

BERNARDS TOWNSHIP

Guide to Frequently Asked Zoning Questions

- **Detached Accessory Buildings**
- **Open Decks**
- **Residential Driveways**
- **Fences and Walls**
- **Private Swimming Pools**
- **Retaining Walls**
- **Zoning Guide Setbacks**

Zoning Officer

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BERNARDS TOWNSHIP ONLINE ZONING ORDINANCE:

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→Ordinances

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→Chapter 21 →Article IV (zoning)



Scroll down past Article XII

Table 501 Residential Lots

Table 507 Accessory Structures

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→Links (zoning permit)

§ 21-16.1 . Accessory Buildings.

Accessory buildings shall be governed by the following:

- a. The maximum height shall be 20 feet.
- b. Accessory building(s) shall not be located in a front yard. In the E-1 Zone only, an accessory guardhouse or guardhouses may be located in a front yard, provided that the lot contains a minimum of 130 acres within the E-1 Zone, each guardhouse does not exceed a floor area of 700 square feet, each guardhouse is no closer than 400 feet to the North Maple Avenue right-of-way, each guardhouse is no closer than 200 feet to the Madisonville Road right-of-way, each guardhouse is no closer than 100 feet to any property line that does not coincide with a street right-of-way, each guardhouse is designed to be consistent with the architectural style and general appearance of the principal building, the number of guardhouses located in a front yard on the lot does not exceed one along North Maple Avenue and one along Madisonville Road, and each guardhouse otherwise complies with the requirements of this subsection. (Ord. #1530, 3-12-2002, amended)
- c. The minimum setback requirements set forth in Table 507 shall be observed.

(Ord. #585, § 504A; Ord. #641)

Detached Accessory Buildings

	Minimum Each Side Yard	Minimum Rear Yard	Minimum Distance Between Buildings	Maximum Height
R-1	15'	20'	10'	20'
R-2	15'	20'	10'	20'
R-3	15'	20'	10'	20'
R-4	15'	20'	10'	20'
R-5	15'	20'	10'	20'
R-6	10'	10'	10'	20'
R-7	10'	10'	10'	20'
RC-1	10'	10'	10'	20'
RC-2	10'	10'	10'	20'
RC-3	10'	10'	10'	20'
RC-4	10'	10'	10'	20'

- No accessory building shall be located in a front yard.

**SECTION 21-18A
Open Decks in Residential Areas**

§ 21-18A.1. Open Deck Defined.

An "open deck" is a raised platform not enclosed by walls, glass, screens, roofing or otherwise except for railings which are no less than 50% open. (Ord. #1098; Ord. #1429, 5-29-2001, amended)

§ 21-18A.2. Compliance with Rear Yard Requirements.

No variance from rear yard setback requirements of the Land Development Chapter shall be required for the erection of a deck in a residential zone, provided that the following conditions are met:

- a. The deck is an open deck as defined in Subsection 21-18A.1, and is no larger than 600 square feet in area. (Ord. #1429, 5-29-2001, amended)
- b. The erection of the deck does not require a variance from the side yard setback requirements of the Land Development Ordinance.
- c. The surface area of the deck, including stairways and railings, may not protrude into the rear yard setback by more than 50% of the minimum rear yard setback requirement for that zone.
- d. No part of the surface area of the deck is closer than 15 feet to the rear lot line.

(Ord. #1098)

§ 21-38.1 . Residential Driveways (other than flag lots).

- a. All driveways shall be a minimum of 10 feet in width and shall be constructed of at least four inches of compacted subbase material and two inches of five-eighths (5/8) inch roadway stone or comparable material. Aprons shall be provided in accordance with the provisions of this chapter.
- b. Driveway Grades. Driveway grades shall not exceed 10% at any point along the entire length of the driveway. In addition, the driveway grade shall not exceed 8% for a distance of eight feet from the curblin, and a transition curve shall be provided between the eight-percent grade and any increase in grade.
- c. Driveway Side Slopes. The side slopes of driveways shall be topsoiled, seeded, fertilized and mulched or otherwise stabilized to prevent erosion. If banks exceed a two to one (2:1) slope, and the slope face is not stable rock, retaining walls shall be constructed in a manner approved by the Township Engineer.
- d. Driveway Location. No driveway shall be located within five feet of a side lot line unless it is a common driveway for twin, duplex or multifamily dwelling units.

(Ord. #585, § 609A; Ord. #1103, § 37)

§ 21-38.2. Residential Flag Lot Driveways.

- a. The driveway shall be a minimum of 12 feet in width constructed with four inches compacted subbase material and a two-inch depth of three-eighths-inch roadway stone (surface course) or equivalent driveway section.
- b. A stabilized berm of three feet in width shall be constructed on each side of the driveway. The berm shall have a maximum cross slope of 5% so that the stabilized berm in conjunction with the driveway will allow vehicles to pass one another.
- c. The Planning Board may permit an increase in the maximum driveway grade to 13% if the applicant can demonstrate that the increased grade would result in less site disturbance, loss of vegetation, help promote aesthetics and will not have any adverse impact on safety or surrounding properties.
- d. A turnaround shall be provided at the end of the driveway which shall be designed for a single unit design vehicle.
- e. Provision shall be made for adequate drainage along and/or across the driveway so as not to change the existing drainage pattern.
- f. The profile of the driveway shall be designed using vertical curves providing safe stopping distance for a 15 mph design speed.

(Ord. #585, § 609B; Ord. #760, § 49)

§ 21-16.2. Fences and Walls.

a. Fences and walls may be in the front yard, provided that they shall not exceed four feet in height measured from the ground level and shall be constructed so that at least 50% thereof is open, unless such walls or fences are approved as part of a dwelling unit design located within the multifamily development area of a PRD application. In the E-1 Zone only, a fence located in a front yard may exceed four feet in height, provided that the lot (or contiguous lots under common ownership comprising the tract) contains a minimum of 130 acres within the E-1 Zone, the fence does not exceed eight feet in height, the fence is constructed for security purposes in conjunction with a guardhouse or guardhouses. the fence is no closer than 350 feet to the North Maple Avenue right-of-way, the fence is no closer than 200 feet to the Madisonville Road right-of-way, the fence is no closer than 10 feet to any property line that does not coincide with a street right-of-way, the fence is approved by the Board as part of a site plan application, and the fence otherwise complies with the requirements of this subsection. When seeking approval for such a fence, an applicant shall demonstrate to the Board that the fence shall have minimal visual impact on surrounding properties due to the use of unobtrusive fence materials, such as dark colored open mesh, and appropriate landscaping. In addition, a fence along North Maple Avenue shall be located as far from the street as reasonably possible and shall be screened by existing and/or proposed berms and landscaping. (Ord. #1429, 5-29-2001, amended; Ord. #1530, 3-12-2002, amended)

b. Fences and walls located in any side or rear yard shall not exceed six feet in height measured from the ground level. In the E-1 Zone only, a fence located in a side or rear yard may exceed six feet in height, provided that the lot (or contiguous lots under common ownership comprising the tract) contains a minimum of 130 acres within the E-1 Zone, the fence does not exceed eight feet in height, the fence is constructed for security purposes in connection with a guard house or guard houses, the fence is no closer than 10 feet to any property line, the fence is approved by the Board as part of a site plan application, and the fence otherwise complies with the requirements of this subsection. When seeking approval for such a fence, an applicant shall demonstrate to the Board that the fence shall have minimal visual impact on surrounding properties due to the use of unobtrusive fence materials, such as dark colored open mesh, and appropriate landscaping. (Ord. #1530, 3-12-2002, amended)

c. All fences or walls shall be symmetrical in appearance; shall have posts or columns separated by identical distances; shall consist of material conforming to a definite pattern or size; and shall be constructed so that a finished side faces outward away from the property on which it is constructed.

d. No fence or wall shall be constructed of any material harmful to humans or animals. Electrically charged fences are permitted to be constructed on private property as long as each of the following conditions are met:

1. All electrical equipment used in the fence shall carry the label of Underwriter's Laboratories or the Industrial Commission of Wisconsin.
2. The fence and all equipment and accessories for the fence shall be installed and operated according to the manufacturer's specifications and (to the extent applicable) according to the National Electrical Code and applicable state regulations.
3. The fence shall comply with all other requirements of township ordinances governing fences, including construction permit requirements where applicable, provided that in the event of any conflict between this paragraph and any other ordinance the more stringent requirement shall apply.

e. No fence or wall shall be erected along a property line without a construction permit, and no portion of a fence or wall shall be located within six inches of any property line. In considering applications for the erection of a fence or wall, the Construction Code Enforcement Official may require a survey showing the proposed location of the fence or wall with respect to the existing property lines.

