

Ordinance 2007-007

AN ORDINANCE REPLACING THE LIGHT INDUSTRIAL DISTRICT WITH A MIXED USE MANDATORY CLUSTER ZONING DISTRICT AND AMENDING THE DEVELOPMENT ORDINANCE OF THE BOROUGH OF MILLSTONE, SOMERSET COUNTY, NEW JERSEY

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Millstone, Somerset County:

1. Section D-112 of the Development Ordinance of the Borough of Millstone, Light Industrial District LI-10, is hereby deleted and the following NEW Section, Mixed Use Mandatory Cluster, is substituted therefore:

D-112 MIXED USE MANDATORY CLUSTER

In the Mixed Use Mandatory Cluster District, the following regulations shall apply:

A. PRINCIPAL PERMITTED USE REGULATIONS FOR THE ENTIRETY OF THE DISTRICT.

A building may be erected or used, and a lot may be used or occupied, for any of the following purposes and no other, except as hereinafter set forth subject to all pertinent area and special requirements of this district.

- (1) A mandatory cluster coincident with the boundaries of the district and consisting of a Residential Component, a Mixed Use Component, and an Open Space Component, each of which shall be configured and located and the access for which provided as shown on the zoning map for the Mixed Use Mandatory Cluster District.

B. PURPOSE, USE, BULK, AND DESIGN STANDARDS FOR THE RESIDENTIAL COMPONENT.

The following regulations shall apply to the Residential Component:

- (1) Purpose. The purpose and intent of the Residential Component is:
 - (a) To provide for a traditional neighborhood with a diversity of dwelling unit types, lot sizes and green spaces in a compact arrangement that promotes a pedestrian friendly environment.

(b) To encourage new development that emulates the character found in the older and historic sections of the Borough of Millstone and thereby be in character with the historic open space included in the Open Space Component.

(c) To adopt buffer and landscape screening standards that will minimize the visual impact of the new development upon the historic open space included in the Open Space Component.

(d) To promote a streetscape quality to neighborhoods that furthers the identity of the Borough of Millstone as a charming habitat in the historic Somerset County area.

(e) To provide for affordable housing.

(2) Key design elements.

(a) Unlike conventional suburban development patterns (with separated land uses, deep setbacks, no on-street parking, cul-de-sacs and no sidewalks), traditional neighborhoods promote a compact, integrated and sustainable development pattern and shall have the following design elements:

[1] Park and open space land - creates the green, square or park-like areas to help anchor the neighborhood and includes a green edge of open space to help shape the neighborhood.

[2] Network system of interconnecting streets - organizes a block pattern of lots; links to pedestrian systems; streets and streetscapes create outdoor rooms.

[3] On-street/parallel parking - provides a separator between vehicular and pedestrian traffic; utilizes cartway as an aisle that promotes effective traffic calming by slowing down the speed of vehicles, especially along narrower streets.

[4] Shallow setbacks - helps to create an outdoor room sense of space, with two to two and one half story buildings, typically from 70 to 85 feet across from one another on both sides of the street; promotes a human scale relationship for the pedestrian as part of the public realm; buildings placed at a build-to line create a street wall.

[5] Front porch/portico/colonnade - serves as transition element from the private realm of the building to public realm of the sidewalk and street; provides shade; promotes a finer, more ornamental texture of the building; creates a cozy space to sit, read, relax; provides outdoor room to greet and socialize with neighbors.

[6] Sidewalks/crosswalks/pedestrian paths/walkways - serves to link uses, buildings and lots together; accommodates a healthy pedestrian circulation

network; provides close to home opportunities for exercise; enhances way finding and an appreciation of the neighborhood/place.

[7] Shade trees - provide (as street trees) the canopy/overhead plane to help create an outdoor room; and, as shade trees, provide an old shade character.

[8] Other infrastructure– includes fence, hedges, wall, and street lamps

[9] Building materials - Roofing shall be fiberglass composite dimensional shingles that emulate slates or wood, artificial slate or shakes, wood shakes, or metal. Siding shall be a combination of brick, architectural stone, stucco, and concrete or wood siding. EIFS (exterior insulation finishing systems, such as Dryvit) and aluminum and vinyl siding and shutters are prohibited. Windows shall be double hung with architectural grill patterns and shall include shutters with working hardware, where appropriate.

[10] There shall be a variety of building heights within the development.

(3) Use and building type regulations.

