

**§ 35-405. "AR" AGRICULTURAL RESIDENTIAL.3 "RA-5" RURAL AGRICULTURAL. [Ord. No. 53-1999; Ord. No. 117-03 § 2; Ord. No. 202-08 § 1; Ord. No. 203-08 §§ 1, 2; Ord. No. 34-97 § 81-405; Ord. No. 117-03 § 4; Ord. No. 120-03 § 1; Ord. No. 202-08 § 1; Ord. No. 203-08 §§ 2, 3]**

**A. Principal Permitted Uses On The Land And In Buildings**

1. Detached Single-Family Dwelling Units.
2. Farms, provided that the farm use itself shall have a minimum lot size of five acres and provided further that a farm may have a single-family detached dwelling situated thereon only if the farm is at least six acres in size. Moreover, any single-family dwelling situated on a farm shall be subject to the requirements specified for detached dwellings within the "AR" Agricultural Residential zoning district, except that the minimum lot size requirements specified for the "AR" zoning district shall not apply to detached dwellings situated on farms.
3. Conservation Areas, Open Space, Public Parks, Public Playgrounds and "Public Purpose Uses".
4. Community Residences For Persons With Head Injuries And For The Developmentally Disabled and/or Community Shelters For Victims of Domestic Violence, as required by N.J.S.A. 40:55D-66.1, subject to the standards and requirements for single-family dwelling units located within the same district.
5. Golf Courses in the "AR" District only.
6. Churches and similar Places of Worship in the "AR" District only.
7. Fire and First Aid Company Uses in the "AR" District only, provided that the lot has frontage only on a County road or other "collector" road.
8. Single-Family Residential Clusters, where indicated on the Zoning Map, in accordance with the provisions specified in § 35-603 of this chapter.
9. Commerce Park Planned Development, where indicated on the Zoning Map, in accordance with the provisions specified in § 35-603 of this chapter.
10. Quasi-Public Uses in the "AR" District only as "Conditional Uses" under N.J.S.A. 40:55D-67 (see § 35-601 for definitions and standards).
11. Public Utility Uses in the "AR" District only as "Conditional Uses" under N.J.S.A. 40:55D-67 (see § 35-601 for definitions and standards).
12. Agricultural Preservation Subdivisions are permitted within the "AR" District only in accordance with the "Requirements For Agricultural Preservation Subdivisions" included within § 35-608 of this chapter.
13. "Farmland/Open Space Conservation Clusters; in the "AR" zoning district in accordance with the provisions specified in § 35-611 of this chapter.
14. Noncontiguous Clustering in the "AR" zoning district in accordance with the provisions

specified in § 35-613 of this chapter.

15. Equine Community in the "AR" zoning district as "Conditional Uses" under N.J.S.A. 40:55D-67 (see § 81-601 for definitions and standards).

B. Accessory Uses Permitted.

1. Private Residential Swimming Pools, Bathhouses, Cabanas and/or other structures customarily incidental to a private swimming pool on a property with a single-family dwelling, provided that the pool is located in the rear yard and/or side yard only and occupies no more than 75% of the rear yard area or the side yard area.
2. Private Tennis Courts and other usual Recreational Facilities and Landscaping Features, such as trellises and gazebos, customarily associated with residential dwelling units.
3. One Residential Tool Shed for the storage of objects owned by the residents of the single-family dwelling situated on the property, not exceeding 400 square feet in area and 15 feet in height.
4. Structures incidental to a farm such as barns and packing, grading and storage buildings for produce raised on the premises; fences; buildings for the keeping of permitted poultry and livestock; and garages for the keeping and maintaining of trucks and other equipment used in farm operations are permitted when accessory to a permitted farm use, provided that any building which is accessory to a farm shall be set back from any property line at least twice the distance of the height of the accessory building or 100 feet, whichever is less.
5. Accessory dwellings for domestic and/or household employees and/or farm workers, provided that each such dwelling unit shall comply in every respect to the statutes of the State of New Jersey and the rules and regulations of the New Jersey State Board of Health concerning farm labor housing, and provided further that no such dwelling is closer than 400 feet to the nearest street line or to any dwelling on an adjoining property.
6. Roadside farm stands ancillary to farms for the sale of farm products harvested on the farmed premises, provided there shall be only one stand per farm which shall be set back a minimum of 50 feet from any street line and property line.
7. Off-Street Parking and Garages (see Subsection 35-405E hereinbelow for zoning requirements and § 35-511 for design requirements).
8. Fences and Walls (see § 35-505 for design requirements).
9. Home Offices (see § 35-203 for definition and standards).
10. Residential Agriculture (see § 35-203 for definition).
11. Home Occupations, including "Family Day Care Homes" and "Child Care Residences" (see § 35-203 for definition and § 35-602 for requirements).
12. Signs (see Subsection 35-405F hereinbelow for zoning requirements and § 35-516 for design requirements).