SECTION 21-18
Private Swimming Pools

§ 21-18.1 . Area.

The surface area of a private swimming pool hereafter constructed or enlarged shall not exceed 25% percent of the area of the rear yard. No part of any pool, including water area and surrounding patios, regardless of material, or decks shall be located closer than 20 feet to any property line. In all cases the pool shall be located behind the rear building line of existing residential structures on adjoining lots. (Ord. #585, § 506A; Ord. #1103, § 22)

§ 21-18.2. Location.

- a. No private swimming pool shall be closer than 20 feet to any on-site sanitary disposal system or part thereof provided that this requirement shall not apply to any property which is served by and connected to a public sanitary sewer system. No private swimming pool shall be located within the front yard. ^{EN}

(Ord. #585, § 506B)

§ 21-18.3. Fencing.

The entire swimming pool area shall be fenced. The fence shall be a minimum of four feet in height and a maximum of six feet in height and shall be of such design that it controls access to the pool area. Where the pool is installed on a corner lot, and the fence is not a solid fence, the side nearest the street shall be screened with shrubs not less than four feet in height and forming a visual barrier. (Ord. #585, § 506C)

§ 21-18.4. Drains.

No pool shall drain into a public sanitary sewer or be located in such a manner that the water from the pool drains onto another property. (Ord. #585, § 506D)

Retaining Walls.

- a. No retaining wall shall be constructed in excess of four feet in height unless designed and certified as properly constructed and structurally adequate by a New Jersey professional engineer. The material may be reinforced concrete or an equally effective material approved by the Township Engineer.
- b. No retaining wall shall be of a height greater than eight feet. In areas where greater heights is required, it shall be accomplished by stepping the retaining walls horizontally one foot for every four feet of vertical height.

(Ord. #585, § 504C; Ord. #641; Ord. #1103, § 20)

BERNARDS TOWNSHIP ZONING GUIDE – RESIDENTIAL ZONES

(See Land Development Ordinance for Details)

Principal Dwellings

Zone	Lot Type	Minimum Lot Size ⁶			Minimum Yards				Max Lot Coverage	Max Floor Area	Max Height
		Area	Width	Frontage	Front	Each Side	Total Sides	Rear			
R-1	Standard	3 acres	250'	125'	100'	50' ²	100'	100'	15%	N/A	35'
	Flag ¹	3 acres	250'	50'	125'	50'	100'	100'	15%	N/A	35'
R-2	Standard	2 acres	250'	125'	100'	50' ²	100'	100'	15%	N/A	35'
	Flag ¹	2 acres	250'	50'	125'	50'	100'	100'	15%	N/A	35'
R-3	Standard	2 acres	250'	125'	100'	50' ²	100'	100'	15%	N/A	35'
	Flag ¹	2 acres	250'	50'	125'	50'	100'	100'	15%	N/A	35'
R-4	Standard	1 acre	200'	100'	75'	20' ²	50'	75'	15%	N/A	35'
R-5	Standard	1 acre	200'	100'	75'	20' ²	50'	75'	15%	N/A	35'
R-6	Standard	¼ acre	150'	75'	50'	30' ³	75' ³	50'	18%	N/A	35'
R-7	Standard	½ acre	125'	75'	40'	20' ⁴	60' ⁴	40'	20%	N/A	35'
RC-1	Cluster	60,000sf	150'	50'	75'	25'	N/A	75'	20%	N/A	35'
RC-2	Cluster	40,000sf	125'	50'	50'	25'	N/A	50'	20%	⁵	35'
RC-3	Cluster	40,000sf	125'	50'	50'	25'	N/A	50'	20%	⁵	35'
RC-4	Cluster	20,000sf	125'	50'	50'	25'	N/A	50'	20%	⁵	35'

¹ See Ordinance §21-10.12 and Table 502 for additional flag lot requirements.

² Where a side yard abuts a rear yard, the side yard shall be a minimum of 150% of the minimum side yard set forth above.

³ The minimum side yard and minimum combined side yard for dwellings constructed prior to September 21, 2006 may be reduced to 15' and 40', respectively, provided any addition shall be no closer to the side lot lines than the existing dwelling.

⁴ The minimum side yard and minimum combined side yard for dwellings constructed prior to September 21, 2006 may be reduced to 10' and 30', respectively, provided any addition shall be no closer to the side lot lines than the existing dwelling.

