ORDINANCE NO. —2010

AN ORDINANCE OF THE TOWNSHIP OF MENDHAM IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY AMENDING THE TOWNSHIP LAND USE ORDINANCE PERTAINING TO SIGHT DISTANCES FOR DRIVEWAYS, SETBACKS AND BUILDING HEIGHT

WHEREAS, the Mendham Township Planning Board has recommended revisions to the Mendham Township Land Use Ordinance relating to the computation of sight distance for drivers entering onto roadways, zoning setbacks, and height limitations; and

WHEREAS, the Township Committee has reviewed the recommendations of the Planning Board as well as information provided by the Township Engineer and finds that it is in the public interest to amend the Land Use Ordinance accordingly.

BE IT ORDAINED by the Township Committee of the Township of Mendham in the County of Morris, and State of New Jersey as follows:

Section 1. Chapter XVI, "Subdivision and Site Plan Review," Subsection 16-10.6, Lots, of the Township Code of Mendham is hereby amended in part to read as follows:

d. All driveways shall meet the abutting roadway at a horizontal angle of not less than 60°. Sight distances for driveways at street intersections shall meet the recommended standards for intersection sight distances in accordance with "A Policy on Geometric Design of Highways and Streets," latest edition, by The American Association of State Highway and Transportation Officials (AASHTO). Sight distances shall be measured from a point on the center line of the driveway at a distance 12 feet from the edge of the pavement.

Section 2. Chapter XXIV, "Lot Development Permit," Subsection 24-5, Plan Requirements, of the Township Code of Mendham is hereby amended in part to read as follows:

c. Sight distances for driveways at street intersections shall meet the provisions set forth in Subsection 16-10.7(d).

Section 3. Chapter XXI, "Zoning Regulations," Subsection 21-6.4, Encroachments in Required Yards, of the Township Code of Mendham is hereby amended in part to read as follows:

e. In addition to the restriction in "d" above, an accessory structure with a footprint area not in excess of 100 square feet shall not be closer to a side or rear lot line than the minimum setback distance required for the principal building, provided, however, that in the R-3, R-5 and R-10 Zone

Districts driveways and parking areas shall be set back from the side lot lines a minimum distance equal to one-half of the applicable side yard setback dimension required for the principal structure in the respective zone district.

f. An accessory structure with a footprint of 100 square feet, or less, shall be no less than 10 feet from a side or rear property line, which also respecting the restrictions set forth in "a" through "d" above.

Section 4. Chapter XXI, "Zoning Regulations," Subsection 24-6.5, Height Exceptions, of the Township Code of Mendham is hereby amended in part to read as follows:

a. Height limitations of this chapter shall not apply to (1) any chimney which extends no more than 5 feet above the highest point of the roof of the building of which it is a part, (2) any steeple, belfry, cupola or flagpole of a church or public building, or (3) any radio or television antenna affixed to the chimney or roof of a one family residence which extends no more than 20 feet above the highest point of the roof.

b. Entry pillars, gate posts, and gates in connection with a driveway to any property in the Township shall not exceed eight (8) feet in height.

c. Any accessory structure located between a required setback line and a property line excepting driveway pillars, shall not have a height greater than twelve feet.

Section 5. Chapter XII "General Definitions," is amended in part to read as follows:

HEIGHT OF STRUCTURE – The vertical distance measured from the average finished grade around a structure to the horizontal projection of the highest point of a structure other than a building, or the highest point of the roof of the building. The average finished grade shall be computed by averaging spot grade elevations at 15 to 20 foot intervals along a line that is 10 feet distant, and parallel to the outer perimeter of the building. Additional spot grades may be required to properly integrate abrupt grade changes into the calculation.

Section 6. Severability Clause.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance. Any ordinance inconsistent with the terms of this ordinance is hereby repealed to the extent of such inconsistency.

Section 7. This Ordinance shall take effect after final passage and publication pursuant to law.

Introduced:
Adopted:
Effective:

ATTEST:

By: _____
Ann L. Carlson, RMC
Township Clerk

TOWNSHIP OF MENDHAM
IN THE COUNTY OF MORRIS

By: _____
Richard H. Krieg, Mayor