

**HARDING TOWNSHIP
ORDINANCE NO. 04-16**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING AND REVISING
CHAPTER 225 OF THE TOWNSHIP CODE ENTITLED "LAND USE" AND
SPECIFICALLY SECTION 225-116 "GENERAL REGULATIONS"**

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 on June 22, 2015 and September 28, 2015 that included a set of recommendations for amending the appropriate sections of Harding Township's Land Use Code; and

WHEREAS, the Township Committee believes it is necessary and in the public's interest to act upon the recommendations made by the Historic Preservation Commission and to amend the Township's Land Use Code to enact an amendment to the Township's Land Use Code 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; and

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WHEREAS, the Planning Board in conjunction with the Township Planner, at the urging of the Township Committee, provided certain recommended changes to the Land Use Code for this purpose and the Township Committee, after considering these recommendations, have determined to enact the this ordinance to address the noted deficiency.

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 Chapter 225, Section 116 of the Township Code entitled "General regulations" be and is hereby amended as follows [added portions are **bolded** and underlined; deleted portions have strikethrough]:

SECTION 1: § 225-116 General regulations.

A. – 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, 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.

(1) Residential uses. Chimneys, radio and television antennas, and satellite receivers located upon or attached to a roof of a structure used for, or accessory to, a residential dwelling may extend an additional eight (8) feet above the top of the roof. **In all residential zones cupolas, spires, belfries and domes are permitted to be located upon or attached to a roof of a principal structure and shall comply with the following:**

(a) The permitted structures may extend not more than ten feet above the maximum permitted building height.

(b) Weathervanes and similar attachments may extend above a cupola, spire, belfry or dome, limited to no greater than three feet above said appurtenance.

(c) The number of permitted rooftop structures shall not exceed three (3) for the principal dwelling.

(d) The structure shall not be lighted, it shall not be habitable space and shall not house mechanical equipment for any purpose, except mechanically or electrically operated louvers for ventilation are permitted.

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- (e) **The total area occupied by such rooftop structures shall not exceed 150 square feet or 10% of the total roof area at plan view, whichever is smaller.**
- (2) – (3) *No changes.*
- (4) Barns. The height of a barn, ~~including any cupola constructed thereon,~~ shall be limited as follows:
- (a) A barn located in the RR and R-1 Zone that is used exclusively for agricultural purposes and/or for keeping/boarding horses shall be limited in height to thirty-five (35) feet. **Cupolas, spires, belfries and domes are permitted to be located upon or attached to a roof subject to the provisions listed in subsection H (1) (a) – (d) above.**
- (b) **The permitted structures may extend not more ten feet above the maximum permitted building height.** A barn that is not used exclusively for agricultural purposes and/or for keeping/boarding horses shall comply with the height limitations for accessory structures in the zone in which it is situated. **In all residential zones cupolas, spires, belfries and domes are permitted to be located upon or attached to a roof subject to the following:**
- (i) **Weathervanes and similar attachments may extend above a cupola, spire, belfry or dome, limited to no greater than 3 feet above said appurtenance.**
- (ii) **The structure shall not be lighted, it shall not be habitable space and shall not house mechanical equipment for any purpose, except that mechanically or electrically operated louvers for ventilation are permitted.**
- (5) *No changes.*
- I. - Q. *No changes.*

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SECTION 2. 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 3. This ordinance shall take effect upon final passage and publication according to law.

SECTION 4. 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 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

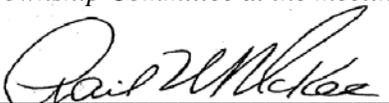
SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

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Dated June 13, 2016

I, Gail W. McKane, Township Clerk of the Township of Harding, County of Morris, State of New Jersey, do hereby certify the foregoing ordinance to be a true and correct copy of the ordinance adopted by the Township Committee at the meeting held on June 13, 2016.



Gail W. McKane, Township Clerk