



**Township of Delaware
Ordinance No. 2026-07**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON,
STATE OF NEW JERSEY, CHAPTER 230 THEREOF, ENTITLED "LAND USE", TO MODIFY RESTRICTIONS ON
THE ALLOWABLE SIZE AND SETBACKS OF ACCESSORY BUILDINGS**

WHEREAS, The Township of Delaware ("Township") is committed to maintaining the rural and agricultural character of the municipality; and

WHEREAS, the presence of oversized accessory buildings threatens this rural character; and

WHEREAS, The Township seeks to prevent this problem by adjusting the allowable size and setbacks of these accessory buildings based on the size of the lot; and

WHEREAS, the 2022 Master Plan Reexamination Report recommended that the Planning Board address concerns about larger accessory structures, writing: "While Ordinance #2008-12LU alleviated some of the past variance requests for accessory structures larger than 750 square feet, properties with three or more acres are still requesting accessory structures larger than 900 square feet. Therefore, it is recommended that the Planning Board examine a sliding scale for accessory structure size and setbacks for lots containing three or more acres. Additionally, the Township should consider design standards for larger accessory buildings" (2022 Master Plan Reexamination Report, page 35); and

WHEREAS, the Planning Board has examined the concerns raised by the 2022 Master Plan Reexamination Report and recommends adoption of this Ordinance.

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

SECTION 1. Chapter 230-16.E of the Land Use Ordinance of the Township of Delaware shall be amended to read as follows (underlined text illustrates additions, strikethrough text illustrates deletions):

§ 230-16 A-1 Zone.

E. Other requirements for A-1 Zones.

- (1) [Remains unchanged].
- (2) [Remains unchanged].
- (3) [Remains unchanged].
- (4) Accessory Buildings and uses for residential uses.
 - (a) Accessory buildings attached to a principal building shall comply with all minimum required setbacks and height requirements for the principal building.
 - (b) Accessory buildings related to a residential use shall comply with the minimum required front yard setback and height requirements for the principal building.
 - (c) The maximum ground floor area shall not exceed the following: ~~900 square feet except for buildings and structures in agricultural use.~~
 - [1] Lots less than 3 acres:
Up to 1,000 square feet maximum accessory building ground floor size.
 - [2] Lots equal to or greater than 3 acres but less than 10 acres:
Up to 1,200 square feet maximum accessory building ground floor size.
 - [3] Lots equal to or greater than 10 acres:
Up to 2,000 square feet maximum accessory building ground floor size.

- (d) Side and rear yard setbacks shall be as follows: a minimum of 10 feet for accessory buildings that are 500 square feet or smaller and shall be a minimum of 50 feet for accessory buildings that are more than 500 square feet up to and including 900 square feet.

[1] Lots less than 3 acres:

A minimum of 10 feet for side and rear yards of accessory buildings that are less than or equal to 500 square feet and 50 feet for side and rear yards of accessory buildings that are greater than 500 square feet and up to 1,000 square feet.

[2] Lots equal to or greater than 3 acres but less than 10 acres:

A minimum of 10 feet for side and rear yards of accessory buildings that are less than or equal to 500 square feet and 50 feet for side and rear yards of accessory buildings that are greater than 500 square feet and up to 1,200 square feet.

[3] Lots equal to or greater than 10 acres:

A minimum of 10 feet for side and rear yards of accessory buildings that are less than or equal to 500 square feet and 50 feet for side and rear yards of accessory buildings that are greater than 500 square feet and up to 2,000 square feet.

- (e) [Remains unchanged].

SECTION 2. Chapter 230-17.E of the Land Use Ordinance of the Township of Delaware shall be amended to read as follows (underlined text illustrates additions, strikethrough text illustrates deletions):

§ 230-17 A-2 Zone.

E. Other requirements for A-2 Zones.

- (1) [Remains unchanged].

- (2) [Remains unchanged].

- (3) Accessory buildings and uses for residential uses.

- (a) Accessory buildings attached to a principal building shall comply with all minimum required setbacks and height requirements for the principal building.

- (b) Accessory buildings related to a residential use shall comply with the minimum required front yard setback and height requirements for the principal building.

- (c) The maximum ground floor area shall not exceed the following: 900 square feet except for buildings and structures in agricultural use.

[1] Lots less than 3 acres:

Up to 1,000 square feet maximum accessory building ground floor size.

[2] Lots equal to or greater than 3 acres but less than 10 acres:

Up to 1,200 square feet maximum accessory building ground floor size.

[3] Lots equal to or greater than 10 acres:

Up to 2,000 square feet maximum accessory building ground floor size.

- (d) Side and rear yard setbacks shall be as follows: a minimum of 10 feet for accessory buildings that are 500 square feet or smaller and shall be a minimum of 50 feet for accessory buildings that are more than 500 square feet up to 900 square feet.

[1] Lots less than 3 acres:

A minimum of 10 feet for side and rear yards of accessory buildings that are less than or equal to 500 square feet and 50 feet for side and rear yards of accessory buildings that are greater than 500 square feet and up to 1,000 square feet.

[2] Lots equal to or greater than 3 acres but less than 10 acres:

A minimum of 10 feet for side and rear yards of accessory buildings that are less than or equal to 500 square feet and 50 feet for side and rear yards of accessory buildings that are greater than 500 square feet but less than 1,200 square feet.

[3] Lots equal to or greater than 10 acres:

A minimum of 10 feet for side and rear yards of accessory buildings that are less than or equal to 500 square feet and 50 feet for side and rear yards of accessory buildings that are greater than 500 square feet but less than 2,000 square feet.

(e) [Remains unchanged].

SECTION 3. Attachment 1 – Table of Performance, Area, and Dimensional Regulations for the A-1 Zone, is supplemented and amended to update Footnote 8 and add the following Footnote 10 and Footnote 11:

⁸Setbacks are determined by the size of the accessory building; less than or equal to 500 square feet is a ten-foot setback, greater than 500 square feet up to ~~900~~ 2,000 square feet requires fifty-foot setback. See § 230-16E(4)(c) and (d)

¹⁰The minimum yard setbacks are for the side and rear yard only; primary building setbacks apply in the front yard. (230-13A.(3), 230-16E.(4)(b), 230-17E.(3)(b)).

¹¹Farm Accessory Buildings that house livestock are subject to both the standard 75-foot setback from any property line, and an additional 100-foot setback from any residential structure on adjoining properties. (230-16E.(4)(e) and 230-16F.(3)(e))

SECTION 4. Attachment 2 – Table of Performance, Area, and Dimensional Regulations for the A-2 Zone, is supplemented and amended to update Footnote 8 and add the following Footnote 10 and Footnote 11:

⁸Setbacks are determined by the size of the accessory building; less than or equal to 500 square feet is a ten-foot setback, greater than 500 square feet up to ~~900~~ 2,000 square feet requires fifty-foot setback. See § 230-17E(4)(c) and (d)

¹⁰The minimum yard setbacks are for the side and rear yard only; primary building setbacks apply in the front yard. (230-13A.(3), 230-16E.(4)(b), 230-17E.(3)(b)).

¹¹Farm Accessory Buildings that house livestock are subject to both the standard 75-foot setback from any property line, and an additional 100-foot setback from any residential structure on adjoining properties. (230-16E.(4)(e) and 230-16F.(3)(e))

SECTION 5.

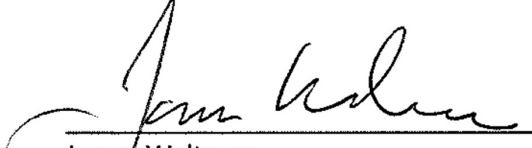
A. **Repealer.** Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. **Severability.** In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Board of Commissioners hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.

C. **Effective Date.** This Ordinance shall take effect upon proper passage in accordance with the law.

ATTEST:


Diana Rumage
Township Clerk


James Waltman
Mayor

Introduction: April 13, 2026

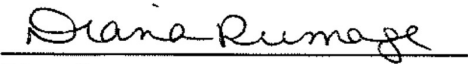
Published: April 14, 2026

Ordinance 2026-07 Introduction – roll call vote						
Township Committee	Motion	Second	Yes	No	Abstain	Absent
Chad Bower						X
Luke Hanson		X	X			
Charles Herman						X
Susan Lockwood	X		X			
James Waltman			X			

Public Hearing/Adoption: May 11, 2026
Published: May 12, 2026

Ordinance 2026-07 Adoption – roll call vote						
Township Committee	Motion	Second	Yes	No	Abstain	Absent
Chad Bower			X			
Luke Hanson		X	X			
Charles Herman			X			
Susan Lockwood	X		X			
James Waltman			X			

I hereby certify that the attached ordinance is a true and correct copy of an ordinance entitled **AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, CHAPTER 230 THEREOF, ENTITLED “LAND USE” TO MODIFY RESTRICTIONS ON THE ALLOWABLE SIZE AND SETBACKS OF ACCESSORY BUILDINGS** which was introduced at the meeting of the Township of Delaware Township Committee on April 13, 2026 and adopted at the meeting of the Township of Delaware Township Committee on May 11, 2026.


Diana Rumage
Township Clerk