(a) Buildings in a traditional neighborhood shall have a size, height, scale and proportion that are compatible with traditional Millstone residential buildings.

(b) Regardless of whether fee-simple lots or some form of common ownership is to be used, when the Residential Component is first created, the proposed lots shall be laid out and designated as either residential or green space. Residential lots shall be further categorized as permitted below. All lots shall be laid out so that the dimensional, coverage and all other requirements specified in this Section shall be satisfied. However, the actual lot lines do not need to be legally established. Any future development on an individual lot, regardless of whether or not it has been legally established, shall conform to this initial use designation for that particular lot.

(c) The following uses shall be permitted by right.

[1] A range of dwelling unit types as set forth and described in Subsection B(4)(a) hereof. All such dwelling units shall be age restricted to permanent residents 55 years of age or older, with the following exceptions:

[a] A member of a couple under the age of 55 years who is residing with his/her partner who is 55 years of age or older.

[b] Emancipated children (as defined under New Jersey law) residing with their parents or parent where one or both of the parents with whom the child or children are residing is 55 years of age or older.

[c] One adult younger than 55 years of age will be admitted as a permanent resident if it is established that the presence of such a person is essential to the care of one or more of the adult occupants 55 years of age or older.

[2] Home occupations

[3] Recreational amenities for the residential development

[4] Family rental affordable housing meeting all requirements of the New Jersey Council on Affordable Housing

(d) The following uses shall be permitted as accessory uses:

[1] Detached garages

[2] Fences or walls, provided that the good side faces out and that no fence exceeds 36 inches in height within the front yard or 72 inches in height within of the rear and side yards. All other provision of D-115.c shall apply.

(e) Dwellings shown on the approved plan shall not be converted to nonresidential use.

(4) Residential unit composition and density

(a) Dwelling unit composition.

[1] There may be a diversity of dwelling unit types and lot sizes, with variations in lot widths to promote additional diversity of dwelling unit sizes.

[2] A mix of dwelling unit types is encouraged. The following minimum or maximum percentages, whereby the mix of unit types may be provided within each block to the maximum extent possible, applies. (Note: Another method of creating a sense of mix within this district is the ability to permit the flexible lot sizes and widths as provided for in Subsection B(6), herein.)

[a] Single-family detached: 30% minimum to 100% maximum.

[b] Single-family semidetached: 0% minimum to 60% maximum.

[c] Townhouse: 0% minimum to 60% maximum.

(b) Density

[1] The density for residential dwelling units shall be based upon the optimum mix of permitted dwelling types, provided the minimum lot area is provided for each dwelling unit.

(5) Detailed design standards.

(a) Green space requirements.

[1] Within the traditional neighborhood, a variety of green spaces shall be designed to complement the residential development.

[2] Green space shall be in the form of a park, common green surrounded by roads, buffer or approved landscaped area.

[3] Green space shall be maintained by the homeowners' or condominium association.

[4] Underground stormwater detention facilities.

(b) Buffer screening

[1] The developer shall be responsible for establishing a complete vegetated screen along the easterly perimeter of the Residential Component, in the Residential Component itself or along the westerly border of the Open Space Component located between the proposed development and Somerset Court House Road. The screen must be designed to provide a year round ninety (90) percent screen within three years. Fences may be required, at the discretion of the Planning Board to be located along side and rear yards facing Somerset Court House Road. The minimum width of the buffer shall be one hundred feet as measured from Somerset Court House Road and as shown on the open space plan.

(c) Streets and access ways.

[1] Streets and access ways within the development shall form an interconnected vehicular circulation network to the maximum extent practicable.

[2] All vehicular access to the Residential Component shall be as shown on the Mixed Use Mandatory Cluster zoning map.

[3] All streets shall be special purpose streets with a right-of-way of 40 feet in width.

[4] Streets shall conform to Residential Site Improvement Standards, New Jersey Administrative Code Title 5, Chapter 21, Table 4.3 for Neighborhood with on-street parking on two sides with one travel lane. Streets shall be 28 feet in width (with one fourteen foot travel lane and two seven foot wide parking aisles).

[5] Streets that provide access to two or fewer lots and are no longer than 200 feet in length may not be required to have a cul-de-sac turn-around.

[6] All streets shall have Belgian block curbing.

[7] Alleys shall be a minimum of 12 feet wide, paved and have a concrete edge or curb unless the Planning Board determines that, for safety reasons, they need to be wider.

