

LAND MANAGEMENT

**Area, Yard and Bulk Regulations
Amwell Valley Agricultural District
Township of East Amwell**

[Amended 9-11-1997 by Ord. No. 97-23; 9-9-1999 by Ord. No. 99-20; 3-8-2001 by Ord. No. 01-02; 12-30-2002 by Ord. No. 02-22; 3-13-2003 by Ord. No. 03-02; 6-13-2019 by Ord. No. 19-08]

	Minimum Lot			Minimum Yards			Maximum Building Height (feet)	Maximum Lot Coverage
	Area (acre)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)		
Conventional Zoning								
Single-family dwelling	10	400	400	150	75	75	35	0.08
Permitted Zoning Options [§ 92-91H(2)]								
Single-family dwelling	1.5	125	200	50	30	50	35	0.08 for lots greater than 3 acres; 10,000 square feet maximum for lots 1.5 to 3 acres
Agricultural use ²	5	300	300	NA	NA	NA	60	0.08
Farm building	5	400	400	150	100	100	60 ⁵	0.08
Conditional Uses								
Second dwelling ¹	10	400	400	150	75	75	35	0.08
Tertiary dwelling ¹	20	400	400	150	75	75	35	0.08
Farm labor housing	20	300	300	75	50	60	35	0.08
Public utility	2	200	200	100	50	50	20	0.08
School	20	300	500	100	100	100	30	0.08
Fire house	2	200	200	100	50	100	20	0.08
House(s) of worship	10	400	400	200	100	200	30	0.08
Home occupation	Same as appropriate residential use.							
Veterinarian hospital	5	300	300	100	100	100	20	0.08
Flag lot ⁶	10	400	400	75	75	75	35	0.08

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	Minimum Lot			Minimum Yards			Maximum Building Height (feet)	Maximum Lot Coverage
	Area (acre)	Width (feet)	Depth (feet)	Front (feet)	Side (feet)	Rear (feet)		
Accessory building ³								
Class I Same as principal residence					20	20	20	0.08
Class II Same as principal residence								
Class III Same as principal residence for all setbacks and requirements					Maximum 40 ⁷	Maximum 40 ⁷	20	0.08
Antique shop ⁴		200		100	75			0.08
Existing Under-Sized Lots								
At least 1.5 acres up to 3 acres				75	30	50	35	10,000 square feet
At least 3 acres up to 10 acres				75	50	50	35	8%

NOTES:

¹ The criteria for subsidized accessory apartments shall be as follows:

- 1) Each new subsidized accessory apartment created under the terms of this section shall be affordable to and rented by a qualified low-income household for a period of at least 10 years from the date a certificate of occupancy is issued for the new unit in accordance with the terms of Chapter 43, Affordable Housing, Article II, Affordable Housing Regulations.
- 2) No subsidized accessory apartment shall be created under the terms of this section unless an application has been submitted to and approved by the Housing Administrator and unless the creation of the subsidized accessory apartment is accomplished as part of the township's affordable housing compliance program and unless the subsidized accessory apartment is deed-restricted in accordance with the terms of Chapter 43, Affordable Housing, Article II, Affordable Housing.
- 3) No subsidized accessory apartment shall contain more than one bedroom.
- 4) The Board of Health shall certify the adequacy of the on-site well and septic system to accommodate the original dwelling plus the subsidized accessory apartment(s). Garbage disposals shall be prohibited in subsidized accessory apartments. All subsidized accessory apartments units shall meet the requirements of N.J.A.C. 5:23-2.4 and 5:23-2.5 following the completion of the conversion.
- 5) The property proposed for conversion shall be able to accommodate at least three off-street parking spaces having direct and unrestricted driveway access and not blocked by any other parking space.
- 6) The provisions of this section shall expire automatically when funds are no longer available to subsidize accessory apartment conversions.
- 7) A subsidized accessory apartment may be created only if the property contains the minimum acreage required for a second dwelling at § 92-91F and all other requirements set forth hereinabove can be met.
- 8) Up to two subsidized accessory apartments may be created only if the property contains the minimum acreage required for a tertiary dwelling at § 92-91F and all other requirements set forth hereinabove can be met.
- 9) Applicants for the creation of a subsidized accessory apartment shall submit to the Housing Administrator:
 - a) A sketch of floor plan(s) showing the location, size and relationship of both the accessory apartment and the primary dwelling within the building;

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- b) Rough elevations showing the modification of any exterior building facade to which changes are proposed; and
- c) A site development sketch showing the location of the existing dwelling and other existing buildings; all property lines; any proposed addition, along with the minimum building setback lines; the locations, size and extent of all underground utilities and the length, width and function of all rights-of-ways and easements on the property; the required parking spaces for both dwelling units; and any natural or man-made conditions which might affect construction.

