

ORDINANCE NO. 19-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF  
THE TOWNSHIP OF HANOVER IN THE COUNTY OF MORRIS AND STATE OF NEW  
JERSEY AMENDING AND SUPPLEMENTING CHAPTER 166 OF THE CODE OF  
THE TOWNSHIP, ENTITLED LAND USE AND DEVELOPMENT LEGISLATION,  
BY AMENDING AND ADOPTING VARIOUS DEFINITIONS AND REGULATIONS  
PERTAINING TO FRONT, SIDE AND REAR YARDS,  
LOT FRONTAGE AND LOT WIDTH

**WHEREAS**, the regulation of front, side and rear yards of lots is fundamental to zoning policy in the Township; and

**WHEREAS**, in order for such regulations to be effective, fair and efficiently applied, it is important that front, side and rear yards be clearly defined, and that front, side and rear yard requirements be clearly written; and

**WHEREAS**, the Township Planning Board, in its December 12, 2017 Report on the Reexamination of the Master Plan and Development Regulations, recommended that the definitions of front, side and rear yards and other regulations be revised in order to clarify and amend the interpretation of yards on through lots and other unusual lots.

**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.** Subsection A. of Section 166-4., *Definitions and word usage*, in Article II, *Definitions*, is amended by adding and inserting new definitions for "lot line, front," "lot line, rear," "lot line, side," "lot, through," and "lot width," to read as follows:

**LOT LINE, FRONT** - The lot line(s) separating a lot from a street right-of-way. On corner lots and on through lots, all lot lines separating a lot from a street right-of-way are front lot lines, except as specifically provided otherwise by this chapter. For purposes of this definition, the right-of-way of Interstate Route 24, Route 178 and Route 287 shall not be considered a street unless such right-of-way is permitted to be used for direct access to the property by motor vehicles. See illustration, below, for examples using various lot configurations.

**LOT LINE, REAR** - The lot line(s) opposite from the front lot line and not intersecting the front lot line subject, however, to the following:

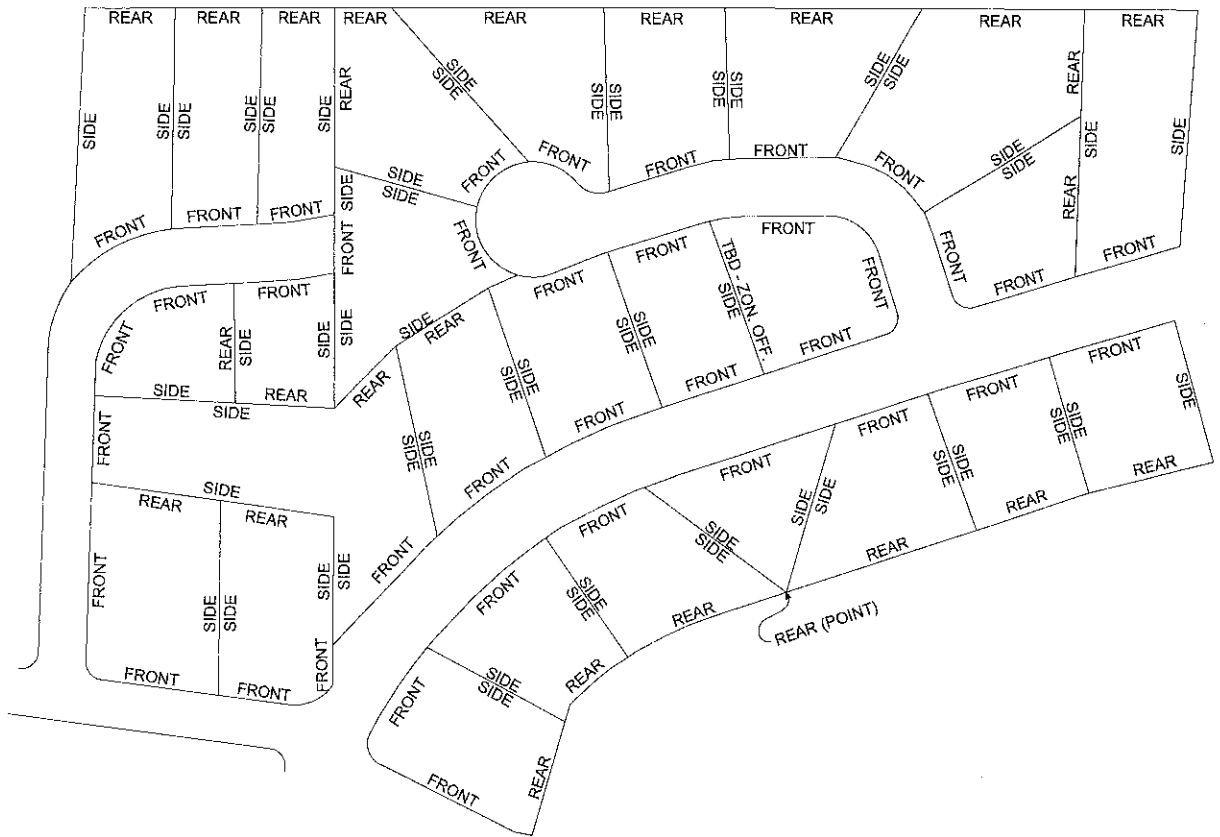
- (1) In the case of interior lots which have side lot lines meeting at a point in the rear of the lot, the rear lot line shall be the point of intersection of the side lot lines.
- (2) On corner lots in residential zones, the rear lot line(s) shall be the shortest interior lot line(s), and which may intersect one of the front lot lines. If the interior lot lines have the same length, the determination of the rear lot line shall be made by the Zoning Officer, based upon the criteria in § 166-113.A.(5) and the circumstances involving the particular lot and adjacent properties.

