-of-way line or road widening easement, whichever is more restrictive.

- (3) Yards shall be open and unoccupied by buildings or other structures, except as permitted otherwise by this chapter.
 - (4) No yard or other open space shall be so reduced in area or dimension as to make it less than the minimum depth required under this article.
- B. Permitted yard encroachments. Except as hereinafter specified, or as may be specified otherwise by this ordinance, yards and courts shall be entirely free of buildings, structures, or parts thereof. The foregoing shall not be construed to permit any portions of a building or other structure, to encroach into any street or other right-of-way or onto adjacent property or into any easement where such buildings or structures are prohibited.
- (1) Yard encroachments permitted by other provisions of this chapter, expressly or implied, shall be as set forth in the sections regulating such uses and structures.
 - (2) Uncovered porches, steps and ramps attached to the principal building may encroach into required yards as set forth below:
 - (a) Encroachments into the minimum required rear yard shall be governed by the regulations for patios and decks in §166-136.
 - (b) Any encroachment into the minimum required front and side yards shall only be permitted for such structures that provide direct access to only the ground floor and/or basement, but not to the upper floors.
 - (c) Encroachments into the minimum required front yard(s) shall be permitted if such structures do not project more than 4 feet from the front wall of the principal building,
 - (d) Encroachments into the minimum required side yard(s) shall be permitted if such structures do not project more 5 feet from the side wall of the principal building, are located at least 5 feet from any side lot line, and the cumulative area of all such structures in any required side yard does not exceed 50 square feet.
 - (3) Fire escapes may encroach up to 4 feet into any required side or rear yard.
 - (4) Awnings and canopies over doors and windows may encroach up to 4 feet into any required yard.
 - (5) Cornices and eaves may encroach up to 3 feet into any required yard.
 - (6) Sills, leaders, belt courses and similar ornamental structural features may encroach up to 6 inches into any required yard.

- (7) Heating, ventilating and air conditioning equipment, pool pumps and filters, basement window wells, "Bilco" -style basement doors, and similar equipment and structures may encroach into any required side or rear yard, provided that the same shall be required to be located at least 5 feet from side lot lines and 10 feet from rear lot lines.

Section 3. Section 166-136., *Patios and decks*, in Article XIX, *General Provisions*, is hereby amended and supplemented to read as follows:

§ 166-136 Patios and decks.

Notwithstanding any other provisions of this chapter, a patio or deck is permitted to encroach into the required front and rear yard setback in any residential zone, provided that each of the following requirements is complied with for said patio or deck:

- A. It must abut the principal dwelling structure.
- B. It shall not have a roof.
- C. It shall not be closer to the side property line than the distance required for the side yard setback of the principal dwelling structure.
- D. If located in the minimum required front yard, it shall not be closer to the street right-of-way than the principal building to which it is attached. If located in the rear yard, it shall not be closer to the rear property line than 25 feet.
- E. Any vertical wall around the perimeter of said patio or deck shall not be more than 10% solid.
- F. The floor of the deck shall not be higher than the highest floor elevation level of the principal dwelling structure.

Section 4. Paragraphs B(1)(a)[1]. and B(1)(a)[2]. in Section 166-138.2., *Fences and walls*, in Article XIX, *General Provisions*, is hereby amended and supplemented to read as follows:

[1] The height of fences and freestanding walls accessory to single-family detached dwellings, two-family dwellings, community shelters and residences shall not exceed 3.5 feet (42 inches) when located in the front yard. Any fence or freestanding wall so located shall be designed to provide openings in at least 50% of the fence or wall.

[2] The height of fences and freestanding walls accessory to single-family attached dwellings, multifamily dwellings and nonresidential uses shall not exceed 6 feet when located in the front yard. Any fence or freestanding wall so located shall be designed to provide openings in at least 80% of the fence or wall.

Section 5. Paragraph D(3) in 166-138.2., *Fences and walls*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

(3) Such enclosures shall be prohibited in the front yard.

Section 6. 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.

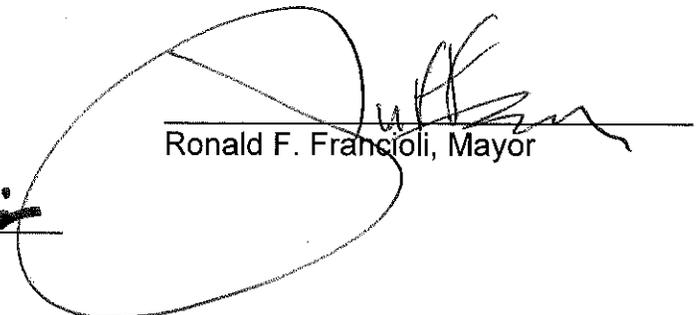
Section 7. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 8. This ordinance shall take effect in accordance with the law.

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

ATTEST:

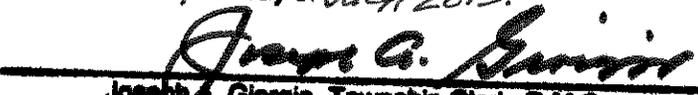

Joseph A. Giorgio, Township Clerk


Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: June 11, 2015

DATE OF ADOPTION: July 9, 2015

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 9th day of July 2015.


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