

TOWNSHIP OF READINGTON

YOU ARE HEREBY NOTIFIED THAT AN ORDINANCE ENTITLED:

AN ORDINANCE AMENDING CHAPTER 148, LAND DEVELOPMENT, ARTICLE II “DEFINITION OF TERMS” SECTION 148-9 “DEFINITIONS”, ARTICLE IV “DISTRICT REGULATIONS”, SECTION 148-15 “AR AGRICULTURAL RESIDENTIAL ZONE”, ARTICLE IV “DISTRICT REGULATIONS” SECTION 148-16 “RR RURAL RESIDENTIAL ZONE”, ARTICLE V “CONDITIONAL USES, EXCEPTIONS, MODIFICATIONS AND CRITICAL AREAS” SECTION 148-49 “GENERAL EXEPTIONS AND MODIFICATIONS”, ARTICLE VI “GENERAL PROVISIONS” SECTION 148-51 “ACCESSORY BUILDINGS AND STRUCTURES”, OF THE CODE OF THE TOWNSHIP OF READINGTON

Ordinance #26- 2020

BE IT ORDAINED by the Township Committee of the Township of Readington, Hunterdon County, New Jersey, that Chapter 148 of the Code of the Township of Readington entitled “Land Development” is hereby amended in order to clarify building elements that contribute to the calculation of floor area ratio, clarify structures contributing to the calculation of impervious surface coverage, provide development standards for lawfully created undersized lots in the RR Rural Residential and AR Agricultural Residential zones, provide standards regulating impervious surface coverage in the RR Rural Residential and AR Agricultural Residential zones, specifically allow single-family residential development of lawfully created undersized lots in the HR Hamlet Residential, R-1 Residential -1 and VR Village Residential zones subject to certain spatial standards, regulate the number of accessory structures permitted on single-family residential lots and clarify that accessory buildings contribute to the calculation of floor area ratio. The Amendments are made as follows (new language is underlined thus and language to be deleted appears ~~thus~~):

SECTION I. Chapter 148 Article II section 148-9 of the Code of the Township of Readington entitled “ Definitions” is hereby amended to add and/or revise the following terms:

148-9 DEFINITIONS

ATTIC

A room or a space immediately below the roof of a building.

BASEMENT

That portion of a building partly below and partly above grade, where the ceiling ~~averages~~ is four feet or **greater more than four feet** above the finished grade **at any**

point where such grade meets the outside walls of the building. ~~A basement shall be counted as a story if used for business or dwelling purposes other than for a janitor employed on the premises.~~

CELLAR

That portion of a building partly below and partly above grade, where the ceiling **averages is** less than four feet above the finished grade **at all points** where such grade meets the outside walls of the building.

FLOOR AREA, GROSS (G.F.A.)

The plan projection of all roofed areas on a lot multiplied by the number of **habitable** stories under each roof section, provided that the area under any roof overhang of three feet or less shall not be included in the G.F.A. calculation. Basements ~~which satisfy applicable construction code definitions of habitable space~~ are included in the G.F.A., **but cellars are not. Attics do not count towards floor area if both of the following conditions are met:**

- 1. The roof over the attic has a maximum pitch of 12/12;**
- 2. The combined horizontal length of dormers on any roof plane does not exceed 30% of the total horizontal length of the roof plane.**

~~FLOOR AREA, NET HABITABLE (N.H.F.A.)~~

~~The finished and heated area fully enclosed by the inside surfaces of walls, windows, doors and partitions and having a headroom of at least 6 1/2 feet, including working, living, eating, cooking, sleeping, stair, hall, service and storage areas, but excluding garages, carports, parking spaces, cellars, half stories and unfinished attics and basements.~~

IMPERVIOUS SURFACES

Those surfaces which do not absorb ~~rain~~ **precipitation** All buildings, **decks**, parking areas, driveways, roads, sidewalks and areas in concrete, asphalt and packed stone shall be considered impervious surfaces within this definition. In addition, other areas determined by the Municipal Engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

SECTION II. Section 148-15 of Chapter 148 of the Code of the Township of Readington entitled "Land Development" Article IV "District Regulations" is hereby amended as follows:

Sec. 148-15 AR AGRICULTURAL RESIDENTIAL ZONE

[Added 12-21-1998 by Ord. No. 43-98]

A. Permitted principal uses - AR Zone.

- (1) Agriculture. [Amended 12-17-2012 by Ord. No. 33-2012]
- (2) Detached single-family dwelling units.

(3) Public and private open space and parks.

(4) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and adult family care homes for elderly persons and physically disabled adults, and the requirements therefor shall be the same as for single-family dwelling units located within this district.

