

Ordinance 03-2013
Introduced 03-12-13
Adopted

ORDINANCE NO. 03-2013

AN ORDINANCE TO AMEND ARTICLE VII, SECTION 715 OF THE TOWNSHIP OF TEWKSBURY DEVELOPMENT REGULATIONS ORDINANCE TO REVISE THE BULK REQUIREMENTS FOR FRONT, SIDE AND REAR YARD SETBACKS IN THE VR VILLAGE RESIDENTIAL DISTRICT AND TO ESTABLISH A NEW ZONE DISTRICT TO BE KNOWN AS THE VR-1 VILLAGE RESIDENTIAL-1 DISTRICT AND TO AMEND ARTICLE IX, SECTION 900 TO MODIFY THE APPLICATION AND ESCROW FEE SCHEDULE TO REFLECT SPECIFIC CHARGES FOR VARIANCES REQUIRED FOR RESIDENTIAL EMERGENCY POWER GENERATORS AND AIR CONDITIONING UNITS

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-62a) requires substantial consistency of the regulations governing zoning and land use development with the adopted Master Plan; and

WHEREAS, the Township of Tewksbury has established residential and nonresidential zone districts and a comprehensive set of land use regulations as set forth in the Tewksbury Township Development Regulations Ordinance; and

WHEREAS, the Tewksbury Land Use Board did adopt on February 20, 2013 a Periodic Reexamination Report of the Master Plan and Development Regulations and an Amendment to the Master Plan Land Use Plan Element to the September 2003 Master Plan; and

WHEREAS, it is the recommendation of the Land Use Board, as set forth in the current Reexamination Report and Land Use Plan amendment to modify the front, side, and rear yard setbacks in the Village Residential District to better reflect the existing developed conditions and the historic characteristics associated with this District; and

WHEREAS, the Land Use Board does further recommend that a section of the existing Village Residential District within the Pottersville section of the Township be reclassified to a new zone district to be known as the Village Residential-1 District for the reasons articulated in the Reexamination Report and Land Use Plan amendment, in order to distinguish the residential neighborhood in question from the remaining areas within the Village Residential District, and to retain the existing range of permitted uses, lot area requirements, and bulk standards for the new zone as presently apply except for the front yard setback which is recommended to be reduced from 75 feet to 65 feet; and

WHEREAS, the Land Use Board did also discuss and recommends a specific fee schedule for applicants in need of variance relief to install emergency power generators and air conditioning units on residential properties within the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Tewksbury, County of Hunterdon and State of New Jersey that the Tewksbury Township Development Regulations Ordinance is hereby amended to modify the front, side and rear yard bulk standards for the VR Village Residential District, to establish a new VR Village Residential-1 District and to set specific application and escrow fees for emergency power generators and air conditioning units for residential properties.

Section 1.

Article VII, "Zoning Provisions" shall be revised as follows:

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- (i) §700, "Zoning Districts" to add a new zone district to be known as the VR Village Residential-1 District.
- (ii) §701, "Zoning Boundaries" shall be revised to reflect the new VR Village Residential-1 District on the Township's Zoning Map to incorporate the area located south of Hollow Brook Road and Fairmount Road (County Route 512) and west of McCans Mill Road as depicted on Township Tax Map 6, revised through November 19, 1976 and Tax Map 6.01, last revised January 1, 2001 incorporating the following parcels: Block 23, Lots 8.01 through 8.40 and Lots 9, 10, 10.01 and 11; Block 2301, Lots 8.01 through 8.17; and Block 23.02, Lots 8.01 through 8.07.
- (iii) §715, "VR Village Residential District" shall be revised to modify subsections E1d "Minimum Front Yard" from 75 feet to 5 feet; E1e "Minimum Rear Yard" from 50 feet to 25 feet; and E1f "Minimum Side Yard (each)" from 30 feet to 15 feet.
- (iv) New §715.1 shall be added to be entitled "VR Village Residential-1 District" as follows:
 - A. Purpose. The Village/Residential-1 District has been created to recognize the residential neighborhood established by the Glenbrook Final Major Subdivision of 1966 and a number of other residential properties in the immediate vicinity that reflect a general uniformity in size and layout in contrast to the historic development patterns which characterize the Village/Residential District.
 - B. Permitted Principal Uses.
 - 1. Detached single-family dwellings.
 - 2. Township buildings and services.
 - 3. Houses of worship.
 - 4. Public and private, non-profit schools.
 - C. Accessory Buildings and Uses.
 - 1. Residential garages/private garages/swimming pools.
 - 2. A building, (other than a building used for agricultural purposes) to house domesticated animals which are kept solely for the use or pleasure of the residents of the dwelling.
 - 3. Storage sheds/tool sheds.
 - D. Conditional Uses. In addition to the standards set forth in this Section, all conditional uses shall meet other applicable design standards as set forth in Article VIII of this Ordinance.
 - 1. Public utility facilities, except communication towers.
 - E. Area, Yard and Bulk Regulations
 - 1. For residential uses:

a. Minimum Lot Area	1.5 acres
b. Minimum Lot Width	175 feet
c. Minimum Lot Depth	250 feet
d. Minimum Front Yard	65 feet
e. Minimum Rear Yard	50 feet
f. Minimum Side Yard (each)	30 feet
g. Maximum Building Height	35 feet

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h. Maximum Lot Coverage	15%
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2. For Township buildings, public utility facilities, houses of worship and schools:

a. Minimum Lot Area	1.5 acres
b. Minimum Lot Width	200 feet
c. Minimum Lot Depth	250 feet
d. Minimum Front Yard	75 feet
e. Minimum Rear Yard	75 feet
f. Minimum Side Yard (each)	50 feet
g. Maximum Building Height	30 feet
h. Maximum Lot Coverage	40%

Section 2.

Article IX, "Fees, Guarantees, Inspections, Off-Tract Improvements and General Enforcement" shall be revised as follows:

(i) Amend §900, "Application and Escrow Fees", subsection A "Fee Schedule" to add the following in "Other Application and Escrow Fees"

Application Type	Application Fee	Escrow Fee
Variances for emergency power generators and air conditioning units (residential properties)	\$50	\$100

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.

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

Section 5.

This ordinance shall take effect upon final adoption, publication, and publication of a notice for final adoption and the filing of same with the Hunterdon County Planning Board.

Attest:

Township of Tewksbury Committee

Roberta Brassard, Clerk

Louis Di Mare, Mayor