

Introduced: 10/12/2021
Public Hearing: 11/09/2021
Adopted: 11/09/2021

**TOWNSHIP OF TEWKSBURY
HUNTERDON COUNTY, NEW JERSEY
ORDINANCE NO. 10-2021**

**AN ORDINANCE OF THE TOWNSHIP OF TEWKSBURY, HUNTERDON
COUNTY, NEW JERSEY AMENDING ARTICLE III, DEFINITIONS,
SECTION 301, WORDS AND TERMS DEFINED, AND ARTICLE VII,
ZONING PROVISIONS, SECTION 702.2, SPECIFIC ACCESSORY
STRUCTURES, OF THE DEVELOPMENT REGULATIONS ORDINANCE
OF THE TOWNSHIP OF TEWKSBURY**

WHEREAS, the Township of Tewksbury (the “Township”) allows the owners and/or occupiers of a one- or two-family dwellings to install and utilize accessory structures; and

WHEREAS, the Township Committee finds and declares that it is in the best interest of the Township and its residents to amend and update the specific accessory structures list to include sheds, generators and flagpoles.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Tewksbury, Hunterdon County, New Jersey, as follows:

SECTION 1. Article III, Definitions, Section 301, Words and Terms Defined, of the Township Development Regulations Ordinance is hereby supplemented as follows:

§ 301 – Words and Terms Defined

Air Conditioning System Compressor. A mechanical pump driven by an electric motor that lies within a condensing unit and is responsible for compressing and circulating refrigerant in a dwelling. May also include a heat pump that circulates heat in a dwelling by means of a mechanical pump.

Flag. Any fabric or similar material, or bunting, containing a distinct color or colors, patterns, and/or symbols, used for decorative purposes or as a symbol of government, political subdivision, corporation or business, or other entity.

Flagpole. An accessory structure consisting of a single pole on which to raise a flag, including any solar panel or other appurtenance.

Permanent Standby Generator. An electrical generator which is permanently connected to the building's electrical systems in order to provide backup power in the event of power outages.

Portable Generator. An electrical generator that is not permanently connected to the building's electric systems which utilizes a self-contained fuel source and has wheels or is light enough to be carried by hand.

Shed. An accessory structure with dimensions that are not less than sixty (60) square feet nor greater than one hundred fifty (150) square feet in area and not exceeding eight (8) feet in height at the eaves and used solely for storage purposes, and not for keeping or housing animals. A shed may maintain electrical service, but not heating, plumbing or water service.

SECTION 2. Article VII, Zoning Provisions, Section 702.2, Specific Accessory Structures, of the Township Development Regulations Ordinance is hereby amended and supplemented as follows:

§ 702.2 – Specific Accessory Structures

A. Permanent standby generators and air conditioning system compressors.

- (1) Applicability. This section shall apply to the owners and/or occupiers of a one-family dwelling or a two-family dwelling who wish to install and utilize an outdoor standby generator or air conditioning system compressors. This section and its requirements shall not apply to portable generators.
- (2) Purpose and permission. Permission is hereby granted to the owners and/or occupiers of a one- or two-family dwelling to install and utilize an outdoor permanent standby generator or air conditioning system compressors, subject to the requirements delineated below.
- (3) Distance requirements.
 - (a) A permanent standby generator or air conditioning system compressor may be located in the front yard of the property, provided it satisfies the applicable setback requirement for the given zoning district. The minimum side and rear yard setbacks for a permanent standby generator or air conditioning system compressor shall be 10 feet in the VR and VR-1 Zoning Districts, and 25 feet in the HL, LT, FP, PM and R-1.5 Zoning Districts.
 - (b) Location of the permanent standby generator and air conditioning system compressor relative to the dwelling. The permanent standby generator or air conditioning system compressor shall be located in accordance with its manufacturer's installation instructions or the building codes adopted by the State of New Jersey, whichever is more stringent.
- (4) Impact on neighboring properties.
 - (a) All such generators and compressors shall be placed so as to minimize the visual impact on adjacent properties with the use of appropriate sound-attenuating architectural materials and landscape screening.

- (b) The noise level of such a generator or compressor, when in use, shall not create a nuisance as determined by applicable ordinances, regulations or statutes.
- (5) Time of use. Permanent standby generators shall only be used during electrical power outages and as required by the manufacturer for maintenance purposes. Maintenance operation of generators shall only take place during daylight hours between 10:00 a.m. and 5:00 p.m., not to exceed one operation per week.
- (7) Fuel. Permanent standby generators shall operate on liquid gas propane fuel, diesel, natural gas or gasoline.
- (8) Permits and applicable codes. All property owners seeking to install an outdoor permanent standby generator or air conditioning system compressor shall file an application with the Construction Department prior to installation and receive permits as necessary before commencing any work. All work shall comply with the Uniform Construction Code (UCC), adopted both in New Jersey and the Township of Tewksbury, and all applicable municipal ordinances and state-adopted codes.
- (9) Size and capacity of permanent standby generator. Permanent standby generators shall not exceed a capacity of 75 kilowatts and must be located on an impervious surface not larger than one hundred square feet.
- (10) The amount of impervious surface used for a permanent standby generator or air conditioning system compressor shall not be included in any subsequent calculation of the impervious surface coverage of the lot as may otherwise be required in this Development Regulations Ordinance, provided that the amount of the impervious surface is less than 100 square feet and is devoted solely to the use of a permanent standby generator or air conditioning system compressor.

