

**Hardyston Township**

**Ordinance 2023-13**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AMENDING CERTAIN PORTIONS OF CHAPTER 185, ZONING OF THE REVISED GENERAL ORDINANCES TO ADDRESS MISCELLANEOUS CORRECTIONS AND CLARIFICATIONS AND TO AMEND THE STANDARDS FOR ACCESSORY USES IN RESIDENTIAL ZONES BASED UPON A COMPREHENSIVE REVIEW OF THE TOWNSHIP'S LAND USE CHAPTERS**

**BE IT ORDAINED** by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

**Section 1.** Chapter 185, Zoning, Section 185-4, Definitions, Subsection (C) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented as follows:

- a. ACCESSORY USE OR STRUCTURE is hereby repealed and replaced with the following:  
ACCESSORY USE – A use of land or of a building or portion thereof customarily incident and subordinate to the principal use of the land or building and located on the same lot with the principal use.

ACCESSORY STRUCTURE - A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building or use.

- b. LOT COVERAGE is hereby repealed and replaced with the following:  
LOT COVERAGE - That portion of one lot or more than one lot which is improved or is proposed to be improved with buildings, structures, or impervious surface, including but not limited to driveways, parking lots, pedestrian walkways and other man-made improvements.

- c. The following definitions are hereby repealed and replaced with the following:  
RECREATION FACILITY - A place designed and equipped for the conduct of sports and leisure time activities.

RECREATION FACILITY, COMMERCIAL - A recreation facility operated as a business and open to the public for a fee.

RECREATION FACILITY, PERSONAL - A recreation facility provided as an accessory use on the same lot as the principal permitted use and designed to be used primarily by the occupant of the principal use and their guest.

RECREATION FACILITY, PRIVATE - A recreation facility operated by a private organization and open only to bona fide members and guests.

RECREATION FACILITY, PUBLIC- A recreation facility open to the general public.

- d. The following definitions are hereby added as follows:

IMPERVIOUS SURFACE - A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water

- e. The following definition is hereby repealed:

BUILDING COVERAGE

**Section 2.** Chapter 185, Zoning, Section 185-17, Parking and storage of recreational vehicles as an accessory use to single family residence, of the aforesaid mentioned Revised General Ordinances is hereby repealed and replaced to read as follows:

§ 185-17. Parking and storage of recreational vehicles as an accessory use to single-family residence. Recreational vehicles, including boats, boat trailers, snowmobiles and snowmobile trailers, as well as campers, tent campers, motor homes, trailers and travel trailers, may be parked in any zone, subject, however, to the following restrictions and regulations:

- A. The area in which such recreational vehicles are parked shall be surfaced in accordance with the requirements of Article XX, § 185-80.
- B. All recreational vehicles shall be parked or stored in the side or rear yard areas only and shall meet the requirements applicable to accessory buildings for the zone in which they are located, with respect to setback requirements.
- C. The area, exclusive of garage area, that may be used for storage of such recreational vehicles shall not exceed 7% of the total lot area or 320 feet, whichever is less.
- D. Such recreational vehicles shall be screened from view either by fencing, not to exceed six feet in height or with a vegetative screen.
- E. Off-street parking provided for and utilized by recreational vehicles shall be in addition to any other parking provisions required by this section.
- F. Horse trailers may be considered as a recreational vehicle where horses and/or ponies for riding purposes are kept in connection with single-family residence use on the premises as a permitted accessory use.
- G. Such vehicles must be owned by the resident of the single-family dwelling.
- H. Such vehicles shall not contain any commercial lettering or advertising
- I. Habitation of any recreational vehicle is prohibited.

**Section 3.** Chapter 185, Zoning, Section 185-50, Agricultural Uses, Subsection (A) of the aforesaid mentioned Revised General Ordinances is hereby revised and supplemented to read as follows:

§ 185-50. Agricultural uses.

Farms, including customary farm occupations and lands which qualify as farmlands, as defined herein, shall be subject to the following regulations:

- A. Buildings utilized for horticulture, nurseries, greenhouses and for the growing, raising, harvesting and sale of agricultural crops or for any other farm use shall be not less than 100 feet from any front, side or rear lot line, except that residential buildings may be constructed and located in conformity with the standards for residences within those districts in which they are located.

