

ORDINANCE NO. 20-12
INTRODUCTION DATE: 04-15-2020
ADOPTION DATE: 05-20-2020

**AN ORDINANCE AMENDING CHAPTER XXXV (LAND USE AND DEVELOPMENT),
ARTICLE 4 (REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS)
SECTION 9 (ACCESSORY BUILDINGS AND STRUCTURES) AND VARIOUS
SECTIONS OF ARTICLE 5 (ZONING DISTRICT REGULATIONS) OF THE REVISED
GENERAL CODE OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH
AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Township Committee of the Township of Millstone, County of Monmouth, State of New Jersey as follows (additions are underlined, and deletions are in [brackets]):

I

Chapter 35, Land Use and Development, Article 4 Accessory Buildings and Structures, Section 4-9.1 Attached Accessory Buildings is hereby amended to read as follows:

4-9.1 Attached Accessory Buildings

When an accessory building is attached to the principal building by a shared wall, it shall be considered a part thereof and shall be subject to the standards associated with principal structures.

II

Chapter 35, Land Use and Development, Article 4 Accessory Buildings and Structures, Section 4-9.3 Height Restricts is hereby amended to read as follows:

4-9.3 HEIGHT RESTRICTIONS.

Accessory buildings and structures [~~on residential lots~~] shall not exceed sixteen (16) feet in height. Buildings in excess of sixteen (16) feet in height, but less than twenty (20) feet, shall be permitted providing the Construction Official, after review of the planned accessory building or structure and the conditions existing on the lot upon which the accessory building or structure is to be built, concludes the following:

- a. The building or structure is no higher than the principal building [~~residence~~] on the lot.
- b. The building or structure is architecturally compatible with the principal building [~~residence~~] on the lot.

III

Chapter 35, Land Use and Development, Article 4 Accessory Buildings and Structures, Section 4-9.4 Location of Accessory Buildings is hereby amended to read as follows:

4-9.4 LOCATION OF ACCESSORY BUILDINGS.

Accessory buildings shall be located in the side or rear yard only and shall meet the yard requirements for accessory buildings as set forth in the Schedule of Area, Yard and Building Requirements in this Chapter, with the exception of the provisions for attached accessory buildings.

IV

Chapter 35, Land Use and Development, Article 4 Accessory Buildings and Structures shall be amended to include the following new section:

4-9.13 EMERGENCY GENERATORS IN NON-RESIDENTIAL ZONES.

Emergency generators in non-residential zones shall be a permitted accessory use subject to the following standards:

- a. Any generator shall be for emergency use only.
- b. Generators shall be located on the same property as the use they are designed to serve.
- c. No generator shall be located closer than 10 feet to any non-residential property line.
- d. Generators adjacent to residential zones or uses shall meet the setback standards of the principal building.
- e. No generator shall be located between the building line and the street line.
- f. Generators shall be screened with vegetation or a solid wood fence not to exceed 6 feet in height.
- g. Any propane or diesel storage shall be subject to all applicable building and fire code standards and shall be screened.

V

Chapter 35, Land Use and Development, Article 5 Zoning District Regulations, Section 5-10 NC Neighborhood Commercial Zone, Subsection 5-10.2 Permitted Accessory Uses is hereby amended to add the following sub-bullet:

- f. Sheds accessory to non-residential uses that are utilized for the purposes of storing equipment for on-site use, subject to the height and size requirements of the Accessory Buildings and Structures section of this Chapter and the setback requirements found in the Schedule of Area, Yard and Building Requirements.

VI

Chapter 35, Land Use and Development, Article 5 Zoning District Regulations, Section 5-11 HC Highway Commercial Zone, Subsection 5-11.2 Permitted Accessory Uses is hereby amended to add the following sub-bullet:

c. Accessory sheds that are utilized for the purposes of storing equipment for on-site use, subject to the height and size requirements of Accessory Buildings and Structures section of this Chapter and the setback requirements found in the Schedule of Area, Yard and Building Requirements.

VII

Chapter 35, Land Use and Development, Article 5 Zoning District Regulations, Section 5-12 HC-1 Highway Commercial Zone, Subsection 5-12.2 Permitted Accessory Uses is hereby amended to add the following sub-bullet:

c. Accessory sheds that are utilized for the purposes of storing equipment for on-site use, subject to the height and size requirements of Accessory Buildings and Structures section of this Chapter and the setback requirements found in the Schedule of Area, Yard and Building Requirements.

VIII

Chapter 35, Land Use and Development, Article 5 Zoning District Regulations, Section 5-15 PCD Planned Commercial Development, Subsection 5-15.2 Permitted Accessory Uses is hereby amended to add the following sub-bullet:

c. Accessory sheds that are utilized for the purposes of storing equipment for on-site use, subject to the height and size requirements of Accessory Buildings and Structures section of this Chapter and the setback requirements found in the Schedule of Area, Yard and Building Requirements.

IX

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

X

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

XI

The Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.

EXPLANATORY STATEMENT: This Ordinance revision provides for amendments to Sections 4-9.1, 4-9.3, 4-9.4, and Article 5 regarding the standards for accessory structures, permitting them in non-residential zones. This revision also creates Section 4-9.13 to provide specific standards for generators in non-residential zones.