

## § 35-4-9 ACCESSORY BUILDINGS AND STRUCTURES.

### § 35-4-9.1 Attached Accessory Buildings. [Amended 5-20-2020 by Ord. No. 20-12]

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.

### § 35-4-9.2 Required Minimum Distances.

The distance from an accessory building to a principal building shall not be less than 15 feet, nor less than 10 feet from another accessory building.

### § 35-4-9.3 Height Restrictions. [Ord. No. 11-18 § 1; 5-20-2020 by Ord. No. 20-12]

Accessory buildings and structures shall not exceed 16 feet in height. Buildings in excess of 16 feet in height, but less than 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 on the lot.

**b.** The building or structure is architecturally compatible with the principal building on the lot.

### § 35-4-9.4 Location of Accessory Buildings. [Ord. No. 13-15 § 4; 5-20-2020 by Ord. No. 20-12]

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.

### § 35-4-9.5 Farm Buildings.

Buildings for private and commercial horticultural and agricultural use may, without limitation in number, height or gross floor area, be erected in all Zones, on a minimum lot area of six acres, provided that no greenhouse, heating plant or building of any other nature over 500 square feet in area or 20 feet in height shall be permitted in the required front setback or within 50 feet of any property line.

### § 35-4-9.9 Private Swimming Pools. [Ord. No. 2014-13]

**a.** Private swimming pools shall mean a pool located as an accessory use to a residence for the occupants and guests of the residence.

**b.** Private swimming pools on residential lots shall be located in the rear yard only. On corner lots, see definition for "Lot, corner."

**c.** As used herein, the use of a private swimming pool shall not include the charging of any fee or contribution for the use of the pool and its adjacent areas. Such activity is specifically prohibited in a residential zone.

### § 35-4-9.10 Subsurface Sewage Disposal Systems.

Subsurface sewage disposal systems are subject to the following requirements:

**a.** The area used for sewage disposal shall be free of encroachments by driveways, parking lots (paved or otherwise), accessory buildings, building additions, patios, decks, any trees or shrubbery whose roots may cause clogging of any part of the system, or other form of encroachment which may adversely affect the functioning of the system or system maintenance.

**b.** No mounded disposal field shall be constructed whose sides have slopes that exceed one vertical foot for every six horizontal feet. Side slopes that do not exceed one vertical foot for every three horizontal feet may be permitted in situations where the Township Engineer, Planning Board Engineer or Construction Official determines that an increase in slope will help preserve specimen trees or significant woodland.

### § 35-4-9.11 Accessory Building Size Restrictions. [Ord. No. 11-18 § 2; Ord. No. 2015-04; Ord. No. 2015-14]

**a.** Except for permitted accessory buildings on farms, the maximum size of any accessory building is limited as follows unless a different size is specified in this subsection for a particular type of accessory building:

**1.** Lots six acres in size and larger: 1,200 square feet for any single accessory building, provided that the total area of all accessory buildings does not exceed 2,400 square feet.

**2.** Lots three acres, but less than six acres in size: 1,000 square feet for any single accessory building, provided that the total area of all accessory buildings does not exceed 2,000 square feet.

**3.** Lots one acre, but less than three acres in size: 900 square feet for any single accessory building, provided that the total area of all accessory buildings does not exceed 1,800 square feet.

**4.** Lots less than one acre in size: 750 square feet for any single accessory building, provided that the total area of all accessory buildings does not exceed 1,500 square feet.

**b.** In addition to the above size limitation for an accessory building, the "Maximum Percent Lot Coverage" and the "Maximum Percent Building Coverage" provisions of the applicable zoning district shall not be exceeded, except as otherwise permitted in §§ **35-4-2.1** and **35-4-2.2** of this chapter.

**c.** For permitted accessory buildings on farms, the size of any accessory building is subject to the "Maximum Percent Lot Coverage" and the "Maximum Percent Building Coverage" provisions of the applicable zoning district, except where otherwise specified in this chapter.

