

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

ORDINANCE #01-2023

**ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY,
AMENDING CHAPTER 215, ZONING, OF THE BOROUGH CODE TO PERMIT CERTAIN
RESIDENTIAL BUILDING ENCROACHMENTS FOR HOME IMPROVEMENTS**

WHEREAS, owners of residential properties in certain areas of the Borough are restricted in constructing home improvement projects, such as patios or decks, due to existing setback limitation which require them to seek formal variance relief; and

WHEREAS, the Borough desires to encourage home improvement and make the process easier for these property owners; and

WHEREAS, the Borough Planner has recommended amending the Borough Code to allow for limited encroachment into existing setbacks for improvements made to single family homes and to townhomes in the ¼ Acre Residence Zone District in the Borough; and

WHEREAS, the Mayor and Borough Council find it in the best interest of the Borough to amend the Code accordingly.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Mendham, County of Morris, State of New Jersey, as follows:

SECTION 1. Chapter 215, Zoning, Article 1, Terminology, § 215-1, Word usage and definitions, paragraph B, Definitions, is hereby amended to add the following language:

AWNING, CANOPY

A roof-like cover that projects from the wall of a principal or accessory building for the purpose of shielding a doorway or window from the elements. Awnings may be either fixed or retractable.

ENCROACH

To break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback.

ENCROACHMENT

Any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into the setback.

PATIO, TERRACE

A level, landscaped, and/or surfaced area directly adjacent to a principal building and not covered by a permanent roof.

OVERHANG

The part of a roof or wall that extends beyond the façade of a lower wall.

SECTION 2. Chapter 215, Zoning, Article X, Lot Area and Bulk Requirements, § 215-31.1, Supplementary zoning regulations for building height, building footprint, impervious coverage and accessory structures, is hereby amended to establish new paragraphs J and K to read as follows:

J. Exceptions and supplemental regulations to bulk requirements for building elements.

(1) Building elements which are permitted encroachments into setback requirements include but are not limited to, overhangs or porticos, awnings, steps, porches, decks, balconies, bay and box windows, fireplaces or chimneys, heating or air-conditioning units, patios and terraces provided that no encroachment is more than 25% of the total distance of the required setback.

K. Exceptions and supplemental regulations to bulk and area requirements in the ¼ Acre Residence Zone District for townhouse developments.

(1) The following bulk requirements shall be applicable to building elements such as overhangs or porticos, awnings, steps, porches, decks, balconies, bay and box windows, fireplaces or chimneys, heating or air-conditioning units, patios and terraces for existing townhouse residential development in the ¼ Acre Residential Zone District.

Townhouse Building Element Setbacks		
Front (feet)	Side Yards (feet)	Rear Yards (feet)
25	1 Interior Lots	5
	5 Exterior Lots	

SECTION 3. If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 5. This Ordinance shall take effect immediately upon final passage and publication in the manner according to law.

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Introduced: February 8, 2023
Public Hearing: February 21, 2023

CERTIFICATION

I HEREBY CERTIFY the foregoing to be a true copy of an Ordinance introduced by the Council of the Borough of Mendham at a duly noticed regular meeting held on February 8, 2023.

// Carolynn Budd //

Carolynn Budd, RMC, CMR
Borough Clerk