

**HARDING TOWNSHIP
ORDINANCE NO. 03-16**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING AND REVISING
CHAPTER 225 OF THE TOWNSHIP CODE ENTITLED "LAND USE" AND
SPECIFICALLY SECTIONS 225-116, 225-122, 225-126, 225-130, 225-134 and 225-143**

WHEREAS, the Harding Township Committee previously enacted amendments to the Township's Land Use Code for purposes of limiting the height of certain buildings; and

WHEREAS, subsequent thereto it was determined that there was no provision made for certain appurtenances that are included as part of the construction of some homes, such as cupolas, that are commonly found on structures built in the era or style represented by the bulk of Harding Township's housing stock; and

WHEREAS, it was initially thought that persons seeking such appurtenances would be able to address this deficiency by way of obtaining the necessary variances from the appropriate land use board; and

WHEREAS, it has since been determined that these types of structures rarely meet the requirements necessary to obtain a variance and therefore it has become increasing difficult for residents desiring to construct these features to obtain the necessary approvals; and

WHEREAS, the Harding Township Committee recognized the situation and therefore referred the issue to the Township's Planning Board for review and comment; and

WHEREAS, the Planning Board in turn requested that the Township's Historic Preservation Commission to conduct a study of architectural features that typically extend above a roof line and exceed the Township's current building height limitation of 35 feet; and

WHEREAS, the Historic Preservation Commission undertook such a study and reviewed a wide range of residential and agricultural structures in Harding Township and in other areas that developed in the same era as Harding Township and which contained similar architectural styles; and

WHEREAS, the Historic Preservation Commission presented the findings of its study and review to the Planning Board in June 2015 that included a set of recommendations for amending the appropriate sections of Harding Township's Land Use Code; and

WHEREAS, the Township Committee finds that it is necessary and in the public's interest to act upon the recommendations made by the Historic Preservation Commission, thereby amending the Section 225-116, 225-122, 225-126, 225-130, 225-134 and 225-143 of the Township's Land Use Code in enact those recommendations so that residents will be able to use cupolas and similar structures in the architectural design of homes and agricultural buildings, consistent with the limits imposed by the other elements of Harding Township's Land Use Code.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Harding, in the County of Morris, State of New Jersey, that the following section of Chapter 225

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of the Township Code entitled "Land Use" be and is hereby amended as follows [added portions are **bolded** and underlined; deleted portions have strikethrough]:

SECTION 1. § 225-116 General regulations.

A. – C. *No changes.*

D. Limitations applicable to accessory buildings and structures, including but not limited to: recreation structures, pools, decks, fences and energy-related structures.

(1) – (6) *No changes.*

(7) Cupolas, domes, and other architectural features which exceed the maximum "height of building" as defined in §225-5 of this chapter shall be limited as follows:

(a) No light fixtures or indirect artificial light source shall be visible or located within the mass of the feature.

(b) The feature shall not serve as habitable space.

(c) The feature shall not be used to conceal or house elevator, plumbing, electrical or other mechanical equipment.

(d) The feature may be functional to provide natural daylight to the interior of the building or provide passive ventilation through operable windows or louvers. Such windows or louvers may be operated by electrical or mechanical methods not withstanding (c) above.

(e) A building lot that is limited to a single residential structure shall be limited to (1) cupola. A building lot that may be developed with both a single residential structure and an accessory structure shall be limited to (1) cupola per each structure.

E. – G. *No changes.*

H. Building height shall be measured in accordance with the definition of "height of building" contained in ~~section~~ § 225-5 of this chapter. Except as indicated below,

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the maximum height of buildings permitted in each zone shall include all portions of the roof such as dormers, turrets, domes and other architectural features: **which include habitable space but shall exclude cupolas, domes and other architectural features which do not include habitable space.**

(1) – (5) *No changes.*

I. – Q. *No changes.*

SECTION 2. § 225-122 Bulk regulations.

A. – C. *No changes.*

D. Maximum height of buildings and structures.

(1) Maximum height of the main building: 35 feet and not more than 2 1/2 stories: **except that cupolas, domes and other architectural features may exceed the maximum height, subject to the following limitations:**

(a) A maximum height not to exceed 6 feet as measured from the building's roof ridge to the top of the feature's fascia (or start of the feature's roof);

(b) A maximum height not to exceed 8 feet measured from the building's roof ridge to the median height of the feature's roof line;

(c) A maximum overall height not to exceed 10 feet measured from the building's roof ridge to the top of the feature's roof, exclusive of finials or weathervanes, if installed; and

(d) The base of the feature shall not exceed 40 square feet as measured at the top of the feature's plinth base.

(2) Maximum height of the accessory buildings and structures: 25 feet: **except that cupolas, domes and other architectural features may exceed the maximum height, subject to the following limitations:**

(a) A maximum height not to exceed 6 feet as measured from the building's roof ridge to the top of the feature's fascia (or start of the feature's roof);

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- (b) A maximum height not to exceed 8 feet measured from the building's roof ridge to the median height of the feature's roof line;
- (c) A maximum overall height not to exceed 10 feet measured from the building's roof ridge to the top of the feature's roof, exclusive of finials or weathervanes, if installed; and
- (d) The base of the feature shall not exceed 40 square feet as measured at the top of the feature's plinth base.