**Section 4.** Chapter 185, Zoning, Article XV, Additional Regulations Governing Permitted Accessory Uses and Structures, of the aforesaid mentioned Revised General Ordinances is hereby repealed and replaced to read as follows:

#### ARTICLE XV

#### Additional Regulations Governing Permitted Accessory Uses and Structures

##### § 185-53. Accessory structures in all zones.

Accessory structures not attached to a principal structure may be erected in accordance with the following regulations:

- A. Except as otherwise specifically provided in this chapter, no accessory structures shall be located in any required front yard.
- B. Except where otherwise specifically permitted by this chapter, accessory structures in multifamily and nonresidential zones shall meet the setback requirements of the principal building.
- C. No portion of any accessory structure shall be used for living quarters for people except in the case of farm tenant houses, gate keepers lodges and the like.
- D. When an accessory structure is attached to the principal building, it shall be considered as a part of the principal building and it shall comply in all respects with the requirements of this chapter applicable to the principal structure.
- E. Accessory structures shall be included in meeting the maximum impervious surface requirements for the district.
- F. Not more than three accessory structures shall be permitted in connection with a residential principal use in any residential or mixed-use zone except that any agricultural or nonresidential use allowed in these zones may have as many accessory structures as necessary.
- G. Accessory structures associated with any agricultural use may be permitted in the front yard of the principal residential use so long as it shall meet a minimum setback of 100 feet from the front lot line.
- H. Drainage pipes, inlets, headwalls, walkways, retaining walls, septic tanks wells, parking lots, driveways, docks, patios and similar accessory structures shall be exempt from the requirements set forth above except for Subsection E.

##### § 185-54. Personal recreational facilities in residential zones.

The following regulations shall apply to permanent and portable swimming pools, as defined by the construction code, tennis courts, outdoor entertainment areas and similar personal recreation facilities:

- A. All accessory structures associated with the personal recreational facility that are contiguous shall be considered one accessory structure.
- B. Said use shall be erected on the same lot as the principal structure and shall require a construction permit.
- C. Said use may be erected in the side and/or rear yard and shall be not less than 15 feet from any lot line.
- D. Adequate screening, so as not to adversely affect adjoining properties, shall be required for said use if located within 20 feet of the property line.
- E. Lighting which extends the hours of operation, other than in-pool lights, shall be in conformance with the standards established at §185-129.
- F. In the case of swimming pools, all measurements shall be from the pool apron and provision for drainage shall be approved by the Construction Official as part of the construction permit.

§ 185-55. Professional offices.

- A. Such accessory uses shall be allowed only in accordance with the following requirements:
  - (1) The minimum lot size shall be two acres.
  - (2) The professional must reside on the premises.
  - (3) A maximum of two nonresident nonprofessional employees shall be permitted.
  - (4) Not more than 35% of the gross floor area of the principal building, excluding cellar areas, shall be permitted to be used for the professional office.
  - (5) Not more than one non-illuminated sign not to exceed 2 1/2 square feet shall be permitted.
- B. The Planning Board shall approve a site plan of the professional office which shall meet site plan review standards and requirements set forth in Chapter XVI.

§ 185-56. Fences or walls.

Fences or walls in excess of 18 inches in height shall be considered as an accessory use and installed to the standards set forth below:

- A. Type of fence or wall:

	Degree of Openness	
<b>Solid</b>	<b>Semi-Open</b>	<b>Open</b>
<b>(50% or more solid)</b>	<b>(25% up to 50%)</b>	<b>(Up to 25%)</b>
Solid picket	1x2 wood screen	Split Rail
Board	Contemporary Picket	Contemporary Rail
Board and batten		
Louver panel	Cinder or concrete block laid on side	Wire Mesh
Staggered board panel		Rail & Wire Mesh

1x4 wood screen  
Brick

(Note: "Openness" is defined as the total area of solid elements divided by the total area of fence. Translucent, transparent or clear plastic or similar materials shall be considered as solid elements.)

B. Maximum height and location:

Type of Fence	Maximum Height	Location
All	6 feet	Rear building line of principal structure to minimum required side yard or rear yard setback line
All	4 feet	Anywhere on lot

C. General regulations on fences and walls.

- (1) No fence or wall shall be so constructed or installed so as to constitute a hazard to traffic or safety.
- (2) Open security fences up to eight feet high shall be permitted in any business or industrial zone.
- (3) Hedges and other landscaping shall be exempt from the height limitations of this section but shall not be located so as to conflict with Subsection C(1) above.
- (4) The face or finished side of a fence or wall shall face the adjacent property.

**SECTION 5.** All ordinances of the Township of Hardyston which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

**SECTION 7.** This Ordinance may be renumbered for purposes of codification.

**SECTION 8.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

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Jane Bakalarczyk, Clerk

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Brian J. Kaminski, Mayor

**NOTICE**

**PLEASE TAKE NOTICE** that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on September 14, 2023. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on October 25, 2023, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk