

**ORDINANCE NO. 24-11**  
**INTRODUCTION DATE: 06-05-2024**  
**ADOPTION DATE: 07-17-2024**

**AN ORDINANCE AMENDING CHAPTER 35 (LAND USE AND DEVELOPMENT REGULATIONS), ARTICLE 2 (DEFINITIONS) SECTION 35-2-2 (SPECIFIC DEFINITIONS), ARTICLE 4 (REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS) SECTIONS 35-4-9.3 (HEIGHT RESTRICTIONS) AND 35-4-9.11 (ACCESSORY BUILDING SIZE RESTRICTIONS), ARTICLE 5 (ZONING DISTRICT REGULATIONS), SECTIONS 35-5-6.2, 35-5-6A.2, 35-5-6B.2, 35-5-7.2 AND 35-5-9.2 (PERMITTED ACCESSORY USES) OF THE REVISED ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

---

**BE IT ORDAINED** by the Township Committee of the Township of Millstone, County of Monmouth and State of New Jersey, as follows (additions are **bold underlined**, deletions are **~~bold-strikeouts~~**):

**I**

**CHAPTER 35 (LAND USE AND DEVELOPMENT REGULATIONS)** is hereby amended as follows:

**ARTICLE 2 DEFINITIONS**

**SECTION 2-2 SPECIFIC DEFINITIONS.**

The following words and terms are defined for purposes of this chapter:

**FARM STAND**

**Also referred to as a "ROADSIDE FARM STAND", a farm stand consists of structures or areas for the sale of farm products generated from the output of a permitted farm and available to the general public. Such structures or areas shall not exceed 1,000 square feet in gross floor area, including any area dedicated to the sale and display of merchandise. A farm stand shall be located on and/or immediately adjacent to the agriculturally used farm. Such a stand shall be a permitted accessory use to a permitted farm operation.**

**GARAGE**

**See "GARAGE. COMMERCIAL" or "GARAGE. PRIVATE"**

**GARAGE, COMMERCIAL**

**An enclosed structure or part thereof, other than a private garage, used for the storage, care, or repair of motor vehicles or other items for profit, including but not limited to, any sale of motor vehicles, fuel, or accessories, or in which any such vehicles are kept for hire.**

### GARAGE, PRIVATE RESIDENTIAL

An enclosed structure or part thereof, which may be attached or detached from the primary structure, used as an accessory to the principal use, primarily for the storage of motor vehicles or other items typical to a permitted primary use. A private residential garage is intended to be maintained for the residential storage convenience of the resident occupant of the premises.

### POOL HOUSE

An accessory structure, enclosed or part thereof, used in conjunction with and located within close proximity of a permitted private pool for the storage of swimming pool equipment and may contain accessory usable space subject to the standards for permitted accessory structures. A "pool house" shall be maintained for the residential convenience of the resident occupant with no living or guest quarters, and in which no occupation, business, or service for profit is carried out.

### ROADSIDE FARM STAND

See "FARM STAND."

### STORAGE BARN

An enclosed structure or part thereof, used as an accessory to a permitted farm use for the purpose of storage of farm products or feed and for the housing of farm animals and/or farm equipment, and in which no living space, occupation, business, or service for profit is carried on.

### STORAGE BUILDING

A shed or other enclosed structure or part thereof, used as an accessory to the principal use, primarily for the storage of items typical to a permitted primary use. Storage, freight, shipping or cargo containers, sea boxes, storage pods, Conex boxes, semi-trailer or similar containers are not considered an accessory structure, and therefore, not permitted for use as a storage building.

Note to Codifier: Existing specific definitions remain as is.

## ARTICLE 4 REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

### Section 35-4-9.3. Height Restrictions.

Accessory buildings and structures shall not exceed 16 feet in height **and are subject to the standards for permitted accessory structures.** Buildings in excess of 16 feet in height, but less than 20 feet, shall be permitted providing the Construction Official, after review of the planned accessory building or structure and the conditions existing on the lot upon which the accessory building or structure is to be built, concludes the following:

- a. The building or structure is no higher than the principal building on the lot.

b. The building or structure is architecturally compatible with the principal building on the lot.