[Added 4-5-2004 by Ord. No. 13-2004; amended 7-6-2009 by Ord. No. 19-2009]

(5) A farmer's market or portions thereof on any premises in addition to the permitted use or uses thereon notwithstanding any municipal land use provisions limiting the number of principal uses on one lot, but nevertheless subject to the terms and conditions contained and set forth in Subsection A(5)(a) through (f) below. Application for a farmer's market shall be by permit to be issued by the Zoning Official after review and approval by the Township Committee, the Chief of Police and Board of Health under the following conditions: [Added 5-4-2009 by Ord. No. 18-2009]

(a) The farmer's market shall be limited to agricultural products.

(b) Such use shall be permitted only on properties having an existing improved (i.e., paved or gravel) parking lot capable of holding at least 30 cars, as of the date of adoption of this Subsection A(5).

(c) Such use shall be conducted only between June 10 and September 30 of any year.

(d) Such use shall be conducted on one day per week, excluding Sundays for up to four hours per day as may be approved by the Township Committee, the Chief of Police (as to the safety of egress/ingress and circulation); and the Board of Health (as to any necessary food handling/sanitation requirements).

(e) Said use shall be conducted only in accordance with such written plans for the same as may be required by the Township Committee, the Chief of Police and the Board of Health after those plans have been approved by each of them and only after any applicable licenses or permit as may be otherwise required have been obtained.

(f) Said use shall also be operated under the current guidelines of the New Jersey Council of Farmers and Communities as set forth by the New Jersey Department of Agriculture.

B. Accessory uses - AR Zone.

(1) Private residential swimming pools, tennis courts and other usual recreation facilities that do not create a nuisance factor as regulated in Article VI.

(2) Residential toolsheds, garages and storage buildings not to exceed the height of the principal structure and as regulated in Article VI.

- (3) Off-street parking.
- (4) Fences and walls as regulated in Article VI.
- (5) Signs as regulated in Article XII.
- (6) Outdoor barbecue structures.
- (7) Essential services.
- (8) Agricultural storage sheds and barns. [Amended 12-17-2012 by Ord. No. 33-2012]
- (9) The sale and processing of agricultural products, the majority of which are raised or grown on the farm or same farming operation on which the accessory sale or processing is conducted.
- (10) Home occupations as regulated in § 148-53.
- (11) ECHO housing. [Added 8-2-2010 by Ord. No. 23-2010]
- (12) Building-mounted and ground-mounted solar energy facilities as regulated in § 148-60.2. [Added 10-1-2012 by Ord. No. 21-2012; amended 8-6-2018 by Ord. No. 11-2018]
- (13) Farm-scale renewable energy facilities as regulated in § 148-60.2. [Added 8-6-2018 by Ord. No. 11-2018]

C. Conditional uses - AR Zone (subject to regulations set forth in Article V.)
[Amended 5-20-2002 by Ord. No. 14-2002; 4-5-2004 by Ord. No. 13-2004; 7-6-2009 by Ord. No. 19-2009; 8-2-2010 by Ord. No.23-2010]

- (1) [1]Home occupations.

[1]Editor's Note: Former Subsection C(1), Cemeteries, was repealed 6-17-2019 by Ord. No. 13-2019. This ordinance also provided for the renumbering of Subsection C(2) through (5) as C(1) through (4), respectively.

- (2) Public Utilities

- (3) (Reserved)^[2]

[2] Editor's Note: Former Subsection C(4), which listed ECHO housing as a conditional use, was repealed 8-2-2010 by Ord. No. 23-2010. See now Subsection B(11).

- (4) Previously converted agricultural buildings such as barns, wagon sheds and chicken coops for storage and warehousing prior to the effective date of this chapter.^[3]

[3] *Editor's Note: Subsection C(6), regarding agricultural commercial villages, which immediately followed this subsection, was repealed 7-6-2009 by Ord. No. 19-2009.*

D. Maximum building height - AR Zone. No building shall exceed 35 feet in height and 2 1/2 stories except that agricultural structures shall not be limited in height. [Amended 7-6-2009 by Ord. No. 19-2009; 12-17-2012 by Ord. No. 33-2012]

E. Area and yard requirements - AR Zone.

(1) Existing Lots: Lawfully created lots existing at the time of the adoption of this chapter that are less than 16 acres in area shall be subject to the following regulations:

AR Zone: Standards for Existing Lots Less than 16 Acres				
Lot Size	Maximum Floor Area Ratio	Maximum Impervious Coverage	Minimum Front Yard	Minimum Rear and Side Yards
3 acres or less	0.12	0.15	40 feet	30 feet
Greater than 3 acres and less than 6 acres	0.10	0.10	50 feet	35 feet
At least 6 acres and less than 8 acres	0.08	0.10	60 feet	40 feet
At least 8 acres and less than 16 acres	0.04	0.10	75 feet	40 feet

a) **Lots of 3 acres or less may exclude, from both floor area ratio and impervious cover calculations, one (1) single story accessory building (such as a shed) that has a floor area of 200 square feet or less.**

