

**BOROUGH OF HO-HO-KUS
COUNTY OF BERGEN, NJ**

ORDINANCE NO. 2024-95

**AN ORDINANCE TO AMEND ARTICLE V, CHAPTER 85, ZONING OF THE
BOROUGH OF HO-HO-KUS.**

WHEREAS, the Borough seeks to establish criteria to clarify the regulations pertaining to accessory structures on corner lots in the R-1, R-2, R-2A and R-3 districts; and

WHEREAS, to establish an appropriate exemption to permit mechanically related accessory equipment to residential homes on corner lots with related criteria, some amendments to the zoning ordinance are reasonable and appropriate.

BE IT ORDAINED by the Mayor and Council of the Borough of Ho-Ho-Kus, in the County of Bergen and State of New Jersey, that Article III section §85-35 entitled “Yard requirements” is hereby amended and supplemented in the existing code in the following particulars only: (deleted sections are noted by ~~strikethroughs~~, new sections are underlined)

Section 1. Amend section §85-35 by changing the entire section to read as follows:

Exterior residential accessory mechanical equipment, including air-conditioning condensers, heat pumps, and generators, ~~Air-conditioning equipment necessary to the operation of the residential air-conditioning needs of the principal structure may be installed in side or rear yards in single and two family residential districts, provided that it is mounted on an approved secure pad and does not block the electric disconnect and does not infringe on required setbacks more than five feet at any point. Air-conditioning~~ Exterior residential accessory mechanical equipment shall not be permitted in a front yard except on a corner lot wherein such equipment shall be placed on the side of the residence not containing the residence front entrance door and shall not infringe on the required front setback more than 5 feet. **This front yard exemption does not include fuel tanks. Any mechanical equipment located in the front yard area of a corner lot as permitted herein, must be screened with evergreen or deciduous shrub planting at a sufficient height **and density** of planting to block at least the height of the accessory equipment at the time of planting **and such landscaping shall be placed no greater than 5 feet from such equipment.****

~~Air-conditioning~~ **Such residential mechanical equipment installed inside dwellings shall require the filing of plans showing adequate structural support, venting and other requirements as may be determined by the Construction Code Official. Scheduling for regular generator testing shall be limited to Monday through Friday from 12:00 p.m. until 4:00 p.m. All applicable permits shall be required for all residential mechanical equipment installations, except window air conditioners. A property survey is required to review zoning setbacks for pad placement.**

Section 2. If any section, subsection, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section 3. All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. The Borough Clerk is hereby directed to give notice at least ten (10) days prior to the hearing on the adoption of this ordinance to the Bergen County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S.A. 40:55D-15. Upon adoption of this ordinance, after public hearing thereon, the Borough clerk is further directed to publish notice of the passage thereof and to file copy of this ordinance as finally adopted with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16 and with the Borough Tax Assessor.

Section 5. This ordinance shall take effect twenty (20) days after final passage and publication as prescribed by law.

NOTICE OF PENDING ORDINANCE

This Ordinance published herewith was introduced and pass upon first reading at a meeting of the Municipal Council of the Borough of Ho-Ho-Kus, in the County of Bergen, New Jersey, held on February 27, 2024. It will be further considered for final passage after the public hearing thereon, at a meeting of said Municipal Council to be held in the Municipal Building, 333 Warren Avenue, Ho-Ho-Kus, NJ 07423-1547, in said Borough at the Public Meeting on March 26, 2024, at 7:00 p.m. at which time and place all interested member of the public who desire will be given an opportunity to be heard in connection with said Ordinance, and during the week prior to and up to and including the date of such meeting, copies of said has been posted on the bulletin board upon which public notices are customarily posted in the Borough Hall and copies are available at no charge in the Office of the Borough Clerk for members of the general public who may request them.