### **Section 35-4-9.11. Accessory Building Size Restrictions.**

a. Except for permitted accessory buildings on farms, the maximum **size building footprint** of any accessory building is limited as follows unless a different size is specified in this subsection for a particular type of accessory building:

1. Lots six acres in size and larger: 1,200 square feet for any single accessory building, provided that the total area of all accessory buildings does not exceed 2,400 square feet.

2. Lots three acres, but less than six acres in size: 1,000 square feet for any single accessory building, provided that the total area of all accessory buildings does not exceed 2,000 square feet.

3. Lots one acre, but less than three acres in size: 900 square feet for any single accessory building, provided that the total area of all accessory buildings does not exceed 1,800 square feet.

4. Lots less than one acre in size: 750 square feet for any single accessory building, provided that the total area of all accessory buildings does not exceed 1,500 square feet.

b. In addition to the above size limitation for an accessory building, the "Maximum Percent Lot Coverage" and the "Maximum Percent Building Coverage" provisions of the applicable zoning district shall not be exceeded, except as otherwise permitted in §§ 35-4-2.1 and 35-4-2.2 of this chapter.

c. For permitted accessory buildings on farms, the size of any accessory building is subject to the "Maximum Percent Lot Coverage" and the "Maximum Percent Building Coverage" provisions of the applicable zoning district, except where otherwise specified in this chapter.

d. Any detached garage or storage building proposed in the side yard, adjacent to the principal residence, or in the rear yard visible from the public street shall be architecturally consistent to the principal residence including siding and roofing materials and color.

## **ARTICLE 5 ZONING DISTRICT REGULATIONS**

### **Section 35-5-6.2 Permitted Accessory Uses.**

a.-e. No change.

f. Private storage sheds, detached garages, storage barns and other customary accessory buildings on a single-family residential lot provided they comply with the accessory building setback requirements in § 35-5-5 of this chapter, the "Schedule of Area, Yard and Building Requirements", and the size limitations specified in § 35-4-9.11. **A finished, accessory usable space contained within a permitted detached accessory structure shall be permitted with the following standards:**

1. **The finished, accessory usable space is limited to 500 square feet or 50% of the gross floor area of the structure, whichever is smaller.**
2. **Kitchens, kitchenettes, and wet bar areas are prohibited.**
3. **A convenience bathroom no larger than 22 square feet, containing only a toilet and hand wash sink, may be permitted, subject to Health Department approval for the septic. Showers and bathtubs are prohibited within the structure.**
4. **A deed restriction must be filed with the County Clerk's offices indicating that this structure will not be used as a second dwelling unit.**

#### Section 35-5-6A.2 Permitted Accessory Uses.

a.-e. No change.

f. Private storage sheds, detached garages, storage barns and other customary accessory buildings on a single-family residential lot provided they comply with the accessory building setback requirements in § 35-5-5 of this chapter, the "Schedule of Area, Yard and Building Requirements", and the size limitations specified in § 35-4-9.11. **A finished, accessory usable space contained within a permitted detached accessory structure shall be permitted with the following standards:**

1. **The finished, accessory usable space is limited to 500 square feet or 50% of the gross floor area of the structure, whichever is smaller.**
2. **Kitchens, kitchenettes, and wet bar areas are prohibited.**
3. **A convenience bathroom no larger than 22 square feet, containing only a toilet and hand wash sink, may be permitted, subject to Health Department approval for the septic. Showers and bathtubs are prohibited within the structure.**
4. **A deed restriction must be filed with the County Clerk's offices indicating that this structure will not be used as a second dwelling unit.**

#### Section 35-5-6B.2 Permitted Accessory Uses.

a.-e. No change.

f. Private storage sheds, detached garages, storage barns and other customary accessory buildings on a single-family residential lot provided they comply with the accessory building setback requirements in § 35-5-5 of this chapter, the "Schedule of Area, Yard and Building Requirements", and the size limitations specified in § 35-4-9.11. **A finished, accessory usable space contained within a permitted detached accessory structure shall be permitted with the following standards:**

1. **The finished, accessory usable space is limited to 500 square feet or 50% of the gross floor area of the structure, whichever is smaller.**
2. **Kitchens, kitchenettes, and wet bar areas are prohibited.**
3. **A convenience bathroom no larger than 22 square feet, containing only a toilet and hand wash sink, may be permitted, subject to Health Department approval for the septic. Showers and bathtubs are prohibited within the structure.**
4. **A deed restriction must be filed with the County Clerk's offices indicating that this structure will not be used as a second dwelling unit.**

#### Section 35-5-7.2 Permitted Accessory Uses.

a.-e. No change.

f. Private storage sheds, detached garages, storage barns and other customary accessory buildings on a single-family residential lot provided they comply with the accessory building setback requirements in § 35-5-5 of this chapter, the "Schedule of Area, Yard and Building Requirements", and the size limitations specified in § 35-4-9.11. **A finished, accessory usable space contained within a permitted detached accessory structure shall be permitted with the following standards:**

1. **The finished, accessory usable space is limited to 500 square feet or 50% of the gross floor area of the structure, whichever is smaller.**
2. **Kitchens, kitchenettes, and wet bar areas are prohibited.**
3. **A convenience bathroom no larger than 22 square feet, containing only a toilet and hand wash sink, may be permitted, subject to Health Department approval for the septic. Showers and bathtubs are prohibited within the structure.**
4. **A deed restriction must be filed with the County Clerk's offices indicating that this structure will not be used as a second dwelling unit.**

#### Section 35-5-9.2. Permitted Accessory Uses.

a. The following uses are permitted in conjunction with a permitted principal use:

Private garages, tennis courts, swimming pools and other customary accessory uses and structures which are customary uses and structures incidental to a permitted single-family detached unit.

b. Private storage sheds, detached garages, storage barns and other customary accessory buildings on a single-family residential lot provided they comply with the accessory building

setback requirements in § 35-5-5 of this chapter, the "Schedule of Area, Yard and Building Requirements", and the size limitations specified in § 35-4-9.11. **A finished, accessory usable space contained within a permitted detached accessory structure shall be permitted with the following standards:**

1. **The finished, accessory usable space is limited to 500 square feet or 50% of the gross floor area of the structure, whichever is smaller.**
  2. **Kitchens, kitchenettes, and wet bar areas are prohibited.**
  3. **A convenience bathroom no larger than 22 square feet, containing only a toilet and hand wash sink, may be permitted, subject to Health Department approval for the septic. Showers and bathtubs are prohibited within the structure.**
  4. **A deed restriction must be filed with the County Clerk's offices indicating that this structure will not be used as a second dwelling unit.**
- c. Professional offices and home occupations in accordance with § 35-4-10.
- d. Signs which are incidental to permitted use and which meet the restrictions of the Sign Ordinance of the Township.
- e. Off-street parking which is incidental to a permitted use and which is consistent with the restrictions of Article 7.

## **II**

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

## **III**

If any section, subparagraph, sentence, clause or phrase of this Ordinance shall be held to be invalid, such decision shall not invalidate the remaining portion of this Ordinance.

## **IV**

This Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.

**EXPLANATORY STATEMENT:** This Ordinance amends the standards associated with accessory buildings and amends Chapter 35 (Land Use and Development Regulations), Article 2 (Definitions) Section 35-2-2 (Specific Definitions), Article 4 (Regulations Applicable to all Zoning Districts) Sections 35-4-9.3 (Height Restrictions) and 35-4-9.11 (Accessory Building Size Restrictions), Article 5 (Zoning District Regulations), Sections 35-5-6.2, 35-5-6A.2, 35-5-6B.2, 35-5-7.2 and 35-5-9.2 (Permitted Accessory Uses).