~~(1)~~(2) Tracts of land less than 24 acres, **but not less than 16 acres,** in size either at the time of adoption of this chapter or that are assembled after the adoption of this chapter, **are subject to the following regulations:** [Amended 6-19-2000 by Ord. No. 23-2000; 7-6-2009 by Ord. No. 19- 2009]

- (a) Minimum lot size: eight acres.
- (b) Minimum lot circle: 350 feet.
- (c) Maximum floor area ratio per building lot: .04.
- (d) Maximum impervious coverage: 0.10.
- (e) Minimum setback from street line: 75 feet.
- (f) Minimum setback from side or rear line: 40 feet.
- (g) Minimum frontage on a street: 50 feet.
- (h) Circumference of the minimum lot circle may not be more than 150 feet from the street right-of-way.
- (i) Each lot shall have a minimum 75,000 square feet of contiguous usable land. This standard is established to provide a minimum area on each lot for residence, accessory buildings and structures, usable yard area and adequate space for on-site wells and septic systems and space for future replacement system.

~~(2)~~(3) Tracts of land 24 acres or greater in size either at the time of the adoption of this chapter or that are assembled after the adoption of this chapter shall develop as one-and-one-half-acre open space clusters with the following requirements:
[Amended 6-19-2000 by Ord. No. 23-2000; 9-5-2006 by Ord. No. 30-2006; 7-6-2009 by Ord. No. 19-2009]

- (a) Minimum tract area: 24 acres.
- (b) Minimum open space set-aside: 80% of tract.
- (c) Minimum residential lot size: 65,000 square feet.
- (d) Minimum lot circle: 200 feet.
- (e) Maximum floor area ratio per building lot: ~~±~~ **0.12.**
- (f) **Maximum impervious coverage: 0.10.**
- ~~(f)~~(g) Minimum front yard setback: 60 feet.
- ~~(g)~~ (h) Minimum rear yard setback: 35 feet.
- ~~(h)~~ (i) Minimum side yard setback: 35 feet.
- ~~(i)~~ (j) Minimum frontage on a street: 50 feet.
- ~~(j)~~ (k) Circumference of the minimum lot circle may not be more than 125 feet from the street right-of-way.
- ~~(k)~~ (l) Each lot shall have a minimum of 65,000 square feet of contiguous usable land. This standard is established to provide a minimum area on each lot for residence, accessory buildings and structures, usable yard area and adequate space for on-site wells and septic systems and space for future replacement system.

~~(h)~~ (m) A minimum fifty-foot-wide buffer shall be provided between residential uses and any land utilized for agricultural purposes. This buffer area shall be deed restricted from development and shall contain at a minimum a staggered double row of evergreen plantings, five feet in height or equivalent as approved by the Planning Board.

~~(m)~~ (n) The open space parcel shall contain a minimum of 80% of the gross tract area which shall contain a minimum of 65% of the unconstrained tract area. The "unconstrained tract area" shall be defined as the area of the tract that does not contain floodplains, wetlands, 90% of the slopes between 15% and 25% and all slopes greater than 25%, easements (excluding sight triangles), and right-of-way areas. Stormwater management elements shall not be located within open space created as part of a cluster subdivision. However, if open space is to be dedicated to the Township, said stormwater elements may be located within the open space, at the discretion of the approving authority, provided that the area occupied by said elements shall not count towards the required minimum open space area.

~~(n)~~ (o) The open space parcel shall contain a minimum lot circle of 500 feet.

~~(o)~~ (p) Rights-of-way or cartways of any existing or proposed public or private streets shall not be included in the calculation of the minimum required open space area, except as provided for in § 148-14G(6).

~~(p)~~ (q) The minimum required distance between a residential lot line and the right-of-way of Route 22, Old Highway 28 or Route 202 shall be 500 feet.

