

**BERNARDSVILLE BOROUGH
ORDINANCE #2023-1963**

**ALLOWING NON-FAMILY MEMBERS TO OCCUPY DETACHED ACCESSORY
DWELLING UNITS IN THE R-1 AND R-1-10 ZONES**

WHEREAS, detached accessory dwelling units are permitted as conditional uses in the R-1 and R-1-10 zones pursuant to § LD12-25; and

WHEREAS, paragraph “m” of § LD12-25.2 limits the occupancy of detached accessory dwelling units to on-site domestic employees, members of the immediate family or non-paying short-term guests of the residents of the principal residence; and

WHEREAS, the Housing/Property Maintenance/Zoning Compliance Advisory Committee has recommended that those restrictions be removed; and

WHEREAS, the governing body agrees with the recommendation of the Housing/Property Maintenance/Zoning Compliance Advisory Committee;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that subparagraphs 3, 8 and 9 in paragraph “m” of § LD-12-25.2 entitled “Conditional Uses Permitted” is amended as follows:

“m. Accessory Dwelling Unit, Detached,... The following conditions shall be met:

~~3. The detached accessory dwelling unit shall be for the sole use of the on-site domestic employees, members of the immediate family or non-paying short-term guest of the resident of the principal residence except, when the owner is approved to rent units under the Borough’s Accessory Apartment Program. In any event, the~~ The detached accessory dwelling unit shall not be occupied by more than four persons.

~~8. The applicant shall submit at the time of seeking conditional use approval, and annually thereafter, a certification on forms provided by the Borough, as follows:~~

~~(a) That the detached accessory dwelling unit is occupied by on-site domestic employees of the residents of the principal residence or by members of the immediate family or short-term, nonpaying guest of the residents of the principal residence, except when the Owner is approved to rent units under the Borough's Accessory Apartment Program. In any event, the detached accessory dwelling unit shall be occupied by no more than four persons.~~

~~(b) That the detached accessory dwelling unit is not a rental unit and no rent is paid on account of the occupancy of the accessory apartment, except when the Owner is approved to rent units under the Borough's Accessory Apartment Program.~~

~~(c) That the living area of the detached dwelling unit is not a rental unit and no rent is paid on account of the occupancy of the accessory apartment, except when the Owner is approved to rent units under the Borough's Accessory Apartment Program.~~

~~(d) That upon any violation of this section or the certification, determined by the appropriate Borough official, the violation shall be abated and the owner shall be subject to the penalties set forth in Article 16 of this Code.~~

~~9. Prior to issuance of a building permit for the detached accessory dwelling unit, a new deed shall be recorded in the Somerset County Clerk's Office containing a restriction stating that the detached accessory dwelling unit must be used in strict compliance with this section.~~

Section 2. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:

Anthony Suriano, Borough Clerk

By:
Mary Jane Canose, Mayor

Introduction:

1st Publication:

Public Hearing and Adoption:

2nd Publication: