

ORDINANCE 2008-__

**AN ORDINANCE TO AMEND AND SUPPLEMENT
THE CODE OF THE TOWNSHIP OF WEST WINDSOR (1999)**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WEST
WINDSOR (1999), CHAPTER 200, "LAND USE," PART 4, "ZONING,"
ARTICLE XXXIII, "GENERAL PROVISIONS AND SUPPLEMENTAL
REGULATIONS GOVERNING SPECIAL USES," BY MODIFYING SETBACK
REQUIREMENTS FOR ACCESSORY STRUCTURES IN RESIDENTIAL
DISTRICTS**

BE IT ORDAINED by the Township Council of the Township of West Windsor, County of Mercer, State of New Jersey, as follows:

Section 1. Chapter 200 of the Code of the Township of West Windsor (1999), Land Use, Part 4, Zoning, Article XXXIII, General Provisions and Supplemental Regulations Governing Special Issues, Section 200-226, Accessory structures and uses, is amended to read as follows:

§ 200-226. Accessory structures and uses.

A. General requirements.

- (1) Accessory uses shall be permitted only on the same lot and within the same zoning district unless otherwise indicated, with the principal building to which they are accessory, except for parking as required in Part 1, Site Plan Review, of this chapter, and retention/detention basins as noted in Part 3, Subdivision and Site Plan Procedures, of this chapter. All accessory uses shall be such as do not alter the character of the premises on which they are located or impair the neighborhood. Such accessory uses shall not be located in any front, side or rear yard area, unless otherwise permitted in this Part 4. Accessways to off-street parking and loading areas may cross front yard areas or the yard area abutting a principal street from which site access is to be provided.
- (2) Bulk and area regulations. No distinction is made in non-residential districts regarding in the dimensional limitations between principal and other buildings or structures referred to as accessory, except as permitted in this article. All such accessory buildings or structures or uses in non-residential districts shall be governed by the bulk and area regulations of the district within which they are located. All accessory structures and uses in residential districts shall be set back a minimum of 20 feet from side and rear property lines, except as herein modified by this Chapter.

B. Farm and agricultural uses. In the districts where farm and agricultural uses are permitted, the following additional provisions governing their use shall apply:

- (1) Such uses are conducted upon a lot not less than five acres in area.
- (2) No building or structure used for shelter or enclosure of fowl, game, horses, farm livestock or adult dogs shall be closer to any property line than 200 feet.
- (3) Buildings used for the shelter of fowl of any kind shall have a maximum usable floor area of 2,000 square feet for the first 10 acres and 5,000 additional square feet for each additional acre.
- (4) One domestic horse for the personal use of the occupants of the residence may be maintained on any lot at least three acres in size.
- (5) The display for sale of products grown or raised by the owner, tenant or lessee on a roadside stand shall only be permitted where:
 - (a) The sale of such products are within the confines of the property upon which they have been grown or raised.
 - (b) The place of sale or storage of any such products, whether of a permanent or temporary nature, shall not be closer than 100 feet to any side lot line.
 - (c) The sale of any such products shall not have a deleterious effect on adjoining properties by reason of nuisance or health hazard.
 - (d) The sale of any such products shall also require that a suitable amount of off-street parking and loading space as required in Part 1, Site Plan Review, of this chapter, be provided.

C. Swimming pools and similar personal recreational facilities in residential zones. Except for portable swimming pools less than three feet in height and less than 10 feet in length or diameter, the following regulations shall apply to permanent and portable swimming pools and similar recreational facilities accessory to a residential use:

- (1) Said use shall be erected on the same lot as the principal structure.
- (2) Said use shall comply with ~~the a~~ a minimum setback and yard requirements for principal structures of 20 feet from side and rear property lines.
- (3) Said use shall be appropriately screened and fenced so as not to adversely affect adjoining properties.
- (4) Said use shall meet all applicable codes and ordinances of the Township of West Windsor and any regulations of a county or state agency.
- (5) A pool or water surface shall not be counted as part of a lot's maximum improvement coverage requirements.