~~3) Lots within the RR Zone that were approved as agricultural cluster subdivisions under previously agricultural cluster requirements, prior to the adoption of this chapter, shall be permitted to continue as approved.~~

F. Open space regulation - AR Zone. Open space in one-and-one-half-acre cluster developments shall be permanently deed restricted from further development and shall be utilized either for agriculture, natural resource conservation, open space or passive recreation as approved by the Township's approving authority and shall be subject to the following regulations:

[Amended 10-4-1999 by Ord. No. 24-99; 9-5-2006 by Ord. No. 30-2006; 7-6-2009 by Ord. No. 19-2009]

(1) At the time of subdivision application for cluster developments under § 148-15E(2), the applicant shall designate whether the proposed open space shall be owned and maintained by a property owners' association or be offered for acceptance by the Township or

other governmental agency. If the open space is not to be dedicated to the Township or other governmental agency, then the developer shall provide for a property owners' association to own and maintain the open space for the benefit of owners or residents of the development. Documents establishing and governing the property owners' association shall be in a form that is consistent with § 148-59 of this chapter and the Municipal Land Use Law, N.J.S.A. 40:55D-43.

(2) It is the intent of this chapter to preserve open space and farmland within Readington Township. Open space parcels shall either be devoted to agriculture, recreation, natural resource conservation or passive recreation. Where practical, to the extent that land intended for open space uses is presently being farmed, it should remain as farmland.

(3) New agricultural construction (e.g., barns, shelters and greenhouses) shall not result in an F.A.R. of greater than 4% nor an impervious surface coverage in excess of 10% of the total acreage of the preserved open space parcel.

(4) The deed of any single-family dwelling sold as part of a cluster development under this section shall contain a notification that the Township Zoning Ordinance specifically includes farming as a permitted use in the AR Zone and that the open space in the development may be deed restricted for farming use. Furthermore, the developer and/or landowner who plans to sell the dwellings referenced above shall inform prospective purchasers in writing of the protection the Township ordinance conveys to agricultural operations.

(5) The set-aside of common open space shall comply with § 148-60.

(6) Residential lots developed as part of the cluster that are adjacent to the open space should be configured to front on the open space. Although not encouraged, side yards may face open space to permit a degree of flexibility. In no case shall a new residential lot be configured in such a manner as to create a rear yard that faces open space.

(7) Where a side yard of a residential lot is adjacent to open space, the side yard shall be considered a front yard for bulk zoning purposes.

(8) Where residential lots developed as part of the cluster front on the open space, an improved public street shall be created between the residential lot and the open space. The unpaved area within the half of a street right-of-way that is located directly adjacent to the open space

(those streets having homes on only one side, with open space on the opposite side) may be counted towards the minimum open space requirement.

(9) Notwithstanding minimum lot circle requirements for open space, the minimum width or depth for any portion of the open space shall be 500 feet.

G. Minimum off-street parking - AR Zone. Each individual use shall provide parking spaces according to the following minimum provisions. No parking area or driveway shall be located within 15 feet of any property line, except where common driveways are approved by the Board.

(1) Dwelling units shall provide parking spaces in accordance with the Residential Site Improvement Standards, N.J.A.C. 5:21-4.14.

(2) Farm stands shall provide a minimum area for parking to accommodate two parking spaces for customers plus one for each employee at maximum shift if not residing on the premises.

H. Street setback. New streets shall be located no closer than 50 feet to the original tract boundary of any development, except at the point at which a new street intersects an existing street for the purpose of providing access to the development. [Added 5-20-2002 by Ord. No. 13-2002].

SECTION III. Section 148-16 of Chapter 148 of the Code of the Township of Readington entitled "Land Development" Article IV "District Regulations" is hereby amended as follows:

Sec. 148-16 RR RURAL RESIDENTIAL ZONE
[Amended 12-6-1993; 6-5-1995 by Ord. No. 10-95]

A. Permitted principal uses - RR Zone.

- (1) Detached single-family dwelling units.
- (2) Agriculture. [Amended 12-17-2012 by Ord. No. 33-2012]
- (3) Public and private open space and parks.
- (4) Community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries, and adult family care homes for elderly persons and physically disabled adults, and the requirements therefor shall be the same as for single-family dwelling units located within this

district. [Added 4-5-2004 by Ord. No. 13-2004; amended 7-6-2009 by Ord. No. 19-2009]

B. Accessory uses - RR Zone.

(1) Private residential swimming pools, tennis courts and other usual recreation facilities that do not create a nuisance factor as regulated in Article VI.

(2) Residential toolsheds, garages and storage buildings not to exceed the height of the principal structure and as regulated in Article VI.

(3) Off-street parking.

(4) Fences and walls as regulated in Article VI.

(5) Signs as regulated in Article XII.

(6) Outdoor barbecue structures.

(7) Essential services.

(8) Agricultural storage sheds and barns. [Amended 12-17-2012 by Ord. No. 33-2012]

(9) The sale and processing of agricultural products, the majority of which are raised or grown on the farm or same farming operation on which the accessory sale or processing is conducted.

(10) Home occupations as regulated in § 148-53.