- (3) On corner lots in nonresidential zones, all lot lines other than front lot lines are side lot lines and there is no rear lot line.
- (4) On through lots, there may or may not be a rear lot line or lines, depending upon the configuration of the lot.
- (5) See illustration, below, for examples using various lot configurations. For uncommon lot configurations, the Zoning Officer shall determine the side and rear lot lines, based upon the criteria in § 166-113.A.(5) and (6) and the circumstances involving the particular lot and adjacent properties.

LOT LINE, SIDE - Any lot line(s) other than the front or rear lot line(s) subject, however, to the following:

- (1) On corner lots in residential zones, the side lot line(s) shall be the longest interior lot line(s), and which may intersect one of the front lot lines. If the interior lot lines have the same length, the determination of the side lot line shall be made by the Zoning Officer, based upon the criteria in § 166-113.A.(5) and the circumstances involving the particular lot and adjacent properties.
- (2) On corner lots in nonresidential zones, all lot lines other than front lot lines are side lot lines.
- (3) See illustration, below, for examples using various lot configurations. For uncommon lot configurations, the Zoning Officer shall determine the side and rear lot lines, based upon the criteria in § 166-113.A.(5) and (6) and the circumstances involving the particular lot and adjacent properties.

## FRONT, REAR AND SIDE LOT LINES - EXAMPLES



Note: "TBD - Zon. Off." in the above illustration means that the lot line and yard determinations will be made by the Zoning Officer.

**LOT, THROUGH** - A lot that fronts upon more than one street and where the lot frontage for at least two of the streets is separated by another lot or lots and/or by another street. A through lot may also be a corner lot. For purposes of this definition, the right-of-way of Interstate Route 24, Route 178 and Route 287 shall not be considered a street unless such right-of-way is permitted to be used for direct access to the property by motor vehicles.

**LOT WIDTH** - The shortest straight line distance between the two side lot lines of a lot and measured: a) parallel to the front lot line, and b) at a distance from the front lot line specified in the zoning regulations subject, however to the following:

- (1) If such distance from the front lot line is not specified in the zoning regulations, lot width shall be measured at a distance from the front lot line equal to the minimum required front yard setback.
- (2) In the case of a lot where the width is measured parallel to a front lot line which is not a straight line, the lot width shall be as above, but measured parallel to the shortest straight line which is: a) located entirely within the lot, and b) tangent to the front lot line.

- (3) In the case of corner lots, the lot width shall be the shortest straight line distance between the side lot line and the front lot line opposite, measured at the distance from the intersecting front lot line as indicated above.

**Section 2.** Subsection A. of Section 166-4., *Definitions and word usage*, in Article II, *Definitions*, is amended by revising the definitions of "lot, corner" and "lot frontage" to read as follows:

**LOT, CORNER** - A lot at the junction of and having frontage on two or more intersecting streets. A corner lot may also be bounded on two or more sides by the same street, and may also be a through lot. For purposes of this definition, the right-of-way of Interstate Route 24, Route 178 and Route 287 shall not be considered a street unless such right-of-way is permitted to be used for access to the property by motor vehicles.