B. Sheds.

- (1) Applicability. This section shall apply to the owners and/or occupiers of a one-family dwelling or a two-family dwelling who wish to install or construct a shed on the dwelling lot.
- (2) Purpose and permission. The owners and/or occupiers of a one or two-family dwellings or a two-family dwelling may install or construct a shed on the dwelling lot, subject to the requirements set forth below and elsewhere in this code.
- (3) Construction standards for sheds:
 - (a) The shed shall be either prefabricated or custom built and have a foundation constructed of block or gravel.
 - (b) The shed shall be constructed and installed in accordance with all applicable provisions regulating sheds in the Uniform Construction Code, N.J.A.C. 5:23-2.14, as presently adopted or as amended in the future, as well as with the provisions of the Township Development Regulations Ordinance regulating sheds.

- (c) A shed shall not be permitted within the front yard in any zone.
- (4) Setbacks. The minimum side and rear yard setbacks for a shed shall be six (6) feet in the VR and VR-1 Districts, and fifteen (15) feet in the HL, LT, FP, PM, and R-1.5 Districts.
- (5) Permit Required. Prior to the construction or installation of a shed, or any modifications to an existing shed, a zoning permit shall be obtained from the Township Zoning Officer. Demonstration of compliance with all applicable provisions of this Ordinance shall be required prior to the issuance of any such permit or approval. The applicant shall be required to present to the Township Zoning Officer sufficient documentation establishing compliance with all applicable requirements governing the location of the shed prior to the issuance of any permit. Sealed plans shall not be required.
- (6) Enforcement. The Township Zoning Officer shall be responsible for enforcing this Ordinance and administering any and all penalties for violations as established in the Township Development Regulations Ordinance.

C. Flagpoles.

- (1) Applicability. This section shall apply to the owners and/or occupiers of a one-family dwelling or a two-family dwelling as those terms are defined in the definition section 301 of the Township Development Regulations Ordinance who intend to install or construct a flagpole as that term is defined in that section.
- (2) Purpose and permission. The owners and/or occupiers of a one or two-family dwellings may install a flagpole subject to the requirements set forth below and elsewhere in this code.
- (3) Construction standards for flagpoles:
 - (a) There shall be no more than one (1) flagpole per lot, with a maximum flagpole height of 25 feet, measured vertically from the base of the flagpole at the height of the finished grade of the location of the flagpole.
 - (b) There shall be no more than two (2) flags per flagpole, with each flag not to exceed a size of 25 square feet.
 - (c) All flagpoles must be permanently installed in the ground with a proper footing.
 - (d) Lighting may be permitted in connection with the installation of a flagpole provided that it is in full compliance with the lighting standards set forth in the Township Development Regulations Ordinance.
- (4) Setbacks. The following setbacks shall apply to all flagpoles.

- (a) In the HL, LT, FP, PM, and R-1.5 Districts, all flagpoles must be set back from all property lines a minimum distance of twice the height of the flagpole.
 - (b) In the VR and VR-1 Districts, all flagpoles must be set back from all property lines a minimum distance of the height of the flagpole.
- (5) Permit Required. Prior to the installation of a flagpole, a zoning permit shall be obtained from the Township Zoning Officer. Demonstration of compliance with all applicable provisions of this code and the Uniform Construction Code shall be required prior to the issuance of any such permit or approval. The applicant shall be required to present to the Township Zoning Officer sufficient documentation demonstrating compliance with all applicable requirements governing the location of the flagpole prior to the issuance of any permit. Sealed plans shall not be required.
- (6) Enforcement. The Township Zoning Officer shall be responsible for enforcing this Ordinance and administering any and all penalties for violations as established in the Township Development Regulations Ordinance.
- (7) Impervious Coverage. The amount of impervious surface used for the installation of a flagpole shall not be included in any subsequent calculation of the overall impervious coverage of the lot as may otherwise be required in this Development Regulations Ordinance, provided that the amount of the impervious surface is less than 100 square feet and is devoted solely to the use of a flagpole.

SECTION 3. All actions of the Township taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 4. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 5. All Ordinances or parts of Ordinances of the Township of Tewksbury heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Township Committee of the Township of Tewksbury at a duly convened meeting held on October 12, 2021 and adopted on November 09, 2021.

Jennifer Ader
Township Clerk