(11) ECHO housing.
[Added 8-2-2010 by Ord. No. 23-2010]

(12) Building-mounted and ground-mounted solar energy facilities as regulated in § 148-60.2. [Added 10-1-2012 by Ord. No. 21-2012; amended 8-6-2018 by Ord. No. 11-2018]

(13) Farm-scale renewable energy facilities as regulated in § 148-60.2.
[Added 8-6-2018 by Ord. No. 11-2018]

C. Conditional uses - RR Zone (subject to regulations set forth in Article V).

[Amended 8-5-1996 by Ord. No. 14-96; 4-5-2004 by Ord. No. 13-2004; 7-6-2009 by Ord. No. 19-2009; 8-2-2010 by Ord. No. 23-2010]

(1) Public and private day schools of elementary and/or high school grades licensed by the State of New Jersey.

(2) [1]Home occupations.

[1]Editor's Note: Former Subsection C(2), Cemeteries, was repealed 6-17-2019 by Ord. No. 13-2019. This ordinance also provided for the renumbering of Subsection C(3) through (7) as C(2) through (6), respectively.

(3) Hospitals.

(4) Public utilities.

(5) (Reserved)

(6) Previously converted agricultural buildings such as barns, wagon sheds and chicken coops for storage and warehousing prior to the effective date of this chapter.[2]

[2] *Editor's Note: Former Subsection C(10), which immediately followed this subsection, was repealed 7-6-2009 by Ord. No. 19-2009. Former Section 403.3.13, Continuing care retirement community, which immediately followed former Subsection C(10), was repealed 8-5-1996 by Ord. No. 14-96.*

D. Maximum building height - RR Zone. No building shall exceed 35 feet in height and 2 1/2 stories except that agricultural structures shall not be limited in height. [Amended 7-6-2009 by Ord. No. 19-2009; 12-17-2012 by Ord. No. 33-2012]

E. Area and yard requirements - RR Zone. [Amended 11-4-1996 by Ord. No. 22-96;4-20-1998 by Ord. No. 14-98; 12-21-1998 by Ord. No. 43-98;9-5-2006 by Ord. No. 30-20067-6-2009 by Ord. No. 19-2009)

(1) **Existing Lots: Lawfully created lots existing at the time of the adoption of this chapter that are less than 10 acres in area shall be subject to the following regulations:**

RR Zone: Standards for Existing Lots Less than 10 Acres				
Lot Size	Maximum Floor Area Ratio	Maximum Impervious Coverage	Minimum Front Yard	Minimum Rear and Side Yards
1.5 acres or less	0.15	0.18	40 feet	30 feet
Greater than 1.5 acres and less than 3 acres	0.12	0.15	50 feet	35 feet
At least 3 acres and less than 5 acres	0.10	0.12	60 feet	40 feet
At least 5 acres and less than 10 acres	0.08	0.10	75 feet	40 feet

(a) Lots of 3 acres or less may exclude from, both, floor area ratio and impervious cover calculations one (1) single story accessory building (such as a shed) that has a floor area of 200 square feet or less.

~~(1)-(2)~~ Tracts of land less than 20 acres, **but not less than 10 acres,** in size at the time of adoption of this chapter **are subject to the following regulations:**

(a) Minimum lot size: five acres.

(b) Minimum lot circle: 250 feet.

(c) Maximum floor area ratio per building lot: ~~0.10~~ **.08.**

(d) Maximum impervious coverage ratio per building lot: 0.10.

~~(d)-(e)~~ Minimum setback from street line: 75 feet.

~~(e)~~ (f) Minimum setback from side or rear line: 40 feet.

~~(f)~~(g) Minimum frontage on a street: 50 feet.

~~(g)~~(h) Circumference of the minimum lot circle may not be more than 150 feet from the street right-of-way.

~~(h)~~(i) Each lot shall have a minimum 65,000 square feet of contiguous usable land. This standard is established to provide a minimum area on each lot for residence, accessory buildings and structures, usable yard area and adequate space for on-site wells and septic systems and space for future replacement system.

~~(2)~~(3) Tracts of land 20 acres or more in size shall develop as one-and-one-half-acre open space clusters with the following requirements:

(a) Minimum open space set aside: 60% of tract.

(b) Minimum residential lot size: 65,000 square feet.

(c) Minimum lot circle: 200 feet.

(d) Maximum floor area ratio per building lot: 0.12.

(e) **Maximum impervious coverage ratio per building lot: 0.15.**

~~(e)~~(f) Minimum front yard setback: 60 feet.

~~(f)~~(g) Minimum rear yard setback: 35 feet.

~~(g)~~(h) Minimum side yard setback: 35 feet.

~~(h)~~(i) Minimum frontage on a street: 50 feet.

