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TOWNSHIP OF HANOVER

**TOWNSHIP OF HANOVER**

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Office of  
THE PLANNING BOARD/  
BOARD OF ADJUSTMENT

October 8, 2019

Joseph Giorgio, Administrator  
Township of Hanover  
P.O. Box 250  
1000 Route 10  
Whippany, NJ 07981

Re: Ordinance 39-2019 Referral

Dear Mr. Giorgio,

At its October 8, 2019 meeting, the Planning Board reviewed and discussed Ordinance 39-2019 which had been referred to the Board by the Township Committee as required by the Municipal Land Use Law at N.J.S.A. 40:55D-26a. Ordinance 39-2019 proposes to amend section 166-114 of the zoning regulations in order to permit and regulate detached garages for residential uses.

In reviewing Ordinance 39-2019 for consistency with the master plan, the Planning Board has determined that the master plan does not make specific recommendations concerning accessory buildings for residential uses. Despite the absence of such recommendations, the Planning Board believes that Ordinance 39-2019 is not substantially inconsistent with the master plan, since such accessory buildings are common features of residential development; however, the Planning Board recommends that Ordinance 39-2019 be withdrawn or defeated, as appropriate, since the Board is considering different standards for accessory buildings, and it hopes to recommend such standards for adoption in the near future.

Thank you for the opportunity to comment on Ordinance 39-2019.

Very truly yours,

  
Gene Pinadella, Chairman  
Township of Hanover Planning Board

**TOWNSHIP OF HANOVER  
ORDINANCE NO. 39-2019**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY  
AMENDING SECTION 166-114, ACCESSORY BUILDINGS, IN ARTICLE XIX,  
GENERAL PROVISIONS, OF CHAPTER 166 OF THE CODE OF THE TOWNSHIP  
ENTITLED LAND USE AND DEVELOPMENT LEGISLATION, IN ORDER TO PERMIT  
AND REGULATE DETACHED GARAGES FOR RESIDENTIAL USES**

**WHEREAS**, the Hanover Township Planning Board has conducted a reexamination of the master plan and development regulations, and compiled its findings and recommendations in a report dated October 30, 2018; and

**WHEREAS**, one of the recommendations in the reexamination report is to “(a) mend the existing prohibition of detached garages in §166-114.B.(1) to permit detached garages with appropriate height, area and setback requirements”; and

**WHEREAS**, the Township Planning Board has provided specific recommendations concerning the appropriate standards that should apply to detached accessory buildings for residential properties;

**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 166-114., *Accessory buildings*, is amended to read as follows:

B. Buildings and other roofed structures accessory to residential use. The following requirements shall apply to buildings and roofed structures that are accessory to residential uses; provided, however, that if the standards for in a particular zone district conflict with any of the following requirements, the standards for the district shall apply:

(1) Permitted yards.

- (a) No accessory building or other roofed accessory structure shall be permitted in the front yard, provided that bus shelters and gatehouses designed and to serve multifamily residential developments shall be permitted in the front yard.
- (b) On corner lots and through lots, no accessory building or other roofed accessory structure shall be permitted in any front yard.
- (c) Accessory buildings and other roofed accessory structures are permitted in the side and rear yard, subject to the requirements of this Subsection and all other applicable requirements of this chapter.

(2) Required setbacks.

- (a) When an accessory building or other roofed accessory structure is attached to a principal building or is separated from the principal building

- by a distance less than 10 feet or the height of said accessory building or roofed structure, whichever is greater, such accessory building shall be subject to the same yard setback requirements as the principal building.
- (b) Accessory buildings and other roofed accessory structures located within the side yard shall be subject to the required front and side yard setbacks for principal buildings in the zone.
  - (c) Accessory buildings and other roofed accessory structures located within the rear yard shall be subject to the following:
    - [1] Accessory buildings and other roofed accessory structures in the rear yard on corner lots or through lots shall be subject to the required front yard setbacks for principal buildings in the zone.
    - [2] Accessory buildings and other roofed accessory structures in the rear yard that cover up to 250 square feet shall be located at least 10 feet from the side and rear lot lines.
    - [3] Accessory buildings and other roofed accessory structures in the rear yard that cover more than 250 square feet shall be located from the side lot line a distance not less than the required side yard setback for principal buildings in the zone, and not less than 25 feet from the rear lot line.
    - [4] In the case of two accessory buildings or other roofed accessory structures in the rear yard which are located closer to each other than the height of the taller of the two structures, the aggregate coverage of the two structures shall be used to determine the required setbacks from the side and rear lot lines.
- (3) The maximum permitted height of detached accessory buildings and other detached roofed accessory structures shall be as follows:
- (a) Detached garages: 17 feet.
  - (b) Other detached structures: 13 feet.
- (4) The maximum permitted floor area and building coverage for individual detached accessory buildings and roofed accessory structures, excluding detached accessory structures used for the keeping of livestock as permitted by § 166-136.2, shall be as follows, subject, however, to the requirements of Paragraph (5) below:
- (a) Cabanas: 200 square feet.
  - (b) Gazebos: 250 square feet.
  - (c) Greenhouses: 200 square feet.
  - (d) Sheds and other storage buildings: 150 square feet.
  - (e) Other: 100 square feet.
  - (f) Garages:
    - 1-car garage: 300 square feet.
    - 2-car garage: 550 square feet.
    - 3-car garage: 800 square feet.

- (g) Combination of any of the foregoing: the maximum permitted for the largest type of building in the combination. For example, a combination shed and greenhouse may not exceed a floor area and building coverage of 200 square feet.
- (5) The aggregate floor area and building coverage of all detached accessory buildings and roofed accessory structures, excluding detached accessory structures used for the keeping of livestock as permitted by § 166-136.2., shall not exceed the lesser of:
  - (a) One-half of the actual building coverage of the principal building on the same lot; or
  - (b) One-fourth of the permitted maximum building coverage for the lot.
- (6) No more than two detached accessory buildings or roofed accessory structures shall be permitted on any residential lot, except for permitted multifamily residential developments.
- (7) The aggregate number of vehicle spaces in garages, both detached and attached, shall be subject to the requirements of §166-118.
- (8) The exterior walls and roofs of detached garages shall be designed using an architectural style and materials which are compatible with the style and materials of the dwelling(s) to which they are accessory.

**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

DATE OF INTRODUCTION: September 12, 2019

DATE OF ADOPTION: October 10, 2019

**NOTICE OF INTRODUCTION**

**NOTICE IS HEREBY GIVEN,** That the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 12<sup>th</sup> day of September, 2019, introduced and read by title and passed on first reading and the

Governing Body will further consider the same for second reading and final passage thereof at a meeting to be held on the 10<sup>th</sup> day of October, 2019, at 8:00 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, in said Township of Hanover, at which time and place a public hearing will be held thereon by the Governing Body and all persons and citizens in interest shall have an opportunity to be heard concerning same.

JOSEPH A. GIORGIO, TOWNSHIP CLERK  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

DATED: September 18, 2019