

DATE: \_\_\_\_\_

ADU FILE #: \_\_\_\_\_

**TOWNSHIP OF MONTCLAIR**  
**ZONING PERMIT APPLICATION**  
**ACCESSORY DWELLING UNIT (ADU)**

**Permit Fee: \$50**

(Check or money order payable to Township of Montclair)

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**A. Property Information.**

Address of Work: \_\_\_\_\_

Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Zone: \_\_\_\_\_

Current Use of Property: \_\_\_\_\_

Proposed Use of Property: \_\_\_\_\_

**B. Applicant Information.**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

**C. Property Owner Information.**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

**D. Project Description.**

1. Is this an attached or detached Accessory Dwelling Unit? \_\_\_\_\_
2. Size of the Primary Dwelling Unit: \_\_\_\_\_ square feet
3. Size of the Accessory Dwelling Unit: \_\_\_\_\_ square feet
4. Size (%) of the ADU compared to the Primary Dwelling Unit: \_\_\_\_\_
5. Is the ADU fully handicapped accessible under the New Jersey's Barrier Free Sub Codes? \_\_\_\_\_
6. Number of rooms in the ADU? \_\_\_\_\_ rooms
7. Height of the ADU: \_\_\_\_\_ feet

**E. Attachments.** Please attach the following:

1. **Property Survey.** 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 surveyor or engineer, depicting the boundaries of the lot and all existing structures and improvements on the property and the location and dimensions of the ADU. Older surveys are acceptable for attached ADUs that do not involve an addition.

**2. Floor Plan:**

- a. For an attached ADU that does not involve an addition, show the floor plan of both the Primary Dwelling Unit and the ADU.
  - b. For a detached ADU or an attached ADU that involves an addition, the floor plan shall be drawn by a licensed architect or engineer and must show the floor plan of the ADU and the scaled footprint of the Primary Dwelling Unit and shall depict 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).
3. A photograph or scaled elevation drawing of the front of the primary dwelling unit.
  4. Scaled elevations of all sides of proposed new buildings or additions.

**F. Signature.** *I (we) hereby declare and represent to the Township of Montclair that the statements made by me (us) in this application are true and are made for the purpose of the Zoning Official to issue a Zoning Permit.*

**Applicant Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

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\*\*\*FOR OFFICE USE ONLY\*\*\*

**Approved:** \_\_\_\_\_ **Denied:** \_\_\_\_\_ **Date:** \_\_\_\_\_ **Initials:** \_\_\_\_\_

**Reason:** \_\_\_\_\_

**Special Conditions:**

\_\_\_\_\_  
\_\_\_\_\_

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**Amount Received:** \$ \_\_\_\_\_ **Check:** \_\_\_\_\_ **Money Order:** \_\_\_\_\_

## REQUIREMENTS FOR ADUS

Pursuant to **Montclair Code §347-8**, one ADU shall be a permitted on a lot located in the R-O, R- O(a), R-1 and R-2 zones in the Township. 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 800 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 zone district and the requirements of **Montclair Code §347-22**.
4. All ADUs shall comply with existing Township 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. ("Family" is defined under **Montclair Code §347-2**.)
7. For adaptive reuse projects, ADUs that are fully handicapped accessible under New Jersey's Barrier Free Sub Codes 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 Sub Codes 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 6 months is required for tenants.
12. At least one off-street parking space shall be provided for an ADU.
13. No window in a ADU that faces another residential property may be located within six feet of a property line. .

## PROCEDURES FOR ADUS

1. If approved, construction must commence within two years of the date of the Zoning Permit.
2. **Deed Notice.** All ADUs must file a deed notice with Essex County clearly indicating the presence of the ADU and the limitations of its use. A copy of the deed notice must be provided to the Department of Planning and Community Development. A Certificate of Occupancy cannot be issued until the deed notice is filed.
3. **Annual Affidavit.** 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 Montclair Township Department of Planning and Community Development, stating that there has been no change in the conditions upon which the ADU was originally approved. 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.
4. Any continued occupancy of the ADU following notice of revocation of the Certificate of Occupancy shall subject the Owner to a fine of two hundred fifty (\$250) for the first thirty (30) days in which the ADU continues to be occupied. Thereafter, the fine shall be up to one hundred (\$100) dollars per day for each day that the ADU continues to be occupied, subject to a maximum of three thousand (\$3,000) dollars for each subsequent 30-day period following the first month.
5. The Certificate of Occupancy for the ADU may be reinstated once the required affidavit is filed and approved by the Department of Planning and Community Development.
6. 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 sixty (60) days of the transfer of the Property.
7. 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.
8. An ADU may not be sold independent of the Primary dwelling unit.
9. 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 Township shall confirm same on the Certificate of Continued Use.
10. 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 Ordinance.

FORM OF AFFIDAVIT

S A M P L E

ANNUAL AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY

COUNTY OF ESSEX

\_\_\_\_\_, of full age, being duly sworn, on his/her oath deposes that he/she continues to reside in either the Primary Dwelling Unit or the Accessory Dwelling Unit at \_\_\_\_\_ (insert property address) \_\_\_\_\_ and that there has been no change in the conditions upon which the ADU was originally approved by the Township of Montclair.

\_\_\_\_\_  
Applicants signature

Sworn and subscribed to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public