~~(i)~~(j) Circumference of the minimum lot circle may not be more than 125 feet from the street right-of-way.

~~(j)~~(k) Each lot shall have a minimum of 65,000 square feet of contiguous usable land. This standard is established to provide a minimum area on each lot for residence, accessory buildings and structures, usable yard area and adequate space for on-site wells and septic systems and space for future replacement system.

~~(k)~~(l) A minimum fifty-foot-wide buffer shall be provided between residential uses and any land utilized for agricultural! purposes. This buffer area shall be deed restricted from development and shall contain

at a minimum a staggered double row of evergreen plantings, five feet in height or equivalent as approved by the Planning Board.

~~(l)~~(m) The open space parcel shall contain a minimum of 60% of the gross tract area which shall contain a minimum of 45% of the unconstrained tract area. The "unconstrained tract area" shall be defined as the area of the tract that does not contain floodplains, wetlands, 90% of the slopes between 15% and 25% and all slopes greater than 25%, easements (excluding sight triangles) and right-of-way areas. Stormwater management elements shall not be located within open space created as part of a cluster subdivision. However, if open space is to be dedicated to the Township, said stormwater elements may be located within the open space, at the discretion of the approving authority, provided that the area occupied by said elements shall not count towards the required minimum open space area.

~~(m)~~ (n) The open space parcel shall contain a minimum lot circle of 500 feet.

~~(n)~~(o) Rights-of-way or cartways of any existing or proposed public or private streets shall not be included in the calculation of the minimum required open space area, except as provided in § 148-15F(8).

~~(o)~~(p) The minimum required distance between a residential lot line and the right-of-way of Route 22, Old Highway 28 or Route 202 shall be 500 feet.

(3) Lots within the RR Zone that were approved as agricultural cluster subdivisions under previously agricultural cluster requirements, prior to the adoption of this chapter, shall be permitted to continue as approved.

F. Open space regulation - RR Zone.

[Amended 4-20-1998 by Ord. No. 9-98; 10-4-1999 by Ord. No. 24-99; 5-3-2004 by Ord. No. 20- 2004; 9-5-2006 by Ord.No. 30-2006 ;7-6-2009 by Ord. No. 19-2009)

(1) Open space in one-and-one-half-acre cluster developments shall be permanently deed restricted from further development and shall be utilized either for, natural resource conservation, open space or passive recreation as approved by the Township's approving authority and shall be subject to the following regulations:

(a) At the time of subdivision application for cluster developments under § 148-16E(2), the applicant shall designate whether the proposed open space shall be owned and maintained by a property owners' association or be offered for acceptance by the Township or other governmental agency. If the open space is not to be dedicated to the Township or other governmental agency, then the developer shall provide for a property owners' association to own and maintain the open space for the benefit of owners or residents of the development. Documents establishing and governing the property owners' association shall be in a form that is consistent with § 148-59 of this chapter and the Municipal Land Use Law, N.J.S.A. 40:550-43.

(b) Proposed roads should be located within the development portion of the property. It is the intent to keep the open space portion continuous and free of intrusions; however, adequate access must be provided to this area. Stormwater management elements shall not be located within open space created as part of a cluster subdivision. However, if open space is to be dedicated to the Township, said stormwater elements may be located within the open space, at the discretion of the approving authority, provided that the area occupied by said elements shall not count towards the required minimum open space area.

(c) The set-aside of common open space shall comply with § 148-60.

(d) Residential lots developed as part of the cluster that are adjacent to the open space should be configured to front on the open space resulting from that cluster. Although not encouraged, side yards may face open space to permit a degree of flexibility. In no case shall a new residential lot be configured in such a manner as to create a rear yard that faces open space.

(e) Where a side yard of a residential lot is adjacent to open space, the side yard shall be considered a front yard for bulk zoning purposes.

(f) Where residential lots developed as part of the cluster front on the open space, an improved public street shall be created between the residential lot and the open space. The unpaved area within the half of a street right-of-way that is located directly adjacent to the open space (those streets having homes on only one side, with open space on the opposite side) may be counted towards the minimum open space requirement.

(g) Notwithstanding minimum lot circle requirements for open space, the minimum width or depth for any portion of the open space shall be 300 feet.

G. Minimum off-street parking - RR Zone. Each individual use shall provide parking spaces according to the following minimum provisions. No parking area or driveway shall be located within 15 feet of any property line, except where common driveways are approved by the Board.

(1) Dwelling units shall provide parking spaces in accordance with the Residential Site Improvement Standards, N.J.A.C. 5:21-4.14.
[Amended 7-6-2009 by Ord. No. 19-2009]

(2) Farm stands shall provide a minimum area for parking to accommodate two parking spaces for customers plus one for each employee at maximum shift if not residing on the premises.