13. Satellite Dish Antennas as "Conditional Uses" under N.J.S.A. 40:55D-67 (see § 35-601 for conditions and standards).
14. Temporary Construction Trailers and one Sign not exceeding 32 square feet, advertising the prime contractor, subcontractor(s), architect, financing institution and similar data for the period of construction beginning with the issuance of a construction permit and concluding one month after the issuance of a Certificate of Occupancy, provided said trailer(s) and sign are on the site where the construction is taking place, are not on any existing or proposed street or easement, and are set back at least 30 feet from all street and lot lines. There shall be at least one working telephone in the trailer.

C. Maximum Building Height.

1. Except for fire stations, first aid buildings and churches, no principal building shall exceed 35 feet in height and 2.5 stories;
2. No accessory building shall exceed 25 feet in height and two stories, unless a lesser height is specifically specified by the chapter;
3. Fire stations and first aid buildings shall not exceed 40 feet in height;
4. Churches shall not exceed 50 feet in height and 2.5 stories; and
5. The exceptions to "Height Limits" specified in Subsection 35-402C of this chapter shall apply as applicable.

D. Area And Yard Requirements For The "AR" And "RA-5" Districts

	<b>"AR" District Detached Dwellings [1,2]</b>	<b>"RA-5" District Detached Dwellings [1]</b>	<b>Fire &amp; First Aid Buildings</b>	<b>Churches</b>	<b>Golf Courses</b>
<b>Principal Building Minimum</b>					
Lot Area	6 acre [3,4]	10 acre [4]	2 acre	5 acre	100 acre
Lot Frontage	200 feet [5]	250 feet [5]	200 feet	300 feet	NA
Lot Width	200 feet	250 feet	200 feet	300 feet	NA
Lot Depth	300 feet	200 feet	300 feet	500 feet	NA
Side Yard (each)	40 feet	30 feet	50 feet[6]	100 feet	100 feet
Front Yard	75 feet[5]	50 feet[5]	100 feet	100 feet	100 feet
Rear Yard	75 feet	50 feet	100 feet	100 feet	100 feet
Accessory Buildings	[1, 2]				
<b>Minimum</b>					

	<b>"AR" District Detached Dwellings [1.2]</b>	<b>"RA-5" District Detached Dwellings [1]</b>	<b>Fire &amp; First Aid Buildings</b>	<b>Churches</b>	<b>Golf Courses</b>
Distance To Side Line	30 feet	15 feet	30 feet	50 feet	50 feet
Distance To Rear Line	30 feet	15 feet	30 feet	50 feet	100 feet
Distance To Other Building	20 feet	15 feet	20 feet	30 feet	50 feet
Maximum Building Coverage	5%	4.5%	20%	10%	2%
Lot Coverage	7.5%	7%	30%	25%	10%

#### **FOOTNOTES TO SECTION 35-405D**

- [1] For lots in the "AR" District between 1 acre and 5.99 acres in area existing as of September 4, 2008 which do not conform to the minimum lot area required for the "AR" District, the applicable "grandfathering" provisions of § 35-403 shall apply
- [2] Where a major subdivision is proposed on tracts of land in the "AR" District, a "lot averaging" option may be utilized in accordance with the following provisions, with only residential lots included in the calculation of the lot average:
- [a] The residential lot sizes shall be as follows:
- Minimum 2 acre
- Maximum\* 10 acre
- Average 6 acre
- \* Lots larger than 10 acres are permitted, but are considered as 10 acres in size for the purpose of the lot averaging calculation
- [b] Except for the lot size provisions hereinabove, all other "Area and Yard Requirements" for the "AR" District shall apply, including Footnotes [3], [4], and [5] hereinbelow
- [3] For residential lots only, an area equivalent to at least one acre (43,560 square feet) shall be contiguous non- "Critical Areas" acreage (see § 35-203 of this chapter for the definition of "Critical Areas"), which shall meet the following additional criteria:

**FOOTNOTES TO SECTION 35-405D**

- [a] In addition to not including any freshwater wetlands, 100-year flood plains and/or topographic slopes 15% or greater, the area shall not include any wetlands transitional buffers or lands used for detention or retention basins;
  - [b] The area must be appropriately situated for the location and construction of the detached single-family dwelling and its appurtenances, including customary accessory uses and both the septic system and potable water well serving the lot; and
  - [c] The area shall be shaped to permit the inscription of either a circle with a diameter of at least 200 feet within its bounds or, alternatively, with a rectangle at least 150 feet in width and length and with an area of at least 3/4 of an acre or 32,670 square feet (it is noted that the circle will be approximately 31,416 square feet, which is relatively close to 3/4 acre or 32,670 square feet in area).
- [4] Where a detention or retention basin is part of a residential lot, the area devoted to such stormwater management purposes shall not be included in the calculation of the minimum lot area required for a residential lot
- [5] Notwithstanding any other provision of this chapter to the contrary, where a residential lot abuts Monmouth County Routes 524, 526, 537 or 539, the following minimum "Lot Frontage" and "Front Yard" provisions shall apply:  
Lot Frontage when driveway access is to County road: 275 feet  
Lot Frontage without driveway access to County road: 250 feet  
Front Yard setback from County road: 125 feet
- [6] Or not less than 100 feet where a fire station or first aid building is situated on a lot which abuts an existing residential use or an approved residential lot.