**d.** Any detached garage or storage building proposed in the side yard, adjacent to the principal residence, or in the rear yard visible from the public street shall be architecturally consistent to the principal residence including siding and roofing materials and color.

**§ 35-4-9.12 Fences.** [Ord. No. 13-12]

**a.** On any lot in any zoning district, all fences shall be erected within the property lines of the subject property and shall not encroach onto any adjacent street right-of-way or onto any other adjacent property.

**b.** On any lot in any district, all fences shall be situated on a lot in such a manner that the finished side of the fence faces any adjacent properties.

**c.** On any lot in any district, no fence shall be erected with barbed wire or electrified wire, topped with metal spikes, or constructed in any manner which may be dangerous to persons or animals, except that fences specifically for agricultural uses on farmland assessed properties in excess of 10 acres in area may be erected with barbed wire or electrified wire in accordance with requirements and standards set forth herein.

**d.** On any lot in any district, no fence shall be erected or altered so that said fence is higher than six feet in side and rear yard areas and four feet in front yard areas, provided that all fencing in front yard areas shall be at least 50% open, but shall not be constructed of chain-link, and except as follows:

**1.** On any farmland assessed property, a high-tensile woven wire fencing a maximum eight feet high, which may be electrified and is designed to deter deer and small mammals, may be constructed in side and rear yard areas only, provided that the fencing is set back at least 10' from any street right-of-way line and any other property line.

**2.** A residential lot may have fencing around a vegetable or flower garden not exceeding 5,000 feet in area designed to deter deer and small mammals from entering, provided and in accordance with the following:

**(a)** The fence shall be located in the rear yard area only.

**(b)** The fence shall not exceed eight feet in height, provided that any portion of the fence over six feet high shall be constructed only of thin, high-tensile woven wire running parallel to the ground or in a grid pattern, with no non-perpendicular or non-parallel elements.

**(c)** Any portion of the fence higher than six feet shall have at least a six inch separation between all vertical (stay) wires and between all horizontal (line) wires.

**(d)** Any portion of the fence utilizing the thin, high-tensile woven wire shall have the wire tautly stretched between the supports so that the wiring does not sag or droop.

**(e)** If the fence is higher than six feet the fence shall be set back from any lot line by at least 15 feet or the distance required for an accessory building in the subject zoning district, whichever distance is greater.

**3.** A dog run may have fencing a maximum eight feet high, provided that the dog run is located in rear yard areas only and that the fence is set back from any lot line the distance required for an accessory building in the subject zoning district.

**4.** A tennis court or other court used for sport activity may be surrounded by a fence a maximum 15 feet high, provided that the tennis court is located in rear yard areas only and that the fence is set back from any lot line at least 25 feet or the distance required for an accessory building in the subject zoning district, whichever distance is greater.

**5.** A swimming pool must be surrounded by a fence in accordance with § **15-3** in Chapter **15**, "Swimming Pools," of the Revised General Ordinances of the Township of Millstone.

**6.** Security and/or safety fencing for schools and other public uses and for the screening of permitted outdoor storage areas may have fencing a maximum eight feet high, provided that the fence is located in rear yard areas only and is set back from any lot line by at least 15 feet or the distance required for an accessory building in the subject zoning district, whichever distance is greater.

**7.** On nonresidential properties being developed pursuant to a certain settlement agreement in the case of "In the Matter of the Application of the Township of Millstone and the Planning Board of the Township of Millstone, County of Monmouth, Superior Court of New Jersey, Law Division, Monmouth County Docket No. MON-L-2501-15," security fencing and sound walls may have a height necessary to provide adequate security for the premises and adequate sound attenuation but not to exceed 20 feet, unless a higher sound attenuation is demonstrated to be required in order to comply with NJDEP noise regulations, in which case adequate screening shall be provided to mitigate any adverse visual impacts.

[Added 3-18-2020 by Ord. No. 20-06]

**e.** All fences shall require the issuance of a zoning permit, except that fencing specifically for agricultural uses on farmland assessed properties in excess of 10 acres in area shall not require the issuance of a zoning permit.