

**ORDINANCE NO. 15-07**  
**INTRODUCTION DATE: 04-15-15**  
**ADOPTION DATE: 05-20-15**

**AN ORDINANCE AMENDING CHAPTER XXXV (LAND USE AND DEVELOPMENT REGULATIONS), ARTICLE 4 (REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS), SECTION 4-2.1 (NONCONFORMING STRUCTURES) 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 and State of New Jersey, as follows:

**I**

Chapter XXXV Land Use Regulations, Article 4 Regulations Applicable to all Zoning Districts, Section 4-2.1 Nonconforming Structures, is hereby amended as follows:

**Section 4-2.1 Nonconforming Structures** is hereby deleted in its entirety and replaced with the following:

**Section 4-2.1 Nonconforming Structures and Undersized Developed Lots.**

Except as otherwise provided in Subsection 4-2.3 hereinbelow, any existing building or structure which is located on an undersized lot, and/or any existing building or structure which violates any yard setback requirements of this Chapter, may have additions to the principal building and/or the construction of accessory buildings or structures without an appeal to the Zoning Board of Adjustment, provided and in accordance with the following:

a. The use of the subject property is in accordance with all applicable provisions of this Chapter; and

b. Any accessory buildings or structures to be constructed are permitted in connection with the existing use of the property; and

c. Except as provided in Subsection 4-2.1d. hereinbelow for existing undersized lots developed with a detached single-family dwelling, the following requirements shall be met:

1. The applicable maximum permitted lot and building coverage requirements, building height and stories requirements, and the maximum building floor/area ratio requirements of the subject zoning district are not exceeded, as those requirements are indicated within Section 5-5 of this Chapter, the Schedule of Area, Yard and Building Requirements; and

2. The addition to the principal building and/or the construction of accessory buildings or structures does not violate any of the minimum yard setback requirements for the subject zoning district indicated within Section 5-5 of this Chapter, the "Schedule of Area, Yard and Building Requirements".

d. For any existing undersized lot developed with a detached single-family dwelling, the minimum yard setbacks, lot and building coverage, and building height and stories requirements within Section 5-5 of this Chapter, the "Schedule of Area, Yard and Building Requirements", shall apply to the undersized residential lot dependent upon the size of the lot and provided that the requirements previously noted in Subsection 4-2.1 a. and b. hereinabove are met:

1. Lots eight (8) acres in size and larger:  
The RU-P District requirements shall apply.

2. Lots six (6) acres, but less than eight (8) acres in size: The RU-C District requirements shall apply.

3. Lots three (3) acres, but less than six (6) acres in size: The R-130 District requirements shall apply.

4. Lots less than three (3) acres in size: The R-80 District requirements shall apply.

## 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 Section 4-2.1 regarding nonconforming structures and undersized developed lots.