

**TOWNSHIP OF FAIRFIELD**

**ORDINANCE NO. 11 - 2017**

**AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, COUNTY OF CUMBERLAND,  
STATE OF NEW JERSEY AMENDING SECTION 13-7.4(c), GARAGES, CARPORTS,  
STORAGE BUILDINGS AND ANIMAL SHELTERS FOR DOMESTIC PETS: MAXIMUM  
SQUARE FOOTAGE ALLOWED, OF THE CODES  
OF THE TOWNSHIP OF FAIRFIELD**

**BE IT ORDAINED** by the Township Committee of the Township of Fairfield, in the County of Cumberland, State of New Jersey as follows:

**I. Declaration of Findings and Policy**

**WHEREAS**, the Municipal Land Use Law of the State of New Jersey, N.J.S.A 40:55D-1, et seq., grants municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and,

**WHEREAS**, the Township of Fairfield desires to amend Section 13-7.4(c), “The maximum square footage of garages, carports, storage buildings and animal shelters for domestic pets for the respective zones shall be as follows; and,

**NOW, THEREFORE**, it is the policy of Fairfield Township to review and amend ordinances and regulations that may have become outdated or have, through growth and land use patterns, become onerous on the residents and landowners of the Township.

This Ordinance shall apply to the maximum square footage permitted for accessory buildings within the respective zones within all zones of Fairfield Township that permit and pertain to Single Family Detached Dwellings but shall not remove or replace the square footage maximums pertaining to accessory uses for farms.

**II. Definitions**

**Accessory Building:** A building, subordinate to and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or common roof to the main building.

**Building:** A structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of uses pertaining to, and customary to, a single family detached dwelling.

An accessory building includes but is not limited to: Detached garages, sheds, barns, portable storage containers and sea containers.

For simplicity, the terms shed and accessory building are interchangeable.

**III. Applicability**

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- a. In Residential, Industrial and Planned Business and Industry zones, accessory buildings are only permitted on lots with an established principal use.
- b. An accessory building may not be attached to or have direct access from the principal structure.
- c. Regardless of the accessory building size, all accessory buildings must comply with the zoning ordinance for accessory building setbacks and location.
- d. No accessory building shall be located within a Front Yard. Accessory buildings are only permitted within the side yards and rear yard of an individual property.

- e. If an accessory building exists on a lot within the township and the owner of said property wishes to apply for an additional accessory structure, or add to the existing structure, the square footage of the established accessory building shall be deducted from the maximum square footage allowable. The addition to, or new accessory building, shall be the square footage difference remaining.
- f. Only two (2) accessory buildings shall be permitted on any principal property in all zones excepting agricultural accessory buildings specific to an active farm use and for storage of farm related equipment, and/or supplies incidental to the principal farm use. If the owner of a property chooses to combine the maximum square footage allowable on an individual parcel then only one (1) accessory building shall be allowable.
- g. Maximum height of an accessory building on properties of less than two (2) acres in all zones shall be twenty (20) foot high at the top of the peak.
- h. Maximum height of an accessory building on properties of two (2) acres or more in all zones shall be thirty (30) foot high at the top of the peak.
- i. Any existing property within Fairfield Township that is twenty thousand (20,000) square foot or below is only permitted to have one (1) accessory building up to a maximum of three hundred (300) square foot.
- j. If an accessory building is attached to a principal structure, it is then considered an “addition” and is reviewed and inspected under different procedures and regulations.
- k. The below square footage maximums, based on property size, for single family detached residential dwellings, shall be permitted within all zones within the Township of Fairfield.

Property Size	Garage/Carport	Storage Building	Total Square Feet
0 to 20,000 square foot			300 sq. ft. max
20,000 sq. ft. to one (1) acre	600 sq. ft. max	200 sq. ft. max	800 sq. ft. max
1 acre to 2 acres	800 sq. ft. max	200 sq. ft. max	1,000 sq. ft. max
2 acres to 3 acres	1,000 sq. ft. max	200 sq. ft. max	1,200 sq. ft. max
3 acres and above	3,000 sq. ft. max	200 sq. ft. max	3,200 sq. ft. max

#### IV. Consistency, Severability and Repealer

- (A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.
- (C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this ordinance or from other law.

This Ordinance shall take effect after final approval and publication as required by law.

**NOW THEREFORE BE IT ORDAINED**, that this ordinance shall apply to all accessory structures excepting those incidental and customary to an active, qualified farm and farm use within the Township of Fairfield, County of Cumberland, State of New Jersey.

DATE: 12/13/2017

TOWNSHIP OF FAIRFIELD

BY:   
Benjamin Byrd, Sr. - Mayor

  
Linda M. Gonzales - Municipal Clerk

**CERTIFICATION**

I, Linda Gonzales, Clerk of Fairfield Township situate in Cumberland County, New Jersey certify that Fairfield Township has adopted the amended Section 13-7.4(c), Garages, Carports, Storage Buildings and Animal Shelters for Domestic Pets: Maximum Square Footage Allowed, of the Codes of the Township of Fairfield without change. I certify that if this statement is willfully false, I am subject to penalty.

STATE OF NEW JERSEY :  
:ss  
COUNTY OF CUMBERLAND :

Please take notice that the above Ordinance was adopted after a Public Hearing at a meeting of the Fairfield Township Committee on the 13<sup>th</sup> day of December, 2017 at the Fairfield Township Municipal Building in Fairton, New Jersey.

ATTEST  
  
Linda M. Gonzales - Municipal Clerk

Adoption: First Reading: November 15, 2017

Publication on First Reading: December 5, 2017

Second Reading/ Public Hearing: December 13, 2017

Final Adoption: December 13, 2017

Publication on Final Passage: December 17, 2017

Final Adoption:

Motion By: Committeeman Clark

Seconded: Committeeman Manson

Aye: Clark, Manson, Gonzalez, Pierce & Byrd      Nay: None

Abstain: None      Absent: None