**LOT FRONTAGE** - A lot line that is coincidental to any abutting street right-of-way line. Corner lots and through lots shall be deemed to have frontage on all abutting streets. For purposes of this definition, the right-of-way of Interstate Route 24, Route 178 and Route 287 shall not be considered a street or a street right-of-way line unless such right-of-way is permitted to be used for access to the property by motor vehicles. In the event that two lot lines do not meet at a point, as for example in the case of intersections where the lot lines intersect with a curve, the length of the lot frontage for each street shall be measured to a point at the intersection of a projection of the lot lines.

**Section 3.** Subsection A. of Section 166-4., *Definitions and word usage*, in Article II, *Definitions*, is amended by deleting the definitions of "yard" and inserting new definitions of "yard, front," "yard, rear" and "yard, side" to read as follows:

**YARD, FRONT** - A space extending across the full width of the lot and located between the front lot line and the nearest principal building or principal structure located on said lot subject, however, to the following:

- (1) On corner lots, there are two or more front yards, with such yards extending across the full width and depth of the lot, between the front lot lines and the nearest principal building or principal structure located on said lot.
- (2) On through lots, there are two or more front yards, except as specifically provided otherwise by this chapter; one front yard is a space extending across the full width of the lot and located between the front lot line and the front of the principal building, as determined by the Zoning Officer; the other front yard(s) is/are a space or spaces extending across the full width of the lot and located between the other front lot line(s) and the minimum required front yard setback line(s) from such other front lot line(s).
- (3) See yards illustration, below, for examples using various lot configurations. For uncommon lot configurations, the Zoning Officer shall determine the front yard(s), based upon the criteria in § 166-113.A.(5) and (6) and the circumstances involving the particular lot and adjacent properties.

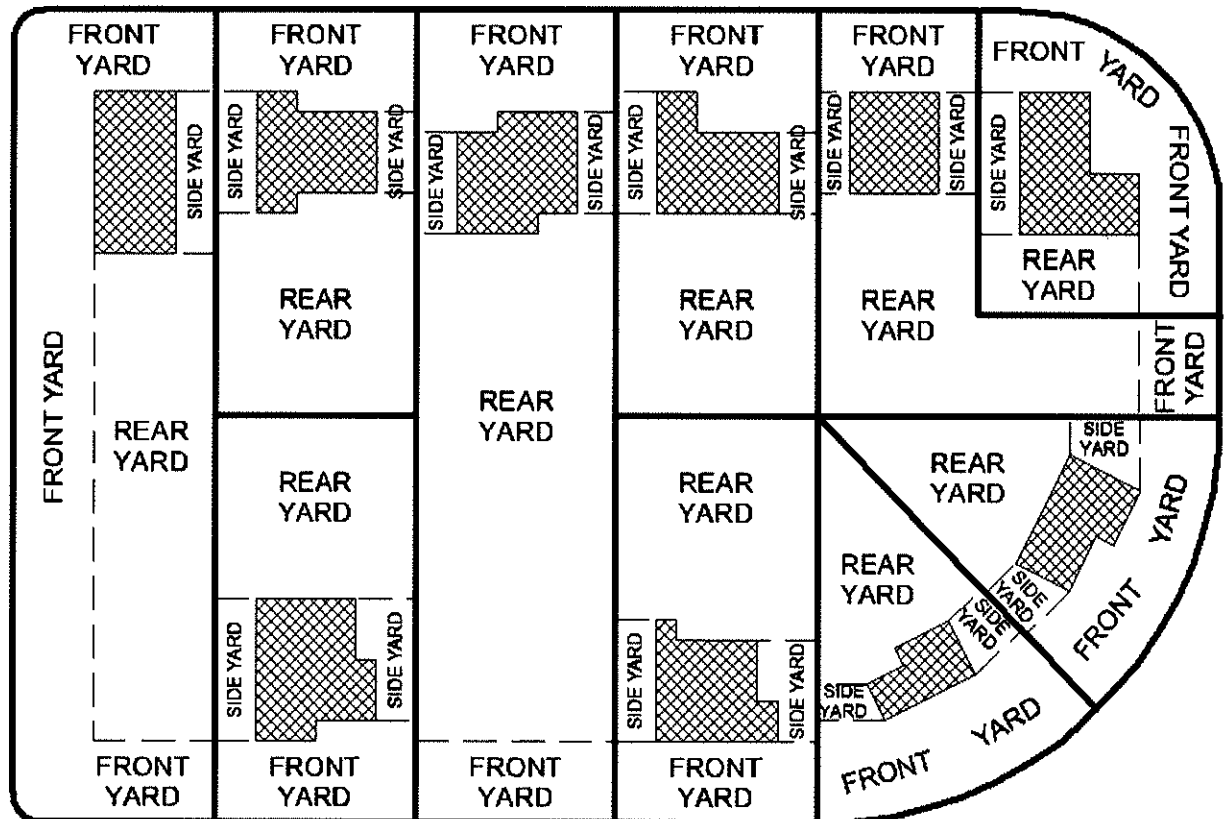
YARD, REAR - A space extending across the full width of any lot and lying between the rear lot line(s) and the nearest principal building or principal structure located on said lot subject, however, to the following:

