

ORDINANCE NO. 15-2020

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING SECTION 166-113., YARDS, IN ARTICLE XIX, GENERAL PROVISIONS, OF CHAPTER 166 OF THE CODE OF THE TOWNSHIP ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, IN ORDER TO AMEND THE REGULATIONS FOR PERMITTED YARD ENCROACHMENTS

WHEREAS, the zoning regulations in Chapter 166 establish minimum front, side and rear yard depth requirements for the various zone districts; and

WHEREAS, the zoning regulations also permit certain structures to encroach into such minimum yards; and

WHEREAS, the Township Planning Board has reviewed the regulations for permitted encroachments and has recommended certain amendments to these regulations in order to make them more reasonable and clear;

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. Subsection B. of 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. In case of conflict between the provisions of this subsection and other provisions of this chapter, the more restrictive requirement shall apply.

(2) Ingress and egress structures. Ingress and egress structures, for purposes of this subsection, the following definitions shall apply:

INGRESS AND EGRESS STRUCTURE – An unenclosed above-grade structure, which may include a stairway or ramp to grade, which is designed primarily to provide ingress and/or egress to a building, deck or other similar raised floor level. Excluded from this definition shall be at-grade or below-grade structures, as well as decks, patios and other similar outdoor recreational structures.

ABOVE GRADE – Located at least one foot in elevation above the elevation of normal grade directly below the point of measurement (see “normal grade” in definition of “height of building or structure” in §166-4).

Ingress and egress structures may encroach into the minimum required yards as set forth below:

- (a) If located in the rear yard, ingress and egress structures shall be located at least 25 feet from the rear lot line and shall not be located more than 5 feet closer to the side lot lines than permitted for principal buildings.
 - (b) Any encroachment into the minimum required front, side and rear 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) If located in the front yard, ingress and egress structures shall not encroach more than 10 feet into the minimum required front yard(s), and shall not be located more than 5 feet closer to the side lot lines than permitted for principal buildings. In addition, the cumulative area of all such encroachments shall not exceed 150 square feet for each front yard.
 - (d) If located in the side yard, ingress and egress structures shall not be located more than 5 feet closer to the side lot lines than required for principal buildings, and the cumulative area of all such encroachments shall not exceed 75 square feet for each side yard.
 - (e) That portion of any ingress and egress structure 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 no encroachment into any required front, side or rear yard shall be permitted for any ingress and egress structure that is enclosed by walls, screens, windows or other similar enclosures. Such roof, canopy or awning shall be subject to the provisions of Paragraph (4) below.
- (3) Fire escapes may encroach up to 4 feet into any required side or rear yard.
 - (4) Awnings, roofs and canopies over ingress and egress structures, doors and windows may encroach up to 5 feet into any required front yard.
 - (5) Cornices and eaves may encroach up to 3 feet into any required yard, except as provided otherwise by Paragraph (4) above.
 - (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.
 - (8) At-grade or below-grade structures, including but not limited to sidewalks, window wells, basement stairwells and similar structures, shall be permitted to

encroach into required yards without limitation, except such limitations as may imposed by other requirements of this chapter or by other laws or regulations.

- (9) Railings, guiderails or similar protective features for ingress and egress structures, retaining walls, and at-grade or below-grade structures shall be subject to the same yard requirements as the structures to which they are accessory, provided that such structures shall be required to comply with the requirements for fences in this chapter.

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.

ATTEST:

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



Ronald F. Francioli, Mayor




Joseph A. Giorgio, Township Clerk

DATE OF INTRODUCTION: April 9, 2020

DATE OF ADOPTION: May 14, 2020

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 14th day of MAY, 2020.



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