H. Street setback. New streets shall be located no closer than 50 feet to the original tract boundary of any development, except at the point at which a new street intersects an existing street for the purpose of providing access to the development. [Added 5-20-2002 by Ord. No. 13-2002]

SECTION IV. Section 148-49 of Chapter 148 of the Code of the Township of Readington entitled "Land Development" Article V "Conditional Uses, Exceptions, Modifications and Critical Areas" is hereby amended as follows:

Sec. 148-49 GENERAL EXCEPTIONS AND MODIFICATIONS

A. Undersized ~~Existing~~ lots in the SRR Special Resource Residential, HR Hamlet Residential, R-1 Residential-1 and VR Village Residential residential zones. Lawfully created existing ~~Individual lots legally existing in the SRR, HR, R-1 and VR zones that are~~ independent of adjacent ownership as of the effective date of this chapter and which ~~are of a~~ do not comply with the minimum required lot size for the respective zone less than specified in the various districts may be improved for single-family residential use as a matter of right and shall be considered conforming, provided that ~~they observe said lots conform with~~ the following provisions:
[Amended 4-21-2014 by Ord. No. 08-2014]

(1) The side yard and rear yard setback provisions may be reduced in direct proportion to the difference in lot circles; however, the reduced setback shall not be less than 50% of the setback specified by the district regulations. For example, a forty-foot side yard setback required for an undersized lot shall not be reduced to less than 20 feet.

(2) The floor area ratio (F.A.R.) may be increased inversely in proportion to the differences in lot circles.

- B. Height limits. Except for residential dwellings as permitted in this chapter, penthouses or roof structures for the housing of stairways, tanks, ventilating fans, air-conditioning equipment or similar equipment required to operate and maintain the building, skylights, spires, cupolas, flagpoles, chimneys or similar structures may be erected above the height limits prescribed by this chapter, but in no case more than 20% more than the maximum height permitted for the use in the district, except that silos and barns associated with farming shall have no height restrictions.
- C. Christmas tree sale. The annual sale of Christmas trees is permitted in all zones between December 1 and December 25, inclusive. The site shall be cleaned up and show no visual evidence of the temporary sale by December 31.
- D. Public election voting places. The provisions of this chapter shall not be construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.
- E. Public utility lines. Public utility lines for the transportation and distribution and control of water, electricity, gas, oil, steam, telegraph and telephone communications and their supporting members, other than buildings or structures, shall not be required to be located on a lot nor shall this chapter be interpreted as to prohibit the use of a property in any zone for the above uses. These uses may be limited or controlled by other sections in this chapter.
- F. Existing Cemeteries. Cemeteries that are lawfully existing at the time of the adoption of this subsection may continue to operate according to the following standards: [Added 6-17-2019 by Ord. No. 13-2019]
- (1) Grave site shall be set back a minimum of 100 feet from any property line.
- (2) Principal and/or accessory structures, including mausoleums, shall be set back a minimum of 100 feet and shall not exceed 20 feet in height.
- (3) Parking shall not be closer than 50 feet to any street line.
- (4) One freestanding sign may be located at the main entrance, not exceeding 24 square feet in area. See Article XII for additional standards).

SECTION V. Section 148-51 of Chapter 148 of the Code of the Township of Readington entitled “Land Development” Article VI “General Provisions” is hereby amended as follows:

Sec. 148-51 ACCESSORY BUILDINGS AND STRUCTURES

[Amended 8-2-2010 by Ord. No. 23-2010; 4-21-2014 by Ord. No. 08-2014; 5-2-2016 by Ord. No. 06-2016]

A. Except as otherwise provided, accessory buildings and/or structures on single-family residential lots shall be permitted in the side or rear yard of each property with a minimum setback equal to a minimum of 1/2 of the side and/or rear setback requirements for the principal structure. In the case of a lot with two front yards, an accessory building may be located in one of the front yards, provided that it is located no closer to the street than the front line of the house or 200 feet, whichever is less.

B. Accessory structures and buildings which are 650 square feet or larger located on single-family residential lots shall have a minimum front, side and rear yard setback equal to that required for the principal structure.

C. Maximum number of accessory buildings on single-family residential lots having lot areas less than four (4) acres is two (2), except that one (1) accessory building that is less than 100 sf may be excluded from the tabulation of the number of accessory buildings.

CD. Maximum permitted floor area.

(1) The maximum footprint for accessory buildings and structures on single-family residential lots less than ~~six~~**four** acres in size shall not exceed ~~90~~**75**% of the footprint of the principal building/structure of which such building/structure is accessory.

