TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY

ORDINANCE No. 24-4

An Ordinance of the Township of Raritan Amending Section 296-140 entitled "Building and Use Regulations" of Chapter 296 entitled "Land Development" of *The Code of the Township of Raritan* to update the regulation of accessory uses with regard to flag poles.

BE IT ORDAINED by the Township Committee of the Township of Raritan, in the County of Hunterdon and State of New Jersey, as follows:

Section 1. Section 296-140 entitled "Building and Use Regulations" of Article XIV entitled "General Design and Use Regulations" of Part 3 entitled "Zoning" of Chapter 296 entitled "Land Development" of *The Code of the Township of Raritan* is hereby supplemented and amended to read as follows: [New language in **bold and underlined**, and deleted language ~~double strikethrough~~.]

§296-140. Building and Use Regulations.

A. In all zones, on lots on which the principal use is residential, there shall not be located more than one single-family detached structure and permitted accessory structures. The permitted accessory buildings and structures are:

(1) One detached garage housing not more than three vehicles and not exceeding 1,500 square feet in area.

(2) On nonfarm residential lots, accessory structures housing horses, livestock, fowl, or rabbits not exceeding 2% of the lot upon which located and not located in the front yard nor within 100 feet of any property line nor within any riparian buffer as required under § 296-141.

(3) On residential lots, accessory buildings and structures not exceeding a total of 800 square feet may be erected provided such are used for purposes customarily incidental to the principal residential use. Such permitted accessory buildings and structures shall exclude pools, detached garages [as listed in Subsection A(1)], solar panel arrays and accessory structures housing animals [as listed in Subsection A(2)] in the calculation thereof.

(a) An accessory structure having a gross floor area greater than 800 square feet may continue on a new lot created by subdivision provided the gross floor area of such accessory structure shall not exceed 2% of the area of such new lot. Such accessory structure shall only be used for a permitted customary accessory use as specified for such residential zoning district.

(b) As part of an approval of a subdivision which property contains an accessory structure which will exceed 2% of the lot area on which it will be located, the Planning Board may condition the timing of the removal of such accessory structure such that:

[1] Such accessory structure may be permitted to remain until a construction permit is granted for the principal use for the lot on which such accessory structure is located;

[2] Such accessory structure may be permitted to remain until a construction permit is issued for 95% of the principal structures to be developed in such subdivision; or

[3] Such accessory structure may be permitted to remain until a specified time limit as set forth in the Planning Board resolution granting final approval has occurred.

(4) Notwithstanding any other section of these regulations, farm buildings as accessory buildings for the purposes of housing livestock, farm equipment, and farm products may be located on farms of five acres or more provided such farm structures do not exceed a maximum lot coverage of 2% of the lot area upon which such farm building is erected.

(5) Solar panel arrays.

(a) Roof-mounted panels shall not extend over the edges of the roof of the structure on which they are located.

(b) Ground-mounted arrays.

[1] The surface area shall not exceed 2% of the lot area.

[2] Shall count as hard surface coverage.

[3] Shall meet the principal setbacks within the zone.

[4] Shall be located only on lots of 80,000 square feet or more.

[5] Shall not be located within any front yard or front setback area.

[6] Shall not be mounted higher than four feet from the ground (to high point of array).

(6) Front yard and street side yard location (residential). No accessory building or above-grade structure shall be permitted in any front yard or street side yard, except as set forth below and on corner lots in compliance with Section 296-139(C).

(a) Flag poles and basketball backboards.

[1] Flag poles shall not be higher than forty-five (45') feet and shall be set back at least ten (10') feet from any property line and the principal structure on the lot.

(b) Light posts.

[1] The maximum height of freestanding lights shall not exceed the height of the principal building, or fourteen (14') feet, whichever is less in residential zones.

[2] The style of the light and light standards (poles) shall be consistent with the architectural style of the principal building or surrounding area.

[3] Light Trespass. All light fixtures, except street lighting, shall be designed, installed and maintained to prevent light trespass, as specified below.

(i) At the property line of the subject property, illumination from light fixtures shall not exceed one-tenth foot-candles in a vertical plan.

(ii) All lighting shall be warm or neutral white in color, and shall be incandescent, light emitting diode (LED), or high intensity discharge (HID) lighting such as metal halide, high pressure sodium, and mercury vapor.

(iii) Outdoor light fixtures properly installed and thereafter maintained shall be directly so that there will be no objectionable direct light emissions.

(iv) No lighting source shall shine directly into or reflect onto windows of nearby residential properties.

(v) **<u>No lighting source shall shine directly or reflect onto streets and driveways in a manner which will induce glare or interfere with driver vision.</u>**

(vi) **<u>No lighting shall be of a rotating, pulsating, flashing or other intermittent frequency.</u>**

(c) **<u>Fences, freestanding walls or retaining walls as regulated in Section 296-142.</u>**

B. All uses and structures in all zones shall meet the applicable performance standards of Article XX of this chapter.

C. Maximum petroleum tank capacities. The following maximum tank capacities apply to the storage of petroleum products by category of land usage. All tanks on a lot may not exceed the maximums listed.

