

ORDINANCE NO. 07-2024

AN ORDINANCE OF THE TOWNSHIP OF EAST HANOVER, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE TOWNSHIP CODE CHAPTER 95 "LAND USE AND ZONING," ATTACHMENT 3 "SCHEDULE OF AREA REQUIREMENTS"; ARTICLE III "ADMINISTRATION AND GENERAL PROCEDURES", SECTION 95-11.2 "DEVELOPMENT REVIEW ADVISORY COMMITTEE"; ARTICLE VI "SUBDIVISION AND SITE PLAN REVIEW", SECTION 95-37 "ON-TRACT IMPROVEMENTS FOR SITE PLANS AND SUBDIVISIONS"; AND ARTICLE VII "ZONING", SECTION 95-46 "GENERAL REGULATIONS" TO ADD IMPERVIOUS COVERAGE LIMITATIONS TO CERTAIN ZONES, AMEND THE DEVELOPMENT REVIEW PROCESS FOR CERTAIN RESIDENTIAL APPLICATIONS, CLARIFY STREET TREE PLACEMENT, AMEND CERTAIN FENCE REQUIREMENTS, AND TO PERMIT ROOF STRUCTURES ABOVE DECKS IN CERTAIN INSTANCES

WHEREAS, the Township of East Hanover is desirous to streamline the application process for single-family homeowners; and

WHEREAS, the Township of East Hanover is desirous of encouraging investment in the Township's existing housing stock; and

WHEREAS, the Township has granted several variances for six-foot-tall fences for corner lots due to the unique layout of said lots; and

WHEREAS, the Township believes the zoning code should be amended to allow for corner lots to have six-foot-tall fences for privacy and security in what would otherwise be the rear yard area; and

WHEREAS, the Township recognizes the increased frequency of severe weather events, particularly rain events and associated flooding issues, and as a result, the Township of East Hanover seeks to limit impervious coverage in all zones that do not currently have an impervious coverage limit; and

WHEREAS, the Mayor and Council for the Township of East Hanover have reviewed the recommendations of the Township Planner and agree the suggested changes should be implemented.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Township Council that:

SECTION 1. The Township Code, Chapter 95 "Land Use and Zoning", Attachment 3, "Schedule of Area Requirements", shall be amended to add the underlined text and delete the text in ~~strikeout~~ as provided in Attachment 3, which can be found at the end of this Ordinance.

SECTION 2. The Township Code, Chapter 95 "Land Use and Zoning," Article III "Administration and General Procedures," Section §95-11.2 "Development Review Advisory Committee," shall be amended to add the following underlined text and delete the following text in ~~strikeout~~:

- A. The Mayor shall appoint a Development Review Advisory Committee for the purpose of reviewing all development applications which are to be brought before either the Planning Board or the Board of Adjustment (known as the "Land Use Planning Board") for decision. In reviewing all applications, the Development Review Advisory Board shall determine the completeness of each application, and may offer opinions to the respective land use boards on improvements which could be made in any development application. The term "development application" shall include all applications for subdivisions, site plans, conditional uses and variances of any type (c or d). However, applications for

the installation of a fence or shed on a single-family home property are not required to appear in front of the Development Review Advisory Committee. Instead, these applications may proceed directly to the Land Use Planning Board.

SECTION 3. The Township Code, Chapter 95 “Land Use and Zoning,” Article VI “Subdivision and Site Plan Review,” Section §95-37 “On-tract improvements for site plans and subdivisions,” shall be amended to add the following underlined text and delete the following text in ~~strikeout~~:

A. Required installations for subdivisions.

- (8) Shade trees. The subdivider shall install shade trees with a minimum caliper of 3 inches at the time of planting, of the size, quality and variety approved by the Shade Tree Commission of the Township of East Hanover. The shade trees shall be located within 20 feet of the street right-of-way along the street line as directed by said Shade Tree Commission.

B. Required installations for site plans.

- (8) Landscaping. All portions of the property shall be landscaped as follows, and said landscaping requirements shall not be waived by the Planning Board:
- (b) Shade trees shall be installed within 20 feet of the street rights-of-way in accordance with requirements of the Shade Tree Commission.

SECTION 4. The Township Code, Chapter 95 “Land Use and Zoning,” Article VII “Zoning,” Section §95-46 “General regulations,” shall be amended to add the following underlined text and delete the following text in ~~strikeout~~:

M. Any and all fences erected shall not be more than six feet in height, except where a lesser height is required by this Code, and the finished side, as designated by the Construction Office, shall face out, i.e., toward adjoining properties.

- (2) The yard requirements of this chapter shall not be deemed to prohibit the following types of otherwise lawful fences and walls.
- (a) A fence, not exceeding six feet in height, across the rear lot line of the property and along the side lot lines from the rear lot line to a point equal to the front line of a dwelling if the same were extended to said side line, and across the dwelling line extended to the side line. For the purpose of corner lots, the street frontage that the front door of a dwelling faces both street frontages shall be treated as a front yard and the street frontage not faced by the front door shall be treated as a side yard. In no instance shall a six-foot-tall fence be installed between the front door façade and the right-of-way.
- (b) A front yard fence not exceeding 48 inches at its highest point and not less than 50% open, such as picket fences and post and rail fences, but in no instance shall a front yard fence be made of chain link or similar materials. A "front yard fence" is defined as any fence that is on a residential property between the plane of the facade of the residence and the property line. (Note: On many streets the property line is not the edge of pavement but at some point off said edge of pavement. Fences are not permitted in the right-of-way which is the area between the property line and the edge of pavement.) For the purpose of corner lots, the street frontage that the front door of a dwelling faces both street frontages shall be treated as a front yard and the street frontage not faced by the front door shall be treated as a side yard.

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- (3) An open porch or entranceway not exceeding one story may project into the minimum required front yard setback a distance of not more than eightfive feet.
- (4) Wooden decks and decks with a roof, awning or trellis attached to a principal dwelling may encroach into a rear or side yard not more than 50% of the minimum side or rear yard requirement for the principal building; provided, however, that in no event shall such deck extend closer than either the minimum setback requirement for accessory structures in the respective zone district or six feet, whichever is greater. Wooden decks with a roof, awning or trellis must be open on three sides to qualify for this reduced setback.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

SECTION 6. If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

SECTION 7. This Ordinance shall take effect upon final publication as provided by law.

Attest:

TOWNSHIP OF EAST HANOVER



Felicia A. McDonald, RMC
Deputy Township Clerk



Joseph Pannullo, Mayor

Introduced: May 6, 2024
Adopted: July 1, 2024

I, Felicia A. McDonald, RMC, Deputy Township Clerk of the Township of East Hanover, County of Morris, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Council at a duly convened meeting held on July 1, 2024.



Felicia A. McDonald, RMC
Deputy Township Clerk