- (1) On corner lots in residential zones, the rear yard is a space extending between the rear lot line(s), the side lot line(s), the front yard(s) located opposite the side lot line(s), and the nearest principal building or structure located on said lot.
- (2) On corner lots in nonresidential zones, there are no rear yards, only front and side yards.
- (3) On through lots, the rear yard is a space located between the other front yard(s) defined for through lots in "yard, front" above and the nearest principal building or principal structure located on said lot, except as specifically provided otherwise by this chapter.
- (4) See yards illustration, below, for examples using various lot configurations. For uncommon lot configurations, the Zoning Officer shall determine the rear yard, based upon the criteria in § 166-113.A.(5) and (6) and the circumstances involving the particular lot and adjacent properties.

YARD, SIDE - The spaces located between: a) the front yard, b) rear yard, c) side lot lines and d) the nearest principal building or principal structure located on said lot subject, however, to the following:

- (1) On corner lots in residential zones, the side yard is space located between the front yard, rear yard, side lot line and the nearest principal building or principal structure located on said lot.
- (2) On corner lots in nonresidential zones, all yards other than front yards are side yards.
- (3) On through lots, side yards are the space(s) located between the first front yard defined for through lots in "yard, front" above, the rear yard, the side lot line(s) and the nearest principal building or principal structure located on said lot.
- (4) The depth of the side yard(s) shall be measured perpendicular to the side lot line(s).
- (5) See yards illustration, below, for examples using various lot configurations. For uncommon lot configurations, the Zoning Officer shall determine the front, rear and side yards, based upon the criteria in § 166-113.A.(5) and (6) and the circumstances involving the particular lot and adjacent properties.

#### FRONT, SIDE AND REAR YARDS-EXAMPLES



**Section 4.** Subsection D. of Section 166-103., *Subdivisions*, in Article XV, *Design Standards*, is amended by deleting Paragraphs (5) and (6) of the Subsection.

**Section 5.** Subsection A. of Section 166-108., *Map, schedule and appendices*, in Article XVIII, *Districts; Map and Schedule*, is amended to read as follows:

- A. The Zone Map delineating the zone districts within the Township, entitled "Zoning Map, Township of Hanover," dated December 2017; is hereby declared to be a part of this chapter. In the event of any discrepancy between the summary zoning schedule on the Zoning Map and the text of Chapter 166, the text of Chapter 166 shall supersede the table on the Zoning Map.

**Section 6.** Subsection A. of Section 166-113., *Yards*, in Article XIX, *General Provisions*, is amended by adding and inserting new Paragraphs (5) and (6), to read as follows:

- (5) Lot line and yard determinations for uncommon or atypical lots. In the event that the definitions of lot lines and yards in § 166-4. do not allow for a clear or reasonable determination of front, rear and side lot lines or yards, as for example in the case of flag lots or land-locked parcels which may be nonconforming or created by variance, the determination of such lot lines and yards shall be made by the Zoning Officer. Any such determination may be appealed following the procedures set forth in the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. and this Chapter. In making such determination and deciding such appeals, the following guidelines shall apply:

- (a) Generally, the common boundaries between lots are to be defined the same. Thus, if the common boundary is a rear lot line for one lot, it is to be considered a rear lot line for all lots that share that boundary. The same case applies when a common boundary is a side lot line. There are exceptions to this principle, however, such as when a rear lot line on a corner lot is also the side lot line of the property sharing the same boundary.
  - (b) Generally, rear lot lines intersect side lot lines or other rear lot lines, but not front lot lines. There are exceptions to this principle, however, such as when a rear lot line on a corner lot intersects one or more of the front lot lines.
  - (c) Generally, side lot lines intersect front lot lines and/or rear lot lines. Side lot lines may also intersect other side lot lines, as for example in the case of corner lots in the nonresidential zones.
  - (d) Generally, rear lot lines and rear yards are located to the rear of the principal building, and side yards are located to the side of the principal building. There are exceptions to this principle, however, such as when the principal building is at a severe angle to the lot line(s), or the lot line(s) curve or angle along more than one wall of the building, the lot is unusually shaped, the building is unusually shaped or oriented, etc.
  - (e) Generally, front yards are located in front of the principal building, across the full width of a lot. There are exceptions to this principle, however, such as in the case of flag lots and land-locked parcels not having frontage on an approved street. In such cases, the front yard may be more limited in extent or there may be no front yard at all, as with a land-locked parcel.
  - (f) In cases where the application of these guidelines conflict with or contradict one another or the lot line and yard definitions in § 166-4., the determination of front, side and rear lot lines and yards shall be made by the Zoning Officer based upon the facts in each situation.
- (6) Lot line and yard determinations for certain corner lots and through lots. Notwithstanding the lot line and yard definitions for corner lots and through lots in this Chapter, the Zoning Officer may in exceptional circumstances determine that a lot line abutting a street right-of-way is a rear lot line or side lot line, and that the entire area between such lot line and the principal building is a rear yard or side yard. In addition, the Zoning Officer may determine that other lot lines and yards on corner lots and through lots are to be construed differently than defined by this Chapter. The following shall apply:
- (a) In the case of corner lots, such determinations shall only be made if there are exceptional circumstances that would produce a result clearly contrary to the intent of the zoning regulations if the definitions in § 166-4. were applied, as evidenced by:
    - [1] an exceptional orientation of the principal building on the lot and/or on adjacent lots;

- [2] an exceptional condition of usage of yard areas on the lot and/or on adjacent lots; and/or
  - [3] an exceptional situation involving frontage upon a highway and in which the yard abutting the highway is and could not reasonably be expected to be used, as a front yard.
- (b) In the case of through lots, such determinations shall only be made if there is a clear and consistent pattern in the immediate vicinity of other lots treating such lot lines and yards in the same manner, as evidenced by:
- [1] a pattern of the same or similar orientation of principal buildings toward the same street;
  - [2] a pattern of the same or similar setback of principal buildings from the same street;
  - [3] a pattern of driveways providing access from the same street;
  - [4] a pattern of the same or similar the usage of yard areas; and/or
  - [5] a pattern of fences and/or buffers providing separation from the same street.
- (c) Prior to making such determinations, the Zoning Officer may require the permit applicant to notify adjacent property owners of the permit application in sufficient time for such owners to review the application and communicate any objections to the Zoning Officer.
- (d) In making such determinations, the Zoning Officer may impose certain reasonable requirements and/or conditions in order to preserve the neighborhood development pattern and to protect the public health, safety and welfare. Such requirements and/or conditions may relate to, but are not limited to, permitted accessory uses and structures; required setbacks; screening; fence height, location and design; driveway design and location; sight distance for streets, driveways and sidewalks; and property maintenance.
- (e) Any Zoning Officer determination, and any requirement and/or condition imposed by the Zoning Officer, may be appealed in the same manner as any other determination of the Zoning Officer in accordance with this Chapter and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

**Section 7.** Paragraph (3) in Subsection B. of Section 166-114., *Accessory buildings*, in Article XIX, *General Provisions*, is amended to read as follows:

- (3) No accessory building or other roofed accessory structure shall be permitted in the front yard, except for bus shelters and gatehouses designed and used to limit access to a development.



**Section 8.** Section 166-121., *Lots bounded by more than one street*, in Article XIX, *General Provisions*, is amended to read as follows:

**§ 166-121. Lots bounded by more than one street; minimum lot frontage.**

- A. Where a lot is bounded by more than one street, each area fronting on a street shall be considered a front yard, and all front yard requirements of this chapter shall be met, except as specifically provided otherwise by this chapter. For purposes of this requirement, the right-of-way of Interstate Route 24, Route 178 and Route 287 shall not be considered a street unless such right-of-way is permitted to be used for access to the property by motor vehicles.
- B. Corner lots and through lots shall comply with the minimum lot width requirements on all abutting streets.
- C. All lots, including interior lots, corner lots or through lots, shall have a frontage of at least 50 feet on all abutting streets.

**Section 9.** 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 10.** All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**Section 11.** 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: July 12, 2018

DATE OF ADOPTION: September 13, 2018

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 13<sup>th</sup> day of SEPTEMBER, 2018.

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