(1) Petroleum tank uses. The use and placement of petroleum tanks on property in residential zoning districts shall be only for purposes of directly providing a petroleum supply for vehicles of the occupants of the residential structure, which vehicles shall normally be parked on such residential lot, and heating fuel directly to the main structure on the lot.

(a) Residential uses.

[1] Fuels for vehicles used by occupant: 1,100 gallons underground or 550 gallons above ground; maximum of 1,100 gallons per lot.

[2] Heating fuels: 2,000 gallons underground or 660 gallons above ground. The above are the maximums permitted on any residential lot per dwelling unit.

(b) Commercial, office or governmental uses.

[1] Vehicle fuels for occupants' vehicles: 10,000 gallons underground or 550 gallons above ground; maximum of 10,000 gallons per lot.

[2] Heating fuels: 15,000 gallons underground or 1,320 gallons or as otherwise permitted by the Uniform Construction Code and/or Fire Prevention Code above ground. The above are the maximums permitted per lot.

(c) Commercial distribution, industrial or research uses.

[1] Petroleum products, methane through No. 2 fuel (including blends, such as gasoline, jet fuel, diesel fuel, wide range naphthas, etc.): 60,000 gallons.

[2] Petroleum products, No. 3 fuel through residium (commonly referred to as fuel oils): 84,000 gallons.

(2) Installation.

(a) Tanks and all ancillary equipment, whether installed above or below ground, must meet minimum setback requirements for principal structures.

(b) Tanks shall be installed in accordance with the Uniform Construction Code, National Fire Prevention Code, all other applicable regulatory requirements and the requirements of this chapter.

D. In all zones, on lots where the principal use is nonresidential, roof-mounted solar panel arrays shall be permitted as an accessory structure, provided that the panels shall not extend over the edges of the roof on which they are located.

E. In all zones, on lots where the principal use is nonresidential, a shed is permitted as an accessory structure not to exceed 250 square feet in size, provided that it is used for purposes customarily incidental to the principal use. No accessory building shall exceed the maximum accessory structure height as per Schedule I. No accessory building **or structure** shall be permitted in any front yard**, except as set forth in Subsection (1) below**. No accessory building **or structure** shall be closer than 15 feet to the principal building on the lot. Accessory buildings **or structures** built in any side or rear yard shall conform to the minimum yard dimensions set in Schedule I. Any preexisting nonconforming shed erected prior to the establishment of this subsection shall be considered grandfathered.

(1) Front yard and street side yard location (nonresidential). No accessory building or above-grade structure shall be permitted in any front yard or street side yard, except as set forth below.

(a) Flag poles.

[1] Flag poles shall not be higher than forty-five (45') feet and shall be set back at least ten (10') feet from any property line and the principal structure on the lot.

(b) Light posts.

(c) Electronic vehicle charging stations as regulated in Section 296-155.1.

[1] If the electronic vehicle charging station is utilizing independent batter components and are separate from the principal structure, then land use board approval is required. If the

station is installed utilizing utilities from the existing structure, then zoning permit is required.

(d) **Hot box and meter vaults for commercial applications.**

(e) **Fences, freestanding walls or retaining walls as regulated in Section 296-142.**

Section 2. Note 5 to the Attachment 1 entitled "Scheduled I, Schedule of Area, Yard and Building Requirements" of Chapter 296 entitled "Land Development" of *The Revised General Ordinances of the Township of Raritan* is hereby supplemented and amended to read as follows: [New language in **bold and underlined**, and deleted language ~~double strikethrough~~.]

SCHEDULE NOTES:

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5. Setback of all structures. No accessory structure, other than a permitted garage on a residential lot **or those identified in Sections 296-140(A) and (E)**, shall be located in front of a principal structure, regardless of the location of said principal structure. In the case of a through lot, accessory structure may be placed behind a principal residential structure provided the accessory structure meets the required front setback for principal structures in the underlying zone, but no less than 50 feet. In the case of a residential corner lots, air conditioning units and generators may be permitted in the non-dominant front yard subject to the terms and limitations set forth in §296-139(C).

Section 3. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid in any court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Township of Raritan, the provisions hereof shall be determined to govern, and the inconsistencies of the prior ordinance are hereby repealed. All other parts, portions and provisions of the Ordinances of the Township of Raritan are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 5. The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Hunterdon County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 6. After introduction, the Township Clerk is hereby directed to submit a copy of this Ordinance to the Planning Board of the Township of Raritan for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Committee, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance, which are inconsistent with the Master Plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 7. This Ordinance shall take effect immediately upon: (i) adoption; (ii) publication in accordance with the laws of the State of New Jersey; and (iii) filing of the final form of adopted Ordinance by the Clerk with the Hunterdon County Planning Board pursuant to N.J.S.A. 40:55D-16.

Date Adopted: March 19, 2024

ATTEST:

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF RARITAN

Donna Kukla, Township Clerk

Scott Sipos, Mayor