

ORDINANCE NO. 26-2015

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

- 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) 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 shall not project more than 4 feet into the minimum required front yard(s), in the case of porches, steps and ramps, and 5 feet, in the case of any roof, awning or canopy covering such porches, steps and ramps.
 - (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.

- (e) That portion of any porch, step or ramp that encroaches into the minimum required front yard may be permitted a roof, canopy or awning, as well as any necessary support columns and open railings, but shall not otherwise be enclosed by walls, screens, windows or other similar enclosures.
- (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 5 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 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.

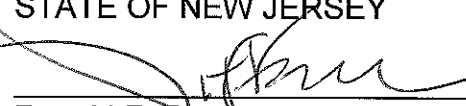
Section 4. This ordinance shall take effect in accordance with the law.

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

ATTEST:



Joseph A. Giorgio, Township Clerk



Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: August 13, 2015

DATE OF ADOPTION: September 24, 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 **24th** day of **SEPTEMBER, 2015.**



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