(2) Notwithstanding the provisions for existing undersized lots pursuant to § 148-49, accessory structures on single-family residential lots shall comply with the maximum permitted floor area as regulated in § ~~148-51~~**CD(1)**.

(3) Accessory buildings are included in the calculation of floor area ratio.

DE. All farm and agricultural uses, including the growing of crops, nurseries and the raising and training of poultry, small animals and livestock, are permitted everywhere in the Township, subject to additional provisions set forth below:

(1) Said use is conducted upon a lot not less than five acres in area, except for the raising of fowl, small animals and livestock for purely personal, educational or recreational purposes, involving no nuisance or menace to the public health and subject to other applicable provisions of this section.

(2) No building, run or other enclosure for swine shall be closer to any property line than 200 feet. Not more than one adult swine shall be allowed for each acre contained in the property.

(3) No building for the shelter of 1,000 or more fowl of any kind or five or more adult dogs shall be closer to any property line than 200 feet.

(4) 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 a maximum of 1,000 additional square feet for each additional acre.

(5) In all other cases, no building or enclosure for the shelter or retention of fowl or farm livestock of any kind shall be closer to any property line than 50 feet.

EF. No accessory building may be located closer to the street than the front line of the house or 200 feet, whichever is closer, except that if erected on a corner lot, the accessory building or structure shall be set back from the side street to comply with the setback line requirements applying to the principal building for that side street.

FG. Pools and permanent recreational facilities may not be located closer to the street than the front line of the house.

G.H. ECHO housing.

(1) ECHO dwellings shall be limited to a total of eight within the Township.

(2) ECHO dwellings are permitted only in conjunction with a principal single-family dwelling.

(3) Site plan approval is not required for an ECHO dwelling. Application for a permit shall be made to the Zoning Officer.

(4) ECHO dwellings are permitted on lots having a minimum lot size of one acre for lots with public sewer and 75,000 square feet for lots without public sewer.

(5) ECHO dwellings shall comply with the required minimum setbacks for the principal building.

(6) Sufficient capacity to treat wastewater from the ECHO unit, in addition to the principal residence, shall be documented.

(7) Sufficient potable water capacity to serve the ECHO unit, in addition to the principal residence, shall be documented.

(8) The exterior finish of an ECHO dwelling shall match or complement the appearance of the principal building.

(9) After removal of the ECHO dwelling, the land devoted to the use of the ECHO dwelling shall be restored to its original condition.

~~H.I.~~ No construction permit shall be issued for the construction of an accessory building or structure, other than construction trailers, storage sheds or farm accessory buildings, prior to the issuance of a construction permit for the construction of the main building upon the same premises. If construction of the main building does not precede or coincide with the construction of the accessory building or structure, the Construction Official shall revoke the construction permit for the accessory building or structure until the construction of the main building has proceeded substantially toward completion.

~~I.J.~~ The maximum height of accessory buildings shall be 25 feet or the height of the principal structure on the lot, whichever is less, unless otherwise specified in Articles IV and V, except that silos and barns for agricultural use associated with an agricultural operation shall have no height limitations.

~~J.K.~~ A swimming pool shall not be counted as **structure building** in the F.A.R. **calculations**, but it ~~must~~**shall** adhere to all other space regulations.

SECTION VI. The sections, subsections and provisions of this Ordinance may be renumbered as necessary or practical for codification purposes.

SECTION VII. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VIII. If any provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such ordinance or judgment shall not affect, impair or invalidate the remainder of any such article, section, subsection, paragraph, subdivision or clause and, to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION IX. This ordinance shall take effect immediately upon final passage and publication in accordance with law and upon filing with the Hunterdon County Planning Board.

A TRUE COPY OF WHICH ORDINANCE IS PRINTED ABOVE WAS INTRODUCED AT THE MEETING OF THE TOWNSHIP COMMITTEE ON **SEPTEMBER 8, 2020** AND THAT IT IS THE INTENTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF READINGTON TO CONSIDER PASSAGE OF SAID ORDINANCE AT THE REGULAR MEETING OF THE TOWNSHIP COMMITTEE TO BE HELD AT THE MUNICIPAL BUILDING, 509 ROUTE 523, WHITEHOUSE STATION, NEW JERSEY, ON **OCTOBER 5, 2020** AT 7:45 P.M. AT WHICH TIME AND PLACE, OR AT ANY TIME OR PLACE TO WHICH THE MEETING SHALL BE FROM TIME TO TIME ADJOURNED AN OPPORTUNITY WILL BE GIVEN TO ALL PERSONS WHO MAY BE INTERESTED THEREIN TO BE HEARD CONCERNING SAID ORDINANCE.

KARIN M PARKER, *RMC*
MUNICIPAL CLERK