

**ORDINANCE NO. 25-13**  
**INTRODUCTION DATE: 11-05-2025**  
**ADOPTION DATE: 12-17-2025**

**AN ORDINANCE AMENDING CHAPTER 35 (LAND USE AND DEVELOPMENT REGULATIONS (VARIOUS SECTIONS) AND CHAPTER 5 (FEES), SECTION 5-16 (FEES FOR TRAILERS AND MOBILE HOMES) OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

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

**I**

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

**Section 35-2-2 SPECIFIC DEFINITIONS.**

**(Note to Codifier: Other than the definitions set forth below, the remaining definitions have not changed.)**

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

**FARM BUILDING**

Any building used for the housing of agricultural equipment **or supplies**, produce, livestock or poultry or for the incidental or customary processing of farm products and provided that such building is located on, operated in conjunction with, and necessary to the operation of a farm. See definition of "Non-farm."

**KITCHEN/KITCHENETTE**

**Any room or portion of a room which is used, intended or designed to be used for the preparation and/or cooking of food and dishwashing. The presence of a dishwasher, range, oven or similar appliance, or the utility connections suitable for servicing a dishwasher, range, oven or similar appliance, shall be considered as establishing a kitchen or kitchenette. See "Wet Bar".**

**TAVERN**

**A restaurant with on-site liquor consumption which is designed for and whose primary function and operation is the sale, preparation and service by employees of meals and beverages to a customer or customers seated at the table or bar at which the meal and beverages are consumed. Such operations shall not have drive-thru, drive-in or service in vehicles.**

## WET BAR

**Counter top or bar area equipped with a sink and running water and does not contain any other appliances within or near the wet bar area, including a dishwasher, range, oven or similar appliance, or the utility connections suitable for servicing a dishwasher, range, oven or similar appliances typically used in the preparation or cooking of food.**

## II

### **Section 35-3-1.11 Procedure for Filing Applications.**

Applications for development within the jurisdiction of the Planning Board pursuant to the provisions of N.J.S.A. 40:55D-1 et seq., shall be filed with the Secretary of the Planning Board. The applicant shall file, at least 14 days before the date of the monthly meeting of the Board, ~~10~~ **two** copies of a sketch plat, ~~three~~ **two** copies of an application for minor subdivision approval, or ~~three~~ **two** copies of an application for major subdivision approval, ~~three~~ **two** copies of an application for a site plan review, conditional use approval or planned development. **At time of filing the application, the applicant shall also submit a digital pdf of all submission items.** At the time of filing the application, but in no event less than 10 days prior to the date set for the hearing, the applicant shall also file all plot plans, maps or other papers required by virtue of any provision of this chapter or any rule of the Planning Board. The applicant shall obtain all necessary forms from the Secretary of the Planning Board. The Secretary of the Board shall inform the applicant of the steps to be taken to initiate applications and of the regular meeting dates of the Board.

## III

### **Section 35-4-9.1. Attached Accessory Buildings**

When an accessory building is attached to the principal building by a shared wall **of no less than 50% of the total length of the wall to which it is attached or 15' of the attached accessory building, whichever is less,** it shall be considered a part thereof and shall be subject to the standards associated with principal structures.

## IV

### **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 Zoning** 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. No change.
- b. The building or structure is architecturally **compatible consistent** with the principal building on the lot, **including matching the siding and roofing materials and color.**

## V

### Section 35-4-9.5. Farm Buildings.

Buildings for private and commercial horticultural and agricultural use may, without limitation in number, height or gross floor area, be erected on any commercial farm property, or on any eligible farm assessed property in all Zones, on with a minimum lot area of six ten acres, provided that ~~no any~~ greenhouse, heating plant, structures housing animals or ~~building of~~ any other ~~nature over 500 square feet in area or 20 feet in height farm building~~ shall not be permitted in the required front setback or within 50 feet of any property line. Farm buildings are exempt from the architectural consistency requirements for accessory buildings. A Deed Restriction affirming its use as a farm building is required with Zoning Permit Applications for any farm buildings.

## VI

### Section 35-4-9.9. Private Swimming Pools and Pool Houses.

a.-c. No change.

d. Pool decking and pool equipment areas must meet the standards of the Accessory Buildings and Structures section of this Chapter and the setback requirements found in the Schedule of Area, Yard and Building Requirements.

e. A pool house shall be permitted as an accessory to an in-ground private swimming pool subject to the height and size requirements and standards of the Accessory Buildings and Structures section of this Chapter and the setback requirements found in the Schedule of Area, Yard and Building Requirements.

## VII

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

a.-c. No change.

~~d. Any detached garage, or storage building, or other accessory building proposed in the side yard, adjacent to the principal residence, or in the rear yard visible from the public street with a footprint greater than 200 square feet shall be architecturally consistent to with~~ the principal residence including matching the siding and roofing materials and color.

e. Private storage buildings, detached garages, and other customary accessory buildings on a single-family residential lot in any residential zone may contain a finished, accessory usable space contained within a permitted detached accessory structure with the following standards:

1. The finished, accessory usable space is limited to 500 square feet or 50% of the footprint 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 bath tubs 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.
- f. A pool house, accessory to a permitted in-ground private swimming pool, on a single-family residential lot in any residential zone shall be permitted with the following standards:
1. The entire pool house must be located within 50' of the water's edge of the swimming pool.
  2. Regardless of the size of the lot, the pool house is restricted to a footprint of 500 square feet and one-story and is otherwise subject to the height requirements and standards of the Accessory Buildings and Structures section of this Chapter and the setback requirements found in the Schedule of Area, Yard and Building Requirements.
  3. The pool house, as opposed to other permitted accessory structures, shall be architecturally consistent with the principal residence including matching the siding and roofing materials and color, regardless of size.
  4. The pool house may contain finished, accessory usable space provided that:
    - (a) The 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.
    - (b) The pool house shall not contain a kitchen or kitchenette within the structure. A wet bar is permitted subject to Health Department approval for the septic.
    - (c) 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.
  5. 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.
- g. Regardless of the size of the lot, accessory sheds in commercial zones for the purpose of storing equipment for on-site maintenance are restricted to a foot print of 200 square feet and one-story and is otherwise subject to the height requirements and standards of the Accessory Buildings and Structures section of this Chapter and the setback requirements found in the Schedule of Area, Yard and Building Requirements.

## VIII

### Section 35-5-6.1. Permitted Uses.

The following uses are permitted as a matter of right in this Zone:

- a.-b. No change.
- c. Detached single-family dwellings.
- d. No change.

## IX

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

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

a. Private residential detached garages, storage buildings, tennis sports courts, swimming pools, pool houses and other customary accessory uses and structures which are customary uses and structures incidental to a permitted single-family detached dwelling unit subject to the height and size requirements and standards of the Accessory Buildings and Structures section of this Chapter and the requirements found in the Schedule of Area, Yard and Building Requirements.

b. No change.

c. Accessory uses normally incidental to a permitted farm operation, including the following:

1. Transient housing facilities for farm workers located on the same property and in conjunction with a permitted farm. Farm labor housing units (a mobile home, unless otherwise subject to provisions of the "Right to Farm Act"), located on any commercial farm property or on any eligible farm assessed property with a minimum lot area of ten acres, subject to the standards of the Accessory Buildings and Structures section of this Chapter and the requirements found in the Schedule of Area, Yard and Building Requirements. The farm labor housing unit is subject to any licensing requirements of this Chapter and of the State of New Jersey.

2. No change.

3. Farm buildings and farm storage barns subject to the standards of the Accessory Buildings and Structures section of this Chapter.

d. – 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 bath tubs 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.~~

**f. In association with a primary residential dwelling, the parking of recreational vehicles and watercrafts is a permitted accessory use, pursuant to the standards of §35-7-3, Off-Street Parking Areas.**

## X

### Section 35-5-6A.1. Permitted Uses.

The following uses are permitted as a matter of right in this zone:

- a.-b. No change.
- c. Detached **single-family** dwellings.
- d. - f. No change

## XI

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

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

- a. Private **residential detached** garages, **storage buildings**, **tennis sports** courts, swimming pools, **pool houses** and other customary accessory uses and structures which are customary uses and structures incidental to a permitted single-family detached **dwelling** unit **subject to the height and size requirements and standards of the Accessory Buildings and Structures section of this Chapter and the requirements found in the Schedule of Area, Yard and Building Requirements.**
- b. No change.
- c. Accessory uses normally incidental to a permitted farm operation, including the following:

