

ORDINANCE NO. 23-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF HANOVER AMENDING AND SUPPLEMENTING
CHAPTER 166 OF THE CODE OF THE TOWNSHIP,
ENTITLED LAND USE AND DEVELOPMENT LEGISLATION,
BY AMENDING AND ADOPTING VARIOUS REGULATIONS FOR
OUTDOOR RECREATIONAL FACILITIES ON RESIDENTIAL LOTS

WHEREAS, the Township's zoning regulations currently permit swimming pools accessory to single family dwellings, with certain restrictions, as well as other outdoor recreational facilities customarily accessory to single family dwellings; and

WHEREAS, it is in the public interest to provide appropriate regulations for such facilities, in order to avoid detrimental impacts upon adjacent properties and public streets.

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

Section 1. Subsection F. of Section 166-165., Primary intended use, in Article XXV, *R-40 Residence District*, is amended to read as follows:

F. Private outdoor recreational facilities accessory to the permitted residential use, as regulated by § 166-136.1.

Section 2. Article XIX, *General Provisions*, is amended by adding and inserting a new Section 166-136.1, entitled "Outdoor recreational facilities accessory to single-family dwellings," to read as follows:

§ 166-136.1. Outdoor recreational facilities accessory to single-family dwellings.

Outdoor recreational facilities accessory to single-family dwellings on the same lot shall be permitted and shall be subject to the following requirements. For purposes of this section, "outdoor recreational facilities" shall be defined as including, but not limited to, swimming pools, game or sport courts, and similar facilities, but shall exclude children's play equipment that occupies less than 200 square feet of lot area, tree houses and any facility or activity prohibited by Chapter 129 of the Township Code.

A. Permitted yards.

- (1) Outdoor recreational facilities shall be permitted in the side and rear yard, except as provided otherwise below.
- (2) Basketball hoops and backboards shall be permitted within the front yard when located in or immediately adjacent to the driveway for the dwelling on the property, as regulated herein.

- B. Minimum setbacks from lot lines. Outdoor recreational facilities shall be located in accordance with the following requirements, provided that the setbacks shall be measured to the closest paved or other artificial surface designed to be used as part of the facility:
- (1) Outdoor recreational facilities shall be located at least 25 feet from any side or rear lot line, except as provided otherwise below.
 - (2) When the established front yard depth is less than the minimum required by the zone regulations as a result of a variance or as a legally nonconforming condition, the outdoor recreational facilities shall be located a distance from the front lot line not less than the minimum front yard requirement of the zone district in which the lot is located.
 - (3) Basketball backboards located within or adjacent to a driveway shall be set back at least 10 feet from any rear and side property lines and at least 20 feet from the front lot line.
- C. Maximum coverage of yard areas. Outdoor recreational facilities shall not exceed one third (33.3%) of either the rear or side yard within which they are located. Such coverage shall include the water surface and any decking or similar surface adjacent to a swimming pool, as well as any pavement, decking or other artificial surface used as part of a game or sport court, and the limits of any surface area covered by play structures or equipment.
- D. Illumination.
- (1) The illumination of outdoor recreational facilities by light fixtures is prohibited, except for swimming pools as regulated below.
 - (2) When permitted, light fixtures shall be so located that the direct source of light is not visible from adjacent properties or streets.
 - (3) When permitted, light fixtures shall be turned off between the hours of 10 p.m. and 7 a.m.
- E. Fencing.
- (1) Swimming pools shall be required to comply with all applicable requirements and construction codes related to enclosures.
 - (2) Game courts that involve airborne balls or other projectiles, including but not limited to tennis courts, basketball courts, etc. shall be located and designed in a manner that prevents such projectiles from traveling onto adjoining properties or public streets, as determined by the Zoning Officer. Any fencing for outdoor recreational facilities shall comply with the fencing requirements of this Chapter.

Section 3. In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

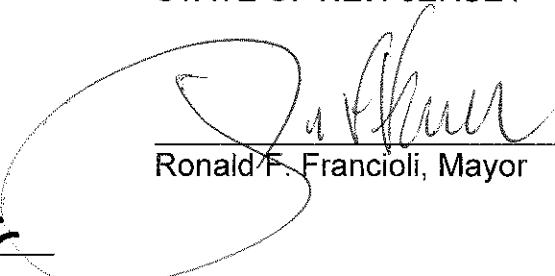
Section 4. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

Section 5. This ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:



Joseph A. Giorgio, Township Clerk


Ronald F. Francioli, Mayor

DATE OF INTRODUCTION: September 13, 2018

DATE OF ADOPTION: October 11, 2018

I hereby certify the foregoing to be a true copy of a **Resolution/Ordinance** adopted by the Township Committee of the Township of Hanover at a Regular/Special Meeting held on the 11th day of OCTOBER, 2018.


Joseph A. Giorgio, Township Clerk, R.M.C.