⁵ The maximum floor allowed per lot in square feet shall equal twenty (20) times the lot width measured at the building setback line, unless at least thirty-five (35%) percent of the total floor area is located on other than the first floor, in which case the maximum floor area may be increased by ten (10%) percent. The maximum house size limit shall not apply to lots in the RC-1 zone or in any zone where the resultant or clustered lot is greater than one (1) acre.

⁶ If a new dwelling is proposed, a minimum improvable lot area must be provided in accordance with Ordinance Table 401-A, Part B.

Detached Accessory Buildings

	Minimum Each Side Yard	Minimum Rear Yard	Minimum Distance Between Buildings	Maximum Height
R-1	15'	20'	10'	20'
R-2	15'	20'	10'	20'
R-3	15'	20'	10'	20'
R-4	15'	20'	10'	20'
R-5	15'	20'	10'	20'
R-6	10'	10'	10'	20'
R-7	10'	10'	10'	20'
RC-1	10'	10'	10'	20'
RC-2	10'	10'	10'	20'
RC-3	10'	10'	10'	20'
RC-4	10'	10'	10'	20'

- No accessory building shall be located in a front yard.

BERNARDS TOWNSHIP ZONING GUIDE – OFFICE & BUSINESS ZONES
 (See Land Development Ordinance for Details)

Zone	Type of Development	Minimum Lot Size				Minimum Yards			Max Lot Coverage	Max FAR	Max Height	Minimum Residential Zone Setback	Accessory Buildings ⁵		
		Area	Width	Frontage	Front	Front	Side	Rear					Side Yard	Rear Yard	Between Bldgs
E-1	Office Laboratory	15 acres	400'	100'	150'	150'	100'	150'	40%	15% ¹	48'	150'	100'	150'	50'
E-2	Office Manufacturing	5 acres ¹	400'	100'	100'	100'	75'	100'	40%	15%	48'	100'	75'	100'	50'
E-3	Office Laboratory	5 acres	400'	100'	100'	100'	75'	100'	40%	15%	35'	100'	75'	100'	50'
E-4	Office Laboratory	5 acres ¹	400'	100'	100'	100'	75'	100'	40%	15%	35'	100'	75'	100'	50'
E-5	Office Business	5 acres	400'	100'	100'	175'	75'	100'	35%	12%	35' ¹	100'	75'	100'	50'
B-1	Village Business	20,000sf	50'	50'	10'	10'	0'	10'	25%	10%	35' ¹	100'	75'	100'	50'
B-2	Neighborhood Business	20,000sf	50'	50'	10'	10'	10'	10'	75%	25%	35'	30'	10'	10'	10'
B-3	Historic Business	10,000sf	50'	50'	10'	10'	10'	10'	75%	25%	35'	30'	10'	10'	10'
B-4	Liberty Corner Business	10,000sf	50'	50'	10'	10'	10'	10'	75%	15%	35'	30'	10'	10'	10'
B-5	Village Center	21 acres	N/A	N/A	150' ²	75' ²	75' ²	75' ²	N/A	³	40'	75' ²	10'	10'	10'

¹ See Ordinance Table 402 for additional requirements.

² See Ordinance Table 506 for additional requirements.

³ 12.5% or 1,800sf, whichever is greater.

⁴ Not to exceed 95,000sf retail/office floor area and 12,000sf child care center floor area.

⁵ Accessory buildings shall not be located in a front yard and shall not exceed a height of 20'.

Ordinance section 21-3.1

COVERAGE (or LOT COVERAGE) – Shall mean the portion of a lot, expressed as a percentage of the lot area, covered by any of the following:

- A. Buildings or structures, including all areas under a roof, excluding open decks not enclosed by walls or a roof.
- B. Parking areas, loading areas, driveways, and other areas designed for vehicular use, regardless of the surface material.
- C. Patios and walkways, regardless of the surface material.
- D. The water surface of all swimming pools, fountains, and manmade ponds.
- E. Any impervious surface, whether or not listed above.

COVERAGE, BUILDING – Shall mean the portion of a lot, expressed as a percentage of the lot area, covered by buildings or structures, including all areas under a roof, excluding open decks and porches not enclosed by walls or a roof.

IMPERVIOUS SURFACE – Shall mean a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Impervious surface shall not include solar panels as expressly excluded pursuant to N.J.S.A. 40-55D-38.1.