**1. ~~Transient housing facilities for farm workers located on the same property and in conjunction with a permitted farm. Farm labor housing units (a mobile home, unless otherwise subject to provisions of the “Right to Farm Act”), located on any commercial farm property or on any eligible farm assessed property with a minimum lot area of ten acres, subject to the standards of the Accessory Buildings and Structures section of this Chapter and the requirements found in the Schedule of Area, Yard and Building Requirements. The farm labor housing unit is subject to any licensing requirements of this Chapter and of the State of New Jersey.~~**

2. No change.

**3. ~~Farm buildings and farm storage barns subject to the standards of the Accessory Buildings and Structures section of this Chapter.~~**

d. – 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 bath tubs 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.~~**

**g. f.** In association with a primary residential dwelling, the parking of recreational vehicles and watercrafts is a permitted accessory use, pursuant to the standards of §35-7-3, Off-Street Parking Areas.

## **XII**

### **Section 35-5-6B.1. Permitted Uses.**

The following uses are permitted as a matter of right in this zone:

a.-b. No change.

c. Detached **single-family** dwellings.

d.-f. No change.

### XIII

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

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

a. Private residential detached garages, storage buildings, ~~tennis~~ sports courts, swimming pools, pool houses and other customary accessory uses and structures which are customary uses and structures incidental to a permitted single-family detached dwelling unit subject to the height and size requirements and standards of the Accessory Buildings and Structures section of this Chapter and the requirements found in the Schedule of Area, Yard and Building Requirements.

b. No change.

c. Accessory uses normally incidental to a permitted farm operation, including the following:

1. Transient housing facilities for farm workers located on the same property and in conjunction with a permitted farm. Farm labor housing units (a mobile home, unless otherwise subject to provisions of the "Right to Farm Act"), located on any commercial farm property or on any eligible farm assessed property with a minimum lot area of ten acres, subject to the standards of the Accessory Buildings and Structures section of this Chapter and the requirements found in the Schedule of Area, Yard and Building Requirements. The farm labor housing unit is subject to any licensing requirements of this Chapter and of the State of New Jersey.

2. No change.

3. Farm buildings and farm storage barns subject to the standards of the Accessory Buildings and Structures section of this Chapter.

d. – 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 bath tubs 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.~~

~~g. f.~~ In association with a primary residential dwelling, the parking of recreational vehicles and watercrafts is a permitted accessory use, pursuant to the standards of §35-7-3, Off-Street Parking Areas.

#### XIV

##### **Section 35-5-7.1. Permitted Uses.**

The following uses are permitted as a matter of right in this zone:

- a. Detached single-family dwellings.
- b. - e. No change.

#### XV

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

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

a. Private residential detached garages, storage buildings, tennis sports courts, swimming pools, pool houses and other customary accessory uses and structures which are customary uses and structures incidental to a permitted single-family detached dwelling unit subject to the height and size requirements and standards of the Accessory Buildings and Structures section of this Chapter and the requirements found in the Schedule of Area, Yard and Building Requirements.

b. No change.

c. Accessory uses normally incidental to a permitted farm operation, including the following:

1. Transient housing facilities for farm workers located on the same property and in conjunction with a permitted farm. Farm labor housing units (a mobile home, unless otherwise subject to provisions of the "Right to Farm Act"), located on any commercial farm property or on any eligible farm assessed property with a minimum lot area of ten acres, subject to the standards of the Accessory Buildings and Structures section of this Chapter and the requirements found in the Schedule of Area, Yard and Building Requirements. The farm labor housing unit is subject to any licensing requirements of this Chapter and of the State of New Jersey.

2. No change.

**3. Farm buildings and farm storage barns subject to the standards of the Accessory Buildings and Structures section of this Chapter.**

d. – 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 bath tubs 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.~~

~~g. f.~~ In association with a primary residential dwelling, the parking of recreational vehicles and watercrafts is a permitted accessory use, pursuant to the standards of §35-7-3, Off-Street Parking Areas.

**XVI**

**Section 35-5-8.1. Permitted Uses.**

The following uses are permitted as a matter of right in this zone:

- a. Detached **single-family** dwellings.
- b. - d. No change.

**XVII**

**Section 35-5-9.1. Permitted Uses.**

The following uses are permitted as a matter of right in this zone:

- a. Detached **single-family** dwellings.
- b. - c. No change.