(d) Curb cuts, driveways and garages.

[1] Garages, driveways and parking lots shall not be the dominant aspect of the building design and the streetscape as viewed from the street.

[2] To the maximum extent practicable, garages shall be accessed at the rear of the lot. Curb cuts may be permitted for each lot, provided that any garage door facing the street is recessed at least 25 feet back from the front façade of the principal structure and that no more than 50% of the total number of dwelling units have such front facing garages. The remaining garages shall be located at the rear of the principal structure with garage doors facing the side or rear property line.

[3] For garages that take access from the rear of the lot, the garage shall be set back at least five feet from the side and rear property line.

[4] When the garage is located behind the rear facade of the house, such garage may be detached from or attached to the dwelling, and the garage doors may face any direction.

[5] Garages having access from the alleys must be set back a minimum of thirty-six (36) feet from the far edge of the alley.

[6] On corner lots, the front yard setback for a garage shall be twenty feet from the lot line when the garage faces a street other than the front-façade facing street.

(e) Sidewalks and Pathways.

[1] Sidewalks of four feet in width shall be constructed and maintained along both sides of all streets.

[2] Sidewalks linking the development to the Mixed Use Component shall be provided.

(f) Street trees, lighting, and other landscaping.

[1] Street trees shall be planted at the equivalent of one tree per 35 ft.. Landscaping and plantings shall comply with the Borough's landscaping design standards. All street trees shall be planted within a "shade tree easement" located behind and adjacent to the 40 foot right-of-way.

[2] Each unit shall have a post light adjacent to the sidewalk.

[3] Ornamental street post lights shall be placed at all intersections.

[4] Landscaping in the form of foundation plantings shall be provided.

(g) Buildings and neighborhood design.

[1] The design of the individual residences shall meet the standards for traditional neighborhood design, as set forth in Subsections B(2)(a)[5], [9], and [10]. No principal building shall have a flat roof. Significant roof pitches and variations in roof lines are required.

[2] A minimum of 40% of the principal residential buildings shall have a front door accessing onto an unenclosed front porch with a minimum floor area of 60 square feet. Such porch shall be covered by a permanent roof and shall not be enclosed in the future.

(6) Dimensional requirements.

(a) Streetscape.

[1] The most critical dimension in the traditional neighborhood is the width of the streetscape from building walls on one side of the street to the opposite side of the street.

[a] Where blocks are created with buildings facing the street, the distance between the facing front facades of the residential buildings shall be no greater than eighty-five feet (85 ft.)

[b] Where buildings parallel or encircle a green space, the streetscape width, as a function of the width of an approved green space, may be wider than is otherwise permitted.

(b) Front setback for principal buildings and garages

[1] Front yard from an interior street right-of-way: 10 feet minimum; 25 feet maximum.

[2] Front porch may encroach upon setback up to 50% of porch depth.

[3] Garages shall be twenty five feet back from the building façade or twenty feet back from the property line per Subsection D-112(B)(5)(d)[6].

(c) Side yards for principal buildings and garages.

[1] Single-family detached: Five feet minimum

[2] Single-family semi detached: Five feet minimum one side

[3] Townhouse: five feet minimum at end of building

[4] Detached garages: zero feet. Attached garages: five feet.

(d) Rear yards for principal buildings and garages.

[1] Twenty -five feet minimum yard setback for the principal building.

[2] Five feet minimum building setback for a garage or per Section D-112B(5)(d)[5].

(e) Minimum lot size: single-family detached dwellings.

[1] Minimum lot area: 5,000 square feet

[2] Minimum lot width: 45 feet

[3] In the case where individual lots are not created, such as condominium development, an equivalent lot area and lot width shall be created.

(f) Minimum lot size: single-family semi detached dwellings.

[1] Minimum lot area: 5,000 square feet

[2] Minimum lot width: 45 feet

[3] In the case where individual lots are not created, such as condominium development, an equivalent lot area and lot width shall be created.

(g) Minimum lot size townhouse dwellings.

[1] Minimum lot area: 3,100 square feet

[2] Minimum lot width: 28 feet

[3] In the case where individual lots are not created, such as condominium development, an equivalent lot area and lot width shall be created.

(h) Impervious surface coverage.

[1] Maximum impervious surface coverage for each individual lot: 70%.

(i) Maximum building height.

[1] Thirty-five feet or 2 1/2 stories, or which ever is less

(7) Other requirements.