**E. Off-Street Parking**

1. Detached single-family dwelling units shall provide 1.5 spaces per two-bedroom unit; two spaces per three-bedroom unit; 2.5 spaces per four-bedroom unit; and three spaces per five or more bedroom unit. Where the bedroom count per unit is not specified, 2.5 spaces per dwelling unit shall be provided.
2. Churches shall provide one space per every three permanent seats. One seat shall be considered 22 inches in calculating the capacity of pews or benches.
3. All uses other than detached single-family dwelling units and churches shall provide adequate on-site parking to accommodate the permitted activities and shall be subject to review and approval by the Board during site plan review.
4. No parking area or driveway for a single-family detached dwelling unit shall be located within 10 feet of any property line, and no parking area or driveway for any permitted use other than a single-family detached dwelling unit shall be located within 25 feet of any property line.

5. **Parking Of Large Vehicles On Residential Properties:** In addition to other smaller vehicles, including both commercial and non-commercial vehicles; which are owned and/or used by a resident on the premises and which may be parked outside on a residential property, up to two "large vehicles" may be regularly parked outdoors on any residential lot, except and in accordance with the following:
  - a. These provisions shall not be deemed to limit the number or size of vehicles used on a farm or to limit construction equipment which is used on a property for construction purposes;
  - b. These provisions shall not be deemed to limit the number or size of vehicles owned and/or used by a resident on the premises which are garaged on a residential property when not in use;
  - c. For purposes of this chapter, the term "large vehicle" shall mean any vehicle which has a gross weight more than 14,000 pounds and/or which is longer than 25 feet;
  - d. A "large vehicle" may be parked in a front, side or rear yard area, provided it is set back at least 25 feet from any street line and at least 10 feet from any other property line; and
  - e. The visibility of each "large vehicle" parked outside shall be screened from any street and from any property line by a dense row of six feet high at time of planting shall be planted with the tree trunks spaced no more than eight feet apart. The evergreen trees shall be planted so that, at maturity, their branches will be no closer than three feet to any street or property line.
6. **Parking Of Recreational Vehicles:** Travel trailers, campers, motor homes, horse trailers, boat trailers, ATV and motorcycle trailers may be parked or stored on any residential lot in accordance with the following:
  - a. The vehicle shall be parked in a rear or side yard area and is parked at least 10 feet from any property line;
  - b. The visibility of each vehicle parked outside shall be screened from any street and from any property line by a dense row of evergreen trees. Where such screening is not adequately provided by existing evergreen trees on the property, a row of evergreen trees at least six feet high at time of planting shall be planted with the tree trunks spaced no more than eight feet apart. The evergreen trees shall be planted so that, at maturity, their branches will be no closer than three feet to any street or property line.
  - c. The dimensions of such vehicles and trailers shall not be counted in determining building coverage and such vehicles and trailers shall not be used for temporary or permanent living quarters while situated on a lot; and
  - d. Such vehicles shall be annually licensed with a valid registration and shall be capable of use on a public road; no junked vehicles shall be permitted under this Subsection.

7. See § 35-511 for design requirements.

F. Signs.

1. Detached dwelling units are permitted "Information, Direction And Nameplate Signs" in accordance with Subsection 35-516G of this chapter.
2. Churches shall be permitted one free-standing sign and one attached sign in accordance with the following:
  - a. The free-standing sign shall not exceed 30 square feet in area, 10 feet in height and shall be set back at least 25 feet from all street and property lines; and
  - b. The attached sign shall be attached to the front facade of the building and shall not exceed an area equivalent to 5% of the front facade area or 25 square feet, whichever is smaller.
3. All other uses shall be permitted appropriate signage in accordance with the review and approval of the Board during any required site plan review.
4. See § 35-516 for design standards.

G. Mandatory Clustering within the AR District.

1. The purpose of this section is to express the policy of the Township of Upper Freehold that clustering of residential properties that clustering of major subdivisions in the AR District is a preferred form of development in meeting the objectives of the Township's Land Use Plan.
2. Permitted.
  - a. Only minor subdivisions, agricultural subdivisions and those major subdivisions that are approved by the Planning Board are eligible to file conventional subdivisions.
  - b. All major subdivisions can only file plans that adhere to the requirements of the lot averaging provisions §§ 35-405D, 35-405A15 (Equine Community), 35-611, 35-613 or 35-614.
3. As noted in § 35-405G2a the Planning Board may approve the filing of a major subdivision only. To do so, the applicant must submit a conventional subdivision concept plan and a concept plan of his choosing from one of the alternatives as noted in § 35-405G2b and the Planning Board must make a finding that:
  - a. The applicant can justify that his/her conventional subdivision concept plan has the ability to advance specific goals and objectives of the Land Use Plan over the alternative presented to the Board;
  - b. All lots created will be deed restricted in that they can not be further subdivided to create additional lots.