**d. Farm buildings and farm storage barns subject to the standards of the Accessory**

**Buildings and Structures section of this Chapter.**

**XVIII**

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

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

a. Private **residential detached** garages, **storage buildings**, ~~tennis courts~~, swimming pools, **pool houses** and other customary accessory uses and structures which are customary uses and structures incidental to a permitted single-family detached **dwelling unit subject to the height and size requirements and standards of the Accessory Buildings and Structures section of this Chapter and the requirements found in the Schedule of Area, Yard and Building Requirements.**

~~d. 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 bath tubs 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.~~

**b. Accessory uses normally incidental to a permitted farm operation, including the following:**

**1. Structures or areas for the sale of farm products provided they do not exceed 1,000 square feet in gross floor area**

**2. Farm buildings and farm storage barns subject to the standards of the Accessory Buildings and Structures section of this Chapter.**

c.- f. No changes.

**XIX**

**Section 35-5-9.3 Conditional Uses.**

The following uses may be permitted as conditional uses after application to and approval of the Township Planning Board: Private tennis **or sports** court, subject to the provisions set forth in Article 6.

## **XX**

### **Section 35-5-10.1. Permitted Uses.**

The following uses are permitted as a matter of right in this Zone **provided that the use is restricted to either a residential or a commercial use; but not both:**

a.-d. No change.

## **XXI**

### **Section 35-5-10.2 Permitted Accessory Uses.**

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

a.-d. No change.

e. Sheds accessory to non-residential uses that are utilized for the purposes of storing equipment for on-site **maintenance** use, subject to the height and size requirements **and standards** of **the** Accessory Buildings and Structures section of this Chapter and the setback requirements found in the Schedule of Area, Yard and Building Requirements.

## **XXII**

### **Section 35-5-11.2 Permitted Accessory Uses.**

The following accessory uses normally incidental to a permitted farm operation are permitted:

a.-b. No change.

c. Accessory sheds that are utilized for the purposes of storing equipment for on-site **maintenance** use, subject to the height and size requirements **and standards** of **the** Accessory Buildings and Structures section of this Chapter and the setback requirements found in the Schedule of Area, Yard and Building Requirements.

## **XXIII**

### **Section 35-5-12.2 Permitted Accessory Uses.**

The following accessory uses normally incidental to a permitted use are permitted:

a.-b. No change.

c. Accessory sheds that are utilized for the purposes of storing equipment for on-site **maintenance** use, subject to the height and size requirements **and standards** of **the** Accessory Buildings and Structures section of this Chapter and the setback requirements found in the Schedule of Area, Yard and Building Requirements.

#### **XXIV**

#### **Section 35-5-15.2 Permitted Accessory Uses.**

The following uses normally incidental to a permitted use as permitted:

a.-b. No change.

c. Accessory sheds that are utilized for the purposes of storing equipment for on-site **maintenance** use, subject to the height and size requirements **and standards** of **the** Accessory Buildings and Structures section of this Chapter and the setback requirements found in the Schedule of Area, Yard and Building Requirements.

#### **XXV**

#### **Section 35-6-2.6 Private Tennis or Sports Courts.**

A private tennis **or sports** court may be permitted in the R-20 Residential Zone provided that:

a.- d. No change.

#### **XXVI**

#### **Section 35-7-3.7 Mobile Homes**

a. – b. No change.

c. Mobile homes may be used as ~~housing facilities for transient or migratory workers~~ **farm labor housing units, an accessory structure to a permitted farm**, in accordance with the provisions of Chapter 35, Zoning, of this Code and **in accordance with any provisions for Farm Labor Housing of this code, subject to the annual licensing requirement and obtaining any outside agency approvals, as may be required. provided that certification is received by the State of New Jersey.** The license fee for each mobile home so used shall be as specified in Section 5-16.

d. – g. No change.

#### **XXVII**

**CHAPTER 5 (FEES)** is hereby amended as follows:

#### **Section 5-16 (FEES FOR TRAILERS AND MOBILE HOMES).**

#### **Section 5-16.1 (Permitted Uses).**

a. No change.

b. ~~Housing for Transient or Migratory Workers~~. All Farm Labor Housing applications (initial and renewal) ~~must include the annual State Certification.~~ (Expires December 31, annually.)

1. – 2. No change.

c. – f. No change.

### XXVIII

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

### XXIX

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.

### XXX

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

**EXPLANATORY STATEMENT:** This Ordinance amends Chapter 35 (Land Use and Development Regulations (Various Sections) and Chapter 5 (Fees), Section 5-16 (Fees For Trailers and Mobile Homes).