

ORDINANCE No. 2009 –011

AN ORDINANCE AMENDING THE DEVELOPMENT ORDINANCE OF THE BOROUGH OF MILLSTONE, SOMERSET COUNTY, NJ BY ADDING TRADITIONAL NEIGHBORHOOD DEVELOPMENT

BE IT ORDAINED by the Borough Council of the Borough of Millstone, Somerset County, New Jersey that the Development Ordinance of the Borough of Millstone is hereby amended as follows:

SECTION ONE: Amend ARTICLE II ZONING, Section D-104, CLASSES OF ZONING DISTRICTS, as follows:

For the purposes of this Ordinance, the Borough of Millstone in the County of Somerset, State of New Jersey is hereby divided into ten (10) classes of zoning districts as follows: Traditional Village Commercial, Residential R-20, Residential 1, Residential 2, Residential R-8, Traditional Neighborhood Development, Mixed Use Mandatory Cluster Rural Agricultural, Institutional, and Park Districts.

SECTION TWO: After ARTICLE II ZONING, Section D-112.b add the following NEW subsection:

D-112c Traditional Neighborhood Development

- A. The R-2 District standards per Section D-108, herein, shall continue to apply within the TND District as an alternative to the regulations set forth below.
- B. A planned traditional neighborhood development shall be allowed as provided for herein, subject to a demonstration by the applicant that the following provisions have been met to the satisfaction of the Planning Board. Any traditional neighborhood development application for this district shall be for the entire district.
- C. Purpose. The purpose and intent of this District is:
 - (1) To provide for a traditional neighborhood with green spaces in a compact arrangement that promotes walkability.
 - (2) To encourage new development which emulates the character found in the older and historic sections of the Borough of Millstone in accordance with the terms of this Ordinance.
 - (3) To promote a streetscape quality in neighborhoods that furthers the identity of the Borough of Millstone as a charming habitat in the historic Somerset County area in accordance with the terms of this Ordinance.

(4) To provide inclusionary development.

D. Key design elements.

- (1) Unlike conventional suburban development patterns (with separated land uses, deep setbacks, no on-street parking, cul-de-sac and no sidewalks), traditional neighborhoods shall promote a more compact, integrated and sustainable development pattern and shall have the following key design elements:
 - (a) Park and open space land - creates the green, square or park to help anchor the neighborhood; a system of green spaces distributed within the neighborhood; includes a green edge of open space to help shape the neighborhoods.
 - (b) Network system of interconnecting streets – organizes a block pattern of lots; links to pedestrian systems; streets and streetscapes delineate outdoor public spaces.
 - (c) 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.
 - (d) Shallow setbacks - help 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; promote a human scale relationship for the pedestrian as part of the public realm; buildings placed at a build-to line create a street wall.
 - (e) 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.
 - (f) Sidewalks/crosswalks/pedestrian paths/walkways - serve to link uses, buildings and lots together; accommodates a healthy pedestrian circulation network; provide close to home opportunities for exercise; enhance way finding and an appreciation of the neighborhood/place.
 - (g) 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.
 - (h) Other vertical infrastructure – includes fences, hedges, walls, or like features creating a separation of the back yard from public spaces and other residential yards.
 - (i) Public open spaces shall include benches where deemed appropriate.

- (j) Affordable Housing set-aside – The applicant shall provide affordable housing units, which may include group home bedrooms, meeting all of the requirements of the Council on Affordable Housing (COAH) equivalent to 20% (twenty percent) or more of the total number of dwelling units, including group home bedrooms, developed, but no less than 27 (twenty-seven) credits, including bonus credits. The affordable units are not subject to D-112c - E (3) below. The developer may, at its option, provide age restricted affordable units in accordance therewith and in accordance with subsection (n) and Section F below.
- (k) Building Materials – Roofing may be fiberglass architectural shingles that represent slates or wood, artificial slate or shakes, wood shakes, or metal. GAF Timberline dimensional shakes may be acceptable. Siding may be a combination of brick, architectural or real stone, stucco, and concrete, wood or vinyl siding. EIFS (exterior insulation finishing systems, such as Dryvit) is prohibited.
- (l) There shall be a variety of building heights within the development.
- (m) For the purposes of this district, a Manor Home shall be a single building with either four or six attached dwellings that is intended to appear from the outside as if it were a single-family detached dwelling. Access to the individual units shall be from all four sides of the building so that each façade shall appear to be a front of the building.
- (n) Unit Placement: Two options are permitted:
 - (i) Per Option 1, Two single-family detached dwellings three or four manor homes fourteen dwelling units, which shall take access off of Amwell Road. The remaining dwellings consisting of single-family detached and two-family dwellings shall take access from Amsterdam Road; or
 - (ii) Per Option 2, Fourteen group home bedrooms, two family affordable rental units in a two-family house and two single-family detached dwellings, which shall take access off of Amwell Road. The remaining dwellings consisting of single-family detached and two-family dwellings shall take access from Amsterdam Road.

E. Use and building type regulations.

- (1) Buildings in a traditional neighborhood shall have a size, height, scale and proportion that are compatible with traditional Millstone residential buildings.
- (2) Regardless whether fee-simple lots or some form of common ownership is to be used, when Traditional Neighborhood Developments are first created, the proposed

lots shall be laid out and designated as either residential or green space. Residential lots shall be further categorized as either single-family dwelling, or two-family dwelling. All lots shall be laid out so that the dimensional, coverage and all other requirements specified in this subsection shall be satisfied. However, the actual lot lines do not need to be legally established. Any future development on an individual lot, regardless whether or not it has been legally established, shall conform to this initial use designation for that particular lot.

- (3) The following uses shall be permitted by right.
 - (a) Single-family dwelling, and two-family dwelling types, as set forth and described in Subsection D-112c - F, herein. At least eighty (80%) percent of all such dwelling units shall be age-restricted to permanent residents 55 years of age or older, with the following exceptions.
 - (i) 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.
 - (ii) Emancipated children (as defined under New Jersey law) residing with their parents or parent where one of the parents with whom the child or children are residing is 55 years of age or older.
 - (iii) One adult 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.
 - (iv) Up to 20% of the units need not be age-restricted, provided that no unemancipated children live in such units.
 - (b) Manor homes with a maximum of six attached dwelling units, which are not age restricted.
 - (c) Affordable housing including group homes, provided an agreement is entered into with the Borough. Each group home, for the purposes of this district, shall be calculated as 1 dwelling unit with no more than 3 bedrooms, except as provided in Section D – 112c. - D. 1 (j) herein.
 - (d) Group homes in three-unit buildings.
 - (e) Recreational amenities may be provided within the park and open space for the residential development. A community center building may be permitted within the open space. All applicable parking for residential amenities and/or a community center may be on-street or perpendicular parking from the street.
 - (f) Home occupation
- (4) The following uses shall be permitted as accessory uses:
 - (a) Storage sheds are not permitted.

- (b) Hot tubs may be permitted provided that they are placed no closer than ten feet to an adjacent property line and shall be located rear of the front façade of the principal building.
 - (c) Swimming pools may be permitted provided that they are placed no closer than ten feet to an adjacent property line and shall be located rear of the front façade of the principal building.
 - (d) Fences or walls may be permitted provided that the good side faces out and that no fence shall exceed 36 inches in height within the area of the front yard or 72 inches in height within the remainder of the rear or side yards. All other provision of D-115. c shall apply.
- (5) All dwellings shown on the initial approved plan shall not be converted to nonresidential use.

F. Residential Density unit composition and density/intensity unit composition.

- (1) There are two development options as follows:
- (a) Option One: Three or four manor homes with a maximum of six attached dwelling units each and a total of fourteen units, all of which shall be affordable family rentals; plus ninety-four (94) single-family detached dwelling units. Six of the age-restricted units shall be affordable units; or
 - (b) Option Two: Fourteen group home bedrooms plus one two-family house with two family affordable rental units and ninety-four (94) single-family detached dwelling units. Four of the age-restricted units shall be affordable units. (Note: For the purposes of calculating density for this district each group home bedroom shall be calculated as if it were one dwelling unit).

(2) Density /intensity.

- (a) Two development options are permitted. The following densities shall apply to each option:

The density for residential dwelling units shall not exceed a density of 2.75 dwelling units per gross acre, calculated over the entire tract acreage zoned TND for a maximum total of 106 dwelling units. (Note: For the purposes of this calculation a group home bedroom is equal to one dwelling unit.)

G. Detail design standards.

- (1) Green space requirements.

- (a) Within the traditional neighborhood, a variety of green spaces shall be designed to complement the residential development. A minimum of 25% of the total site area shall be designated as open space. It shall be either landscaped or maintained in its natural state, landscaped and maintained as common open space. Parking to serve a community building may be included within the green space calculation.
 - (b) Green space shall consist of the form of a park, which may include a community building with a pool, common green surrounded by roads, playfield, playground, buffer or approved landscaped area.
 - (c) Green space shall be maintained in a form that is acceptable to the Planning Board. All green space shall be subject to a declaration of covenants, easements and restrictions in a form that is acceptable to the Planning Board Attorney. All green space and community buildings shall be maintained by an Association.
 - (d) Storm water management facilities (i.e. basins, swales, etc., designed as natural features) ,and underground utilities may be located within the green space.
- (2) Streets and access ways.
- (a) Streets and access ways within the development shall form an interconnected vehicular circulation network to the maximum extent practicable.
 - (b) Vehicular access to all of the age restricted dwellings within the TND District shall be from Amsterdam Road located within Hillsborough Township and not from within the Borough. All units located north of the stream, shall have vehicular access from Amwell Road.
 - (c) All streets shall be special purpose streets with a right-of -way of fifty feet in width.
 - (d) Streets shall conform with 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 shall be 30 feet in width (with one fourteen foot travel lane and two eight foot wide parking aisles).
 - (e) 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.
 - (f) All streets shall have Belgian block curbing.
- (3) Curb cuts, driveways and garages.

- (a) Garages, driveways and/or parking lots shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street.
 - (b) 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 are accessed by such front facing garages. The remaining garages shall be accessed at the rear of the lot with garage doors facing the side or rear property line.
 - (c) For garages that take access from the rear of the lot, the garage shall be set back at least five feet from the rear property line, zero feet from the side property line.
 - (d) Garages for residential dwelling units shall meet one of the following design options, listed in the order of preference for the traditional neighborhood:
 - (i) 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.
 - (ii) When the garage is front-entry from the street on which the front building façade is facing, it shall be recessed at least 25 feet back from the front facade of the building (excluding any porches or decks). A garage door facing a street shall not exceed an opening width of 10 feet per garage bay. 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.
- (4) Sidewalks and Pathways.
- (a) Sidewalks of at least four (4) feet in width shall be constructed and maintained along both sides of the main access road. All loop roads will have sidewalks located on the residential side of the street only .
- (5) Street trees, lighting, and other landscaping.
- (a) Street trees shall be planted on the equivalent of one tree per 35 ft. on each side of the street. All street trees shall be planted outside of the right-of-way within a five foot street tree landscape easement located adjacent to the edge of the right-of-way. Trees shall be not less than 3 inches in caliper measured 6 inches above ground.
 - (b) Each unit shall have a post light adjacent the sidewalk. Such lighting shall be approved by the Planning Board and the Borough Planner.

- (c) At all intersections ornamental street post lights shall be placed subject to review by the Planning Board. Street lights may be one of those offered by PSE&G, which is the local utility company responsible for installation and maintenance of lights.
 - (d) Other landscaping in the form of perimeter buffers to adjacent properties, if needed, foundation plantings, and fencing, are essential to a traditional neighborhood and shall be included in the plan submission and be subject to plan approval by the Planning Board. All buffers shall be an evergreen screen that shall provide a complete screen within five years. Attached to this Ordinance is a typical buffer planting standard to meet the side yard buffer requirements.
- (6) Buildings and neighborhood design.
- (a) The design of the individual residences shall meet the standards for traditional neighborhood design, as set forth in Subsections D-112c - D (e), (k) & (l). No principal building shall include a flat roof. Significant roof pitches and variations in roof lines are required.
 - (b) A minimum of 40% of the principal residential buildings shall include 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.

H. Dimensional requirements.

(1) Streetscape.

- (a) 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.
 - (i) Where blocks are created with buildings close to the street and sidewalk, the streetscape width shall be in the range from 70 feet to 75 feet for residential building streetscapes.
 - (ii) Where buildings parallel or encircle a green space, the streetscape width may be wider as a function of the width of an approved green space.

(2) Front setback for principal buildings and garages.

- (a) Front yard from an interior street right-of-way or fronting green space: 10 feet minimum; 25 feet maximum.
- (b) Front porches may encroach upon the setback up to 50% of porch depth.

- (c) Garages shall be twenty-five feet back from the building façade or twenty feet back from the side property line per Subsection D-112c - G (3)(d)(ii).
 - (d) Units may front on open space rather than a public road, as long as there is a connecting sidewalk.
- (3) Side yards for principal buildings and garages.
- (a) Single-family dwelling: Five feet minimum
 - (b) Two-family dwelling: Five feet one side, zero feet one side.
 - (c) Group Home or Manor home: Five feet minimum, except when bordering a single-family detached dwelling, the side yard shall be 50 feet.
 - (d) Detached garages: zero feet. Attached garages: five feet.
- (4) Rear yards for principal buildings and garages.
- (a) Twenty -five feet minimum yard setback for the principal building.
 - (b) Five feet minimum building setback for a garage.
- (5) Minimum Lot Size: Single--and two-family dwellings or Group Home.
- (a) Single-family detached dwelling
 - (i) Minimum lot area: 6,000 square feet,
 - (ii) Minimum lot width at the minimum building setback line: 60 feet.
 - (iii) In the case where individual lots are not created, such as condominium development, an equivalent lot area and lot width shall be created.
 - (b) Two-family dwelling
 - (i) Minimum lot area: 4,500 square feet.
 - (ii) Minimum lot width: 45 feet.
 - (iii) In the case where individual lots are not created, such as condominium development, an equivalent lot area and lot width shall be created.
 - (c) Group Home or Manor Home
 - (i) Minimum lot area: 1 acre .

- (ii) Minimum lot width: 80 feet.
 - (iii) In the case where individual lots are not created, such as condominium development, an equivalent lot area and lot width shall be created.
- (6) Building coverage.
 - (a) Maximum building coverage for the district: 35%.
- (7) Impervious surface coverage.
 - (a) Maximum impervious surface coverage for the district: 60%.
- (8) Maximum building heights.
 - (a) Thirty-five feet or 2 1/2 stories, whichever is less.

I. Other requirements.

- (1) All buildings with lots that are less than one acre within the development shall be served by public water supply and a public centralized sewage disposal system.
- (2) All public utility lines and similar facilities servicing the proposed development and its area shall be installed underground.
- (3) All utilities shall be placed within the right-of-way where they will not interfere with the placement of street trees or landscaping on the individual lots, except for where sidewalk locations and utility requirements preclude this from occurring.
- (4) 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 plan.
- (5) All streets, whether public or private, shall have a right-of-way.

SECTION THREE. New Zoning Map

The Zoning Map for the Borough of Millstone is hereby amended in the manner set forth in the map attached hereto. The following tax parcels formerly know as: or portions thereof shall be rezoned to TND District: Block 8-lot 1, Block 8-lot 3a, Block 8 Lot 2, and the remaining lands of Block 8 Lot 8 for a total of 38.5833 acres. (Note: These above parcels have recently been reconfigured to become Block 8 Lot 1 for the combined total area of 38.5833 acres.)

SECTION FOUR. Effective Date

This Ordinance shall take effect upon formal adoption by the Borough Council of the Borough of Millstone and the subsequent filing of a certified copy thereof with the Somerset County Planning Board in accordance with C.40:55D-16 of the NJ Municipal Land Use 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 Borough Council of the Borough of Millstone during their regular meeting of November 16, 2009.

A handwritten signature in black ink, appearing to read 'G. J. Bonin', with a stylized flourish at the end.

Gregory J. Bonin, Millstone Borough Clerk