

**HARDING TOWNSHIP
ORDINANCE NO. 04-2021**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING CHAPTER 225 PART 3 (ZONING)
OF THE CODE OF THE TOWNSHIP OF HARDING, SPECIFICALLY §225-116 ENTITLED
“GENERAL REGULATIONS” IN ARTICLE XXII GENERAL ZONING PROVISIONS TO MODIFY
SETBACK REQUIREMENTS FOR SMALL PLAY STRUCTURES**

WHEREAS, the Township of Harding has under the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., the authority to regulate land uses within its municipal boundaries; and

WHEREAS, the Township of Harding through the adoption of the Harding Township Code Chapter 225 has established Land Use and Development Regulations; and

WHEREAS, children’s play structures are required to satisfy the setback limitations for the zone in which the lot is situated; and

WHEREAS, this has required residents to obtain variances from the Zoning Board of Adjustment for small structures that are not comparable in size to other permitted structures that are similarly regulated; and

WHEREAS, the Township of Harding has determined that it is in the best interest of the general welfare to clarify the regulations associated with children’s play structures in the interest of clear and equitable regulations regarding the use and location of such structures.

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HARDING IN THE COUNTY OF MORRIS AND THE STATE OF NEW JERSEY AS FOLLOWS (ADDITIONS ARE BOLDED AND UNDERLINED; DELETIONS HAVE STRIKETHROUGH):

SECTION 1: §225-116 “General regulations”, paragraph D (2) is hereby amended as follows:

- (2) ~~All children’s play structures, play houses, and tennis or other non-temporary recreation courts shall comply with all of the setback limitations of the zone in which the lot is situated.~~ **Unless otherwise noted, all open children's play structures, play houses, and tennis or other non-temporary recreation courts shall comply with all of the setback limitations of the zone in which the lot is situated. However, open children’s play structures that have a rectangular footprint of less than 250 feet and a height of 12 feet or less shall be subject to a setback requirement of one-half of the normally required setback distance or 10 feet, whichever is greater.**

SECTION 2: At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 3: This Ordinance shall take effect upon final passage and publication according to law.

SECTION 4: The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the 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 Municipal Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as

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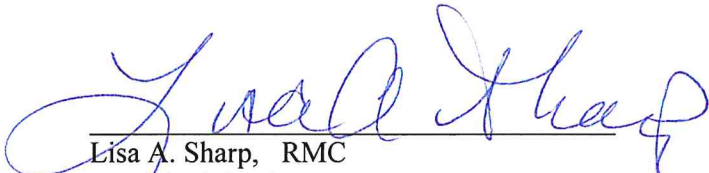
finally adopted with the County Planning Board as required by N.J.S.A. 40:55D-16 and with the Township Tax Assessor.

SECTION 5: All Ordinance or parts of Ordinances inconsistent herewith are hereby repealed.


SECTION 6: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

ATTEST

TOWNSHIP OF HARDING



Lisa A. Sharp, RMC
Municipal Clerk



Timothy D. Jones
Mayor

INTRODUCED: February 8, 2021

ADVERTISED: February 11, 2021

PUBLIC HEARING:

ADOPTED:

ADVERTISED:

Vote on Introduction:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiTosto	and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Platt		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	1st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>