All plans and elevations shall be clear and concise and drawn to a scale of not less than one inch equals four feet for the floor plan(s) and elevation(s) and one inch equals 20 feet for the site development plan.

- 10) Alterations to the exterior of the existing dwelling, other than those to improve the maintenance and attractiveness of the dwelling, shall be minimized.
 - a) After creation of the subsidized accessory apartment, the building shall maintain the usual appearance of a single-family detached dwelling and shall remain compatible with the character of the surrounding neighborhood.
 - b) The converted dwelling shall not have more than the existing number of entrances along the front of the building. All other entrances to either the principal or accessory dwelling units shall be located on the side or rear of the building.
 - c) No new unenclosed exterior stairways shall be allowed on the front of the converted dwelling.
 - d) Necessary changes in the number or placement of windows to provide adequate light and air will be allowed but shall be minimized; any changes which occur must be done in a manner consistent with the architectural character of the dwelling.
- 11) Additions to an existing dwelling designed to allow the creation of a subsidized accessory apartment within the dwelling shall not be permitted, except that small additions containing up to a maximum of 5% of the gross floor area of the existing dwelling or 100 square feet, whichever is less, may be permitted if the addition will facilitate the creation of the accessory apartment in a more logical manner, considering design, layout, access and safety factors.
- 12) A subsidized accessory apartment shall not be created on any floor above the second floor except that space above the second floor may be used for storage or sleeping rooms for a second floor apartment. No subsidized accessory apartment shall be located in a below-ground basement where the exterior grade is more than half the height of the exterior wall, unless there is at least one exterior facade where the unit is at grade with the ground outside.
- 13) Each subsidized accessory apartment unit shall meet the following minimum size requirements:
 - a) Minimum gross floor area of unit:
 - Efficiency: 450 square feet.
 - One-bedroom: 600 square feet.
 - b) A subsidized accessory apartment shall not contain a den or other extra room capable of being used as a bedroom, i. e. having a closet and a door separating the room from the remainder of the unit.
- 14) The lot on which the subsidized accessory apartment will be located shall conform to the minimum lot area requirement for the zoning district in which it is located.
- 15) Preexisting unauthorized accessory apartments may be legalized under this section without penalty to the property owner, provided that all of the foregoing criteria as well as the following criteria can be met:
 - a) The unit is currently vacant.
 - b) If the unit is currently in substandard condition, it can be brought up to standard condition before a certificate of occupancy is issued.

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- c) The unit will be affirmatively marketed pursuant to Chapter 43, Affordable Housing, Article III, Affirmative Marketing Plan.
- d) The unit will be deed-restricted for occupancy by and will remain affordable to a qualified low-income household for a period of 10 years from the date a certificate of occupancy is issued for it, consistent with the requirements of Chapter 43, Affordable Housing, Article II, Affordable Housing Regulations, and the rules of the Council on Affordable Housing.
- ² The minimum lot size for agricultural use is limited to exempt subdivision considerations (NJSA 40:55d-7 and § 92-31 of this chapter) and shall not prevent agricultural activities from taking place on lots smaller than five acres. However, such small lots with agricultural activities are not qualified for the benefits and privileges of a farm. Any lot having an agricultural use or farm use, which also has a dwelling, shall meet the minimum lot area and all other minimum requirements for a lot having a residential principal use.
- ³ Accessory buildings may not occupy an area totaling more than 25% of a required rear yard or a maximum of 2,000 square feet, whichever is smaller. Accessory buildings shall be erected only in the side or rear yard of a principal dwelling, except in the case of the farm. On farms, an accessory building may be erected forward of the principal building, provided it is set back a minimum of 150 feet from the street line. See also § 92-58I for bulk requirements for clustered lots. No accessory buildings greater than 2,000 square feet are allowed.
- ⁴ For both antique shops, the building containing such use shall be at least 50 years old as of 12-30-1991. The front yard shall remain as it exists, with no new construction in it.
- ⁵ On farm lots with a lot area greater than 50 acres, the maximum height for a silo shall be 120 feet (rather than 60 feet).
- ⁶ The area and dimensional requirements apply to the body of the flag lot, exclusive of the access strip. On a flag lot, an accessory building shall be set back 75 feet from all property lines regardless of the location of the principal building.
- ⁷ For every 100 square feet increase in size from Class I, setbacks increase 20% to a maximum of 40 feet.
- ⁸ For a golf course/club, see § 92-91B(9).