(a) All buildings within the development shall be served by public water and a regional public sewage disposal system.

(b) All utilities shall be placed within the right-of-way to the extent practicable. Where it is necessary to place utilities outside of a right-of-way, they shall be placed within an easement where they will not interfere with the placement of street trees or landscaping on the individual lots.

(c) If the development is to be carried out in phases, each phase shall be so planned that the intent of this chapter shall be fully complied with at the completion of any phase. Any phased development shall be fully described and defined on the subdivision and site plan.

(d) All streets, whether public or private, shall have a right-of-way.

C. PURPOSE, USE, BULK, AND DESIGN STANDARDS FOR THE MIXED USE COMPONENT.

The following regulations shall apply to the Mixed Use Component:

(1) All development in the Mixed Use Component shall comply with the regulations for the Traditional Village Commercial District.

(2) Apartments, including market units and family rental affordable units meeting the requirements of the New Jersey Council on Affordable Housing, shall be permitted above the retail uses as principal permitted uses.

D. USE AND OTHER REGULATIONS FOR THE OPEN SPACE COMPONENT.

The following regulations shall apply to the Open Space Component:

- (1) Purpose. The purpose and intent of the Open Space Component is to preserve an 18th century historic landscape that is in keeping with when the area was occupied by Revolutionary War troops.
- (2) The Open Space Component shall be designed for conservation purposes that will enhance the interpretative story of this historic site. Only improvements that enhance the Open Space Component as a preserved area with Revolutionary War significance as more fully set forth in the Millstone Borough Master Plan shall be permitted.
- (3) A building may be erected or used, and a lot may be used or occupied, in the Open Space Component for any of the following purposes and no other, except as hereinafter set forth subject to all pertinent area and special requirements of this district.
 - (a) Educational and historic interpretative uses such as walking trails, archeological sites under the direction of the National Park Service or a similar entity, and interpretative signs intended to foster greater understanding of the historical aspects of the Open Space Component.
 - (b) Agricultural uses
 - (c) Conservation uses such as meadows, and forest management
 - (d) Uses customarily incidental to and landscaping for such educational uses as would be found in a heritage park.
 - (e) Buffer screening meeting the standards set forth in Subsection B(5)(b)[1].
 - (f) Storm water management facilities (i.e., basins, swales, etc.) and underground utilities located within the area in which the existing County detention basin is located south of C.R. 514, provided that above-ground facilities are designed and planted in a manner to blend into the natural character of the landscape and do not appear as engineered structures. Any detention facility located north of C.R. 514 and west of Somerset Courthouse Road shall be located underground so that it is not visible. No stormwater management facilities shall be located north of C.R. 514 and east of Somerset Courthouse Road.
 - (g) Underground utilities, provided that the land disturbed therefor is restored to its natural state.
 - (h) Temporary construction activities and the short term disposition of soil, provided that land disturbed therefor is restored to its natural state.
 - (i) Prohibited uses. Passive and active recreational uses, it being the intent of this District that the Open Space Component be preserved in its natural state with such

landscaping enhancements as are permitted by the Planning Board and with the only development being that which enhances the quality of the Open Space Component as a preserved area with Revolutionary War significance as more fully set forth in the Millstone Borough Master Plan.

(4) The Residential Component and the Mixed Use Component shall be completely screened so that they are not visible from the Open Space Component.

(5) The developer shall be responsible for maintaining the established trees and shrubs currently located between the Residential Component and C.R. 514. The Planning Board may request additional landscaping to enhance the existing natural vegetation to preserve a complete vegetated screen between the new development and C.R.514.

(6) The developer shall undertake an archeological dig using a protocol acceptable to the Borough Planner prior to the disturbance of any land other than plantings and borders and shall thereafter restore the disturbed areas to their natural state.

E. AFFORDABLE HOUSING.

(1) The applicant shall provide in the Mixed Use or Residential Components family rental affordable units meeting all the standards of the New Jersey Council on Affordable Housing and satisfying the growth share attributable to the Mixed Use Mandatory Cluster.

2. The Zoning Map attached hereto is hereby adopted.

3. This Ordinance shall take effect upon its filing with the Somerset County Planning Board and its passage and publication, as provided for by law.

I, Gregory J. Bonin, Borough Clerk of the Borough of Millstone, in the County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an ordinance adopted by the Millstone Borough Council during their meeting held on October 15, 2007.



Gregory J. Bonin, Millstone Borough Clerk