D. Storage sheds in residential districts. Such storage facilities on the same lot as the principal structure may be located within 10 feet of the required side and rear yards, but shall conform to front yard setback requirements for principal structures. Storage sheds on corner lots shall not be located closer to the side street property line than the required setback line for a front yard in the zoning district within which the lot is located.

E. Tennis courts and multipurpose sports patios in residential zones. The following

regulations shall apply to all tennis courts and multipurpose sports patios accessory to a residential use, except that only Subsections E(6) and (7) shall apply to multipurpose sports patios of less than 225 square feet:

- (1) A minimum lot area of one acre is required for a tennis court; a minimum lot area of not less than 3/4 of an acre is required for a multipurpose sports patio.
- (2) Tennis courts and multipurpose sports patios shall be erected on the same lot as the principal structure.
- (3) Neither tennis courts nor multipurpose sports patios shall be permitted in any front yard area and shall be a minimum of 30 feet from any property line.
- (4) The courts and patios shall be appropriately screened with vegetative landscaping and fenced so as not to adversely affect adjoining properties.
- (5) No fencing greater than 10 feet in height shall be permitted for either tennis courts or multipurpose sports patios.
- (6) No lighting shall be permitted for the courts or patios in order to ensure that the courts and patios are used only during daytime hours.
- (7) In no case can the court or sports patio be located between the dwelling and street, nor shall they infringe upon any yard setback area.
- (8) One backstop and not more than two basketball backboards shall be permitted at a maximum height of 10 feet on either tennis courts or sports patios. For the purpose of basketball backboards, the maximum 10 feet height shall be measured from the ground to the basketball rim.
- (9) The area of tennis courts and multipurpose sports patios shall be included in the calculation of maximum improvement coverage.

F. Satellite dish antennas.

- (1) Satellite dish antennae are permitted accessory structures when located on a single-family dwelling lot, provided that the same is located a distance of at least 10 feet from the side and rear property lines. Satellite dish antenna shall mean a combination of a dish whose purpose is to receive communications or other signals from orbiting satellites, a low-noise amplifier which is situated in the focal point of the receiving dish and whose purpose is to magnify and transfer signals and a cable and appurtenances whose purpose is to carry the signal to the interior of a structure.
- (2) Such satellite dish antennas shall be subject, in addition, to the following standards:
 - (a) No satellite dish antenna shall be located in the front yard.
 - (b) No satellite dish antenna shall extend higher than 15 feet above ground level or be greater than 15 feet in diameter; provided, however, that a satellite dish whose diameter is 12 inches or less may extend more than 15 feet above the ground.
 - (c) A satellite dish antenna shall not be placed on any lot which does not

contain a permitted principal residential structure.

- (d) No lot shall contain more than one satellite dish antenna.
- (e) Construction of all facilities including wires, conduits and cables shall be constructed, where applicable, in accordance with the Uniform Construction Codes. All installations of satellite dish antenna shall meet local, state and federal requirements and shall be constructed in accordance with the manufacturer's recommendations, provided that the same are at least as comprehensive as local, state and federal regulations.
- (f) The satellite dish shall be colored in a manner to blend with existing surfaces and backdrops, to the extent practicable.
- (g) Landscaping shall be provided in the area of the pad of the antenna to soften its appearance; however, there is no requirement for landscaping which will interfere with the ability of the disk to receive signals.
- (h) Satellite dish antennas shall be installed in a manner so as not to interfere with television, radio or similar reception in adjacent areas and shall in all cases meet state and federal requirements.
- (i) Satellite dish antennas on corner lots shall not be located closer to the side street property line than the required setback line for a front yard in the zoning district within which the lot is located.

Section 2. This ordinance shall take effect twenty days after action or inaction by the Mayor as approved by law or an override of a mayoral vote by the Council, whichever is applicable; upon filing with the Mercer County Planning Board; and upon publication according to law.

INTRODUCTION:

PUBLIC HEARING:

ADOPTION:

MAYORAL APPROVAL:

EFFECTIVE DATE: