

ORDINANCE NO. 9-2018

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 CERTAIN PROVISIONS CONCERNING FENCES AND WALLS LOCATED IN THE FRONT YARD

WHEREAS, Chapter 166 of the Code of the Township entitled Land Use and Development Legislation, regulates the height and design of fences and walls located in the front yard; and

WHEREAS, the Township Committee desires to amend Chapter 166 in order to clarify that the regulations for fences and walls in the front yards are intended to apply to all front yards on all lots, including interior lots, corner lots and through lots, and that the mere fact that a lot is a corner lot or through lot shall not be a valid basis for relief from such regulations.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

Section 1. Paragraph (2) in Subsection A. of Section 166-138.2., *Fences and walls*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

(2) Unless required to be located in the front yard by this chapter for buffers or screening purposes, freestanding walls shall be permitted only in the side and rear yards, except that sitting walls and walls that are designed as a planter, either of which do not exceed a height of 24 inches, shall be permitted in the front yard. The foregoing requirements shall apply in all front yards on all lots, whether the lots are interior lots, corner lots or through lots, and the fact that a lot is a corner lot or through lot shall not, per se, be accepted by the Planning Board or Board of Adjustment as an exceptional condition or particular case supporting relief from the foregoing requirements.

Section 2. Paragraphs (1)(a)[1] and (1)(a)[2] in Subsection B. of Section 166-138.2., *Fences and walls*, in Article XIX, *General Provisions*, is hereby amended 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. The foregoing requirements shall apply in all front yards on all lots, whether the lots are interior lots, corner lots or through lots, and the fact that a lot is a corner lot or through lot shall not, per se, be accepted by the Planning Board or Board of Adjustment as an exceptional condition or particular case supporting relief from the foregoing requirements.

[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. The foregoing requirements shall apply in all front yards on all lots, whether the lots are interior lots, corner lots or through lots, and the fact that a lot is a corner lot or through lot shall not, per se, be accepted by the Planning Board or Board of Adjustment as an exceptional condition or particular case supporting relief from the foregoing requirements.

Section 3. Subsection C. of Section 166-138.2., *Fences and walls*, in Article XIX, *General Provisions*, is hereby amended to read as follows:

C. Swimming pool enclosures. Enclosures for swimming pools shall be required to comply with the requirements of the Uniform Construction Code or this Chapter, whichever is more restrictive. Such enclosures shall be prohibited in the front yard or the minimum required front yard, whichever is more restrictive. The foregoing requirements shall apply in all front yards on all lots, whether the lots are interior lots, corner lots or through lots, and the fact that a lot is a corner lot or through lot shall not, per se, be accepted by the Planning Board or Board of Adjustment as an exceptional condition or particular case supporting relief from the foregoing requirements.

Section 4. Paragraph (3) in Subsection D. of Section 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. This requirement shall apply in all front yards on all lots, whether the lots are interior lots, corner lots or through lots, and the fact that a lot is a corner lot or through lot shall not, per se, be accepted by the Planning Board or Board of Adjustment as an exceptional condition or particular case supporting relief from the foregoing requirements.

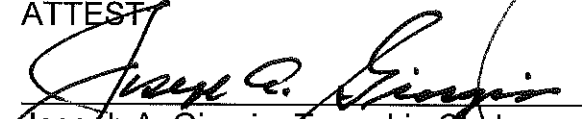
Section 5. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

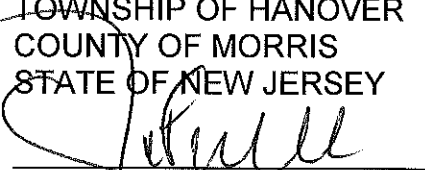
Section 6. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 7. 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: April 12, 2018

DATE OF ADOPTION: May 10, 2018