

ORDINANCE NO. 09-2013

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, TO AMEND, REVISE AND
SUPPLEMENT ARTICLE VII "ZONING PROVISIONS," OF THE
DEVELOPMENT REGULATIONS ORDINANCE AND TO
REVISE SECTION 706 "EXCEPTIONS"**

WHEREAS, the Township Committee of the Township of Tewksbury, County of Hunterdon, State of New Jersey, has determined that there is a need to revise Section 706 entitled "Exceptions", Subsection F of the Development Regulations Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, in the County of Hunterdon, State of New Jersey, that the Development Regulations Ordinance of the Township of Tewksbury Article VII "Zoning Provisions", Subsection F is hereby amended, revised and supplemented to add the following:

Section 1:

§ 706 - EXCEPTIONS

F. Existing Undersized Lots.

1. Any lawfully created parcel of land less than three (3) acres in lot area in the HL Highlands District, LT Lamington District, FP Farmland Preservation District, or PM Piedmont District:
 - a. Which has a lot area less than that now prescribed for a lot in the District in which such parcel is located, and
 - b. Which was in existence at the time of the adoption of any zoning ordinance regulation of this Township [including the zoning regulations of the Tewksbury Township Development Regulations Ordinance (2002), and any amendment thereto], by which the minimum lot area applicable thereto was increased so as to exceed the area of such lawfully created parcel of land, may be used for single-family dwelling purposes as a principal use. Any single-family dwelling or accessory structure to it thereon which shall accidentally be destroyed may be replaced in the same location and footprint as it occupied on the lot immediately prior to said accidental destruction, and shall not constitute a non-conforming use or structure, provided that:

- (i) All regulations except the minimum lot area, minimum lot width, minimum front yard, minimum side yard, minimum rear yard, maximum lot coverage and maximum floor area ratio, regulations, now prescribed by this Ordinance for the District in which such parcel is located shall be complied with;
 - (ii) Either the owner thereof owns no adjoining land or the parcel was granted either minor or final major subdivision approval by the Township Planning Board or Board of Adjustment;
 - (iii) The parcel shall not be further reduced in lot area, lot width, lot depth or lot frontage; and
 - (iv) For existing and new, principal and accessory structures: The front yard setback shall be a minimum of seventy-five (75) feet, the side yard setback shall be a minimum of forty (40) feet, the rear yard setback shall be a minimum of forty (40) feet, the floor area ratio requirement shall not apply and the maximum lot coverage shall not exceed the following: 12% for lots under 3 acres; 10% for lots of 3 to 3.99 acres; 8% for lots of 4 to 4.99 acres; and 5% for lots of 5 acres or more.
2. Any lawfully created parcel of land, at least three (3) acres in lot area in the HL Highlands District, LT Lamington District, FP Farmland Preservation District, or PM Piedmont District:
- a. Which has a lot area less than that now prescribed for a lot in the District in which such parcel is located, and
 - b. Which was and in existence at the time of the adoption of any zoning ordinance regulation of this Township [including the zoning regulations of the Tewksbury Township Development Regulations Ordinance (2002), and any amendment thereto], by which the minimum lot area applicable thereto was increased so as to exceed the area of such lawfully created parcel of land, may be used for single-family dwelling purposes as a principal use. Any single-family dwelling or accessory structure to it thereon which shall accidentally be destroyed may be replaced in the same location and footprint as it occupied on the lot

immediately prior to said accidental destruction, and shall not constitute a non-conforming use or structure, provided that:

- (i) All regulations except the minimum lot area, minimum lot width, minimum front yard, minimum side yard, minimum rear yard, maximum lot coverage and maximum floor area ratio, regulations, now prescribed by this Ordinance for the District in which such parcel is located shall be complied with;
- (ii) Either the owner thereof owns no adjoining land or the parcel was granted either minor or final major subdivision approval by the Township Planning Board or Board of Adjustment; and
- (iii) The parcel shall not be further reduced in lot area, lot width, lot depth or lot frontage.

- 3. As to a parcel complying with the provisions of subsection (F)(2) of this Section, which has a lot area of at least 3 acres but less than 5 acres, in lieu of the minimum front yard, minimum side yard, minimum rear yard, maximum lot coverage and maximum floor area ratio now prescribed for the District in which the parcel is located, the following shall apply for existing and new, principle and accessory structures:
 - (a) Front yard. The front yard shall be at least 75 feet in depth.
 - (b) Side yard. Each principal building shall be provided with a side yard, each at least 40 feet in width.
 - (c) Rear yard. Each principal building shall be provided with a rear yard at least 40 feet in depth.
 - (d) Maximum lot coverage. The maximum lot coverage shall be regulated by Section 706 F(1)(b)(iv) herein.
 - (e) Floor area ratio. A floor area ratio requirement shall not apply.

- 4. As to a parcel complying with the provisions of subsection (F)(2) of this Section, which has a lot area of at least 5 acres, in lieu of the minimum front yard, minimum side yard, minimum rear yard, maximum lot coverage and maximum floor area ratio now prescribed for the District in which the parcel is located, the following shall apply:
 - (a) Front yard. The front yard shall be at least 100 feet in depth.

- (b) Side yard. Each principal building shall be provided with a side yard, each at least 50 feet in width.
- (c) Rear yard. Each principal building shall be provided with a rear yard at least 50 feet in depth.
- (d) Maximum lot coverage. The maximum lot coverage shall be regulated by Section 706 F(1)(b)(iv).
- (e) Floor area ratio. A floor area ratio requirement shall not apply.

Section 2:

All other sections shall remain unchanged.

Section 3:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4.

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 5.

Effective Date. This Ordinance shall take effect upon final passage and publication.

ATTEST:

Township of Tewksbury

Roberta Brassard, Clerk

By: _____
Louis DiMare, Mayor