E. – H. *No changes.*

SECTION 3. § 225-126 Bulk regulations.

A. – C. *No changes.*

D. Maximum height of buildings and structures.

- (1) Maximum height of the main building: 35 feet and not more than 2 1/2 stories; except that cupolas, domes and other architectural features may exceed the maximum height, subject to the following limitations:

- (a) A maximum height not to exceed 6 feet as measured from the building's roof ridge to the top of the feature's fascia (or start of the feature's roof);
- (b) A maximum height not to exceed 8 feet measured from the building's roof ridge to the median height of the feature's roof line;
- (c) A maximum overall height not to exceed 10 feet measured from the building's roof ridge to the top of the feature's roof, exclusive of finials or weathervanes, if installed; and
- (d) The base of the feature shall not exceed 40 square feet as measured at the top of the feature's plinth base.

- (2) Maximum height of the accessory buildings and structures: 25 feet; except that cupolas, domes and other architectural features may exceed the maximum height, subject to the following limitations:

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- (b) A maximum height not to exceed 8 feet measured from the building's roof ridge to the median height of the feature's roof line;
- (c) A maximum overall height not to exceed 10 feet measured from the building's roof ridge to the top of the feature's roof, exclusive of finials or weathervanes, if installed; and
- (d) The base of the feature shall not exceed 40 square feet as measured at the top of the feature's plinth base.

E. - I. *No changes.*

SECTION 4. § 225-130 Bulk regulations.

A. - C. *No changes.*

D. Maximum height of buildings and structures.

- (1) Maximum height of the main building: 35 feet and not more than 2 1/2 stories; except that cupolas, domes and other architectural features may exceed the maximum height, subject to the following limitations:

- (a) A maximum height not to exceed 6 feet as measured from the building's roof ridge to the top of the feature's fascia (or start of the feature's roof);
- (b) A maximum height not to exceed 8 feet measured from the building's roof ridge to the median height of the feature's roof line;
- (c) A maximum overall height not to exceed 10 feet measured from the building's roof ridge to the top of the feature's roof, exclusive of finials or weathervanes, if installed; and
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- (2) Maximum height of the accessory buildings and structures: 25 feet- except that cupolas, domes and other architectural features may exceed the maximum height, subject to the following limitations:
- (a) A maximum height not to exceed 6 feet as measured from the building's roof ridge to the top of the feature's fascia (or start of the feature's roof);
 - (b) A maximum height not to exceed 8 feet measured from the building's roof ridge to the median height of the feature's roof line;
 - (c) A maximum overall height not to exceed 10 feet measured from the building's roof ridge to the top of the feature's roof, exclusive of finials or weather vanes, if installed; and
 - (d) The base of the feature shall not exceed 40 square feet as measured at the top of the feature's plinth base.

E. - I. *No changes.*

SECTION 5. § 225-134 Bulk regulations.

A. - C. *No changes.*

D. Maximum height of buildings and structures.

- (1) Maximum height of the main building: 35 feet and not more than 2 1/2 stories- except that cupolas, domes and other architectural features may exceed the maximum height, subject to the following limitations:
- (a) A maximum height not to exceed 6 feet as measured from the building's roof ridge to the top of the feature's fascia (or start of the feature's roof);
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(c) A maximum overall height not to exceed 10 feet measured from the building's roof ridge to the top of the feature's roof, exclusive of finials or weathervanes, if installed; and

(d) The base of the feature shall not exceed 40 square feet as measured at the top of the feature's plinth base.

(2) Maximum height of the accessory buildings and structures: 25 feet: except that cupolas, domes and other architectural features may exceed the maximum height, subject to the following limitations:

(a) A maximum height not to exceed 6 feet as measured from the building's roof ridge to the top of the feature's fascia (or start of the feature's roof);

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(c) A maximum overall height not to exceed 10 feet measured from the building's roof ridge to the top of the feature's roof, exclusive of finials or weathervanes, if installed; and

(d) The base of the feature shall not exceed 40 square feet as measured at the top of the feature's plinth base.

E. – I. *No changes.*

SECTION 6. § 225-143 Bulk regulations.

A. – B. *No changes.*

C. Height of principal buildings.

(1) Minimum height: 1 ½ stories, with two floors above basement or slab on grade.

(2) Maximum height: 2 ½ stories and not more than 35 feet: except that cupolas, domes and other architectural features may exceed the maximum height, subject to the following limitations:

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- (c) A maximum overall height not to exceed 10 feet measured from the building's roof ridge to the top of the feature's roof, exclusive of finials or weathervanes, if installed; and
- (d) The base of the feature shall not exceed 40 square feet as measured at the top of the feature's plinth base.

D. – K. *No changes.*

SECTION 7. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 8. This ordinance shall take effect upon final passage and publication according to law.

SECTION 9. The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S. 40:55D-16 and with the Township Tax Assessor.

SECTION 10. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 11. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

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ATTEST:

TOWNSHIP OF HARDING

Gail W. McKane
Township Clerk

Nicolas Platt
Mayor

INTRODUCED: 3/14/16
PUBLIC HEARING: 4/11/16
ADOPTED:
DEFEATED: 5/9/16

ADVERTISED: 3/31/16

ADVERTISED:

ORDINANCE DEFEATED