

ORDINANCE NUMBER 1212

ORDINANCE OF THE BOROUGH OF BARRINGTON, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING ARTICLE II., RESIDENTIAL DISTRICTS, IN CHAPTER 360, ZONING, IN THE CODE OF THE BOROUGH OF BARRINGTON

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barrington, County of Camden, and State of New Jersey that Article II., Residential Districts, in Chapter 360, Zoning, be and is hereby amended in the Code of the Borough of Barrington, as follows:

ARTICLE I.	ARTICLE II.	SECTION 360-15.1	Permitted Accessory Use – Accessory Dwelling Units (ADU).
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A. Purpose and intent. The Borough Council finds and declares that the purpose of this section is to:

- (1) Provide citizens with the opportunity to retain their homes, age in place, and create adaptive living environments for people living with disabilities.
- (2) Increase the supply of attainable housing within developed properties while putting minimal pressure on Borough services such as schools and infrastructure.
- (3) Integrate these housing units, subject to the terms described herein, within existing neighborhoods, respecting the character of the neighborhood.
- (4) Provide flexible housing options for residents, in keeping with the goals of the Master Plan, that respond to changing family needs, smaller households, and increasing housing costs.
- (5) Codify the requirements and process to ensure that existing accessory dwelling units are legal and meet the Borough's safety codes.

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

ACCESSORY DWELLING UNIT (ADU) - A residential living unit on the same parcel as a one- or two-family dwelling with complete independent living facilities, including a kitchen and bathroom, for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled dwelling.

LIVING AREA - The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

PRIMARY DWELLING UNIT – The original living unit in a one-family home and the

larger living unit in a two-family home. The permissible size of an ADU will be based on the size of the primary dwelling unit.

ZONING OFFICER - The local official who is responsible for processing and approving or denying applications to develop ADUs.

C. Where permitted. ADUs shall be a permitted accessory use on lots containing one- and two-family dwellings in the R-1 Single Family Residence District, the R-2 Single Family and Two-Family Residence District, the R-3 Semidetached Residence District and the R-4 Central Residence District in the Borough of Barrington.

D. Standards. One ADU shall be permitted on a lot located in the R-1 Single Family Residence District, the R-2 Single Family and Two-Family Residence District, the R-3 Semidetached Residence District and the R-4 Central Residence District in the Borough. The Zoning Officer must find that the following conditions have been met:

- (1) Either the ADU or the primary dwelling unit shall be the primary domicile of the person(s) who or entity that own(s) the property. In the case of a two-family home, the primary domicile of the owner must be one of the dwelling units or the ADU.
- (2) In no case shall the ADU's living area be more than 40% of that of the primary dwelling unit, up to a maximum of 600 square feet, nor less than 300 square feet, and no more than three rooms (excluding the kitchen and bathroom).
- (3) Detached ADUs shall comply with the requirements for accessory structures in the applicable district and the requirements thereof including, but not limited to, the area and bulk regulations of the applicable district in which it is located, except for minimum living area, which shall be three hundred (300) square feet, and have a setback from a property line of at least twenty (20) feet.
- (4) All ADUs shall comply with existing Borough ordinances, zoning ordinances, and the New Jersey Uniform Construction Code (UCC).
- (5) There shall be no more than one ADU per lot.
- (6) The ADU shall be used only for residential purposes for one family, as defined in this Code.
- (7) For adaptive reuse projects, ADUs that are fully handicapped accessible under New Jersey's Barrier Free Subcode, N.J.A.C. 5:23-7 et seq., shall be granted an increase of 5% of the total maximum floor area allowed for the ADU.
- (8) For new construction, adherence to the New Jersey Barrier Free Subcode is required.

- (9) An ADU that is attached to the principal one- or two-family dwelling shall utilize complementary exterior materials and colors as the principal single-family dwelling. The ADU shall harmonize with the architectural and landscaping character of its neighborhood.
- (10) With respect to new construction, the external entrance to the ADU shall not face the same street as the external entrance to the principal dwelling unit if such external entrance to the ADU is visible from the street.
- (11) A minimum rental term of six (6) months is required for tenants.
- (12) At least one off-street parking space shall be provided for an ADU.
- (13) No window in an ADU that faces another residential property may be located within twenty feet of a property line.

E. Procedures.

- (1) A new ADU may not be created nor can an existing ADU be legalized until the Zoning Officer determines that it meets the following requirements for designation:
 - (a) An application for a zoning permit on a form prescribed by the Barrington Borough is submitted with pertinent data, such as the names and addresses of the owners and an identification, by street number and lot and block designation, of the residence involved.
 - (b) For detached ADUs and ADUs that involve construction of an addition, the application shall be accompanied by a recent survey of the property, prepared by a licensed engineer or land surveyor, depicting the boundaries of the lot and all existing structures and improvements on the property. Older surveys are acceptable for attached ADUs.
 - (c) The application shall also be accompanied by a proposed floor plan which shall be drawn by a licensed architect or engineer, if reasonably required by the Construction Official, depicting all proposed interior and exterior changes to the residence and ADU, including the relation of the ADU to the primary dwelling unit, the location of any proposed additional exterior doors, and any proposed modifications to the existing sanitary disposal system or water lines. All proposed changes and/or additions must comply with the Uniform Construction Code (UCC).
 - (d) Within 10 business days after the application for an ADU is deemed complete, the Zoning Officer shall schedule a meeting with the applicant. Within 10 business days from the meeting with the applicant, the Zoning Officer shall render a final decision and notify the applicant by regular mail and email whether the proposed ADU may be deemed permitted.

(2) All property owners whose land contains an ADUs must file a deed notice with Camden County clearly indicating the presence of the ADU and the limitations of its use. A certificate of occupancy cannot be issued until the deed notice is filed.

(3) If the Zoning Officer approves the proposed ADU, the applicant must commence construction within two years of the Zoning Officer's determination or the Zoning Officer may revoke the permit. An applicant unable to commence construction of an ADU within two years of the Zoning Officer's determination may appeal to the Zoning Officer for an extension of time for one year for good cause shown.

(4) If the Zoning Officer denies the proposed ADU, the applicant may appeal the decision of the Zoning Officer to the Borough Planning Board within 45 days of the receipt of the denial from the Zoning Officer. Thereafter, the appeal shall be deemed untimely.

(5) Construction of the ADU.

(a) The applicant constructing an approved ADU must comply with all existing procedures established by the Borough regarding applications, permits, fees, and inspections, except that the applicant must schedule a final inspection with the Construction Official and the Fire Official within 20 days of when construction of the ADU is complete. A copy of the lease must be provided if the ADU is being rented.

(b) The Construction Official and Fire Official shall conduct a physical inspection of the primary dwelling unit and the ADU to determine whether the construction complies with the terms on which the approval was given. If the Construction Official and Fire Official determine that the construction complies with Borough ordinances and the Uniform Construction Code, (s)he shall issue a certificate of occupancy for the ADU upon the payment of a fee based on the current fee schedule for such issuance. If the construction does not comply with the terms of the approval, within 48 hours the applicant shall be sent written notification describing the noncompliance. The applicant may cure the noncompliant items and submit proof of compliance to the Construction Official and the Fire Official for reconsideration.

(6) Owner's annual affidavit of continued compliance.

(a) On or before January 1 of every year, starting with the first January following the issuance of the initial certificate of occupancy for an ADU, the owner to whom the certificate of occupancy was issued shall file an affidavit in the form prescribed by the Borough stating that there has been no change in the conditions upon which the ADU was originally approved.

(b) If the owner fails to file the affidavit as herein required, the certificate of occupancy issued for the ADU shall automatically be revoked within

30 days, and the Construction Official shall so notify the owner and the tenant, if any, in writing, of the revocation.

- (c) Any continued occupancy of the ADU following notice of revocation of the certificate of occupancy shall subject the owner to penalties or any combination thereof as set forth in Chapter 1-1, 1-2 and 1-3 of the Code of the Borough of Barrington, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made, with the minimum fine being in the amount of \$500.00. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this Section.
- (d) The certificate of occupancy for the ADU may be reinstated once the required affidavit is filed and approved by the Borough.

(7) Transfer of the property lot.

- (a) If the owner of the property in which an ADU is permitted transfers title to the property, the new owner shall apply, as herein, for a certificate of continued use of the ADU upon the terms and conditions contained herein. Such new application shall be filed within 60 days of the transfer of the property.
- (b) Upon the Construction Official determining that there have been no changes in condition, the Construction Official shall issue a new certificate of continued use for the ADU upon the payment of a fee based on the current fee schedule for such issuance.
- (c) An ADU may not be sold independent of the primary residence.
- (d) When listing the property for sale with an approved ADU, the owner of the property shall disclose to all prospective buyers that the property contains an approved ADU. The Borough shall confirm same on the certificate of continued use.

(8) Inspections. Before the certificate of occupancy for the ADU is granted, the Construction Official and Fire Official shall have the right to conduct inspections to determine compliance with the provisions of this section.

ARTICLE II.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE III.

This Ordinance shall take effect upon passage and publication according to law.

BOROUGH OF BARRINGTON

Date of Introduction: June 11, 2025

Date of Adoption:

By: _____
Kyle Hanson, Mayor

Attest: _____
Terry Shannon, Borough Clerk

The foregoing ordinance was introduced by Mayor and Council at the regular meeting held on June 11, 2025. This Ordinance will be considered for adoption on final reading and public hearing to be held on July 8, 2025 at 6:00 p.m. in the Council Meeting Room, Barrington Borough Hall, 229 Trenton Avenue, Barrington, New Jersey.

The purpose of this Ordinance is to permit certain Accessory Dwelling Units (ADU) as a permitted accessory use in the R-1 Single Family Residence District, the R-2 Single Family and Two-Family Residence District, the R-3 Semidetached Residence District and the R-4 Central Residence District in Chapter 360, Zoning, in the Code of the Borough of Barrington. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Thursday (Legal Holidays excluded), and public between the hours of 8:30 AM to 12:00 PM on Fridays (Legal Holidays excluded), at the Office of the Borough Clerk, Barrington Borough Hall, 229 Trenton Avenue, Barrington, New Jersey.