

**BOROUGH OF FRANKLIN LAKES
ORDINANCE NO. 1678**

**AN ORDINANCE AMENDING PROVISIONS OF CHAPTER 300
“LAND USE AND DEVELOPMENT” OF THE CODE OF THE
BOROUGH OF FRANKLIN LAKES PERTAINING TO PLACEMENT
OF HVAC UNITS AND GENERATORS ON RESIDENTIAL PROPERTIES**

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin Lakes, County of Bergen, and State of New Jersey as follows:

Section 1. Subparagraph A(1) of Section 300-121 “Regulations governing certain accessory structures and uses” is hereby amended to read as follows:

- (1) Accessory structures or uses shall not be located in the required front yard or within the side yard of any residential zone and may be erected anywhere within the required rear yard, except as provided herein:
 - (a) In all residential zones, no accessory structure or use shall be located within 25 feet of a side or rear property line.
 - (b) An accessory structure, *except for mechanical equipment designed to provide heating, ventilation, air conditioning and cooling (HVAC) and generators*, shall be set back minimally 10 feet from the principal building.
 - (c) Light posts, mailboxes, fences, signs and retaining walls shall be permitted in the required front yard of any residential use. Off-street parking is also permitted in a front yard, restricted to the driveway area.
 - (d) Mechanical equipment designed to provide heating, ventilation, air conditioning and cooling (HVAC), and generators designed to provide emergency power to the principal structure on the lot on which they are located in a residential zone, shall be

permitted in the side yard or rear yard, but shall not be located within 25 feet of a side or rear property line.

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Franklin Lakes declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED: _____
Frank Bivona, Mayor

ATTEST: _____
Sally T. Bleeker, Borough Clerk

Introduced: 05-17-16
Adopted: 06-21-16