

ORDINANCE NO. 22-05  
INTRODUCTION DATE: 03-16-2022  
ADOPTION DATE: 04-20-2022

AN ORDINANCE AMENDING CHAPTER 35 (LAND USE AND DEVELOPMENT),  
ARTICLE 5 (ZONING DISTRICT REGULATIONS) OF THE REVISED GENERAL CODE  
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, State of New Jersey that the following additions and deletions are adopted:

**I**

Chapter 35, Land Use and Development, Article 5 Zoning District Regulations Section 5-13.4 is deleted and replaced with the following:

**5-13.4 Schedule of Area, Yard and Building Requirements.**

The following restrictions shall apply to all uses in this zone unless specified otherwise herein:

- a. All restrictions as set forth in the Schedule of Area, Yard and Building Requirements of this Chapter, and as specifically detailed below:

Minimum Lot Area	130,000 square feet
Minimum Lot Width/Frontage	250 feet
Minimum Front Yard Setback	100 feet
Minimum Side Yard Setback	50 feet
Combined Side Yard Setback	125 feet
Minimum Rear Yard Setback	100 feet
Maximum Height	30 ft./2 stories
Maximum Percent Lot Coverage	50 Percent
Maximum Percent Building Coverage	30 Percent
Maximum Useable Floor Area Ratio	
(For warehouse buildings)	0.25
Maximum Useable Floor Area Ratio	
(For other buildings)	0.2

Minimum Accessory Side Yard Setback	40 feet
Minimum Accessory Rear Yard Setback	75 feet

- b. The minimum building setback to a residential use or residential zone shall be 300 feet.
- c. New non-residential uses in the BP Zone shall provide a minimum seventy-five (75) foot planted buffer (as defined in this Chapter) adjacent to any existing residence or residential zone provided that natural vegetation which provides a visual screen may be used in lieu of a planted buffer upon review and acceptance by the approving authority.
- d. Buildable Lot Area and Maximum Tract Yield:

Definitions

Buildable Lot Area – The area of any lot exclusive of wetlands, wetland transitional buffers, one-hundred-year floodplains, topographic slopes 15% or greater, waterways, and stream corridor buffers required by the Delaware & Raritan Canal Commission, Millstone Township, Monmouth County and/or by the State of New Jersey, collectively referred to as “critical areas.”

Maximum Tract Yield – The maximum permitted intensity of development (i.e. lot/building coverage and FAR) after accounting for buildable lot area.

Useable Floor Area Ratio – The sum of the area of all floors of buildings or structures compared to the buildable lot area that is the subject of an application for development.

Standards

- A. All applications for site plans, subdivisions, and planned development shall comply with the following requirements:
  - (1) Each application shall utilize the below section to compute the buildable lot area, i.e. the total area of a tract that is suitable for development after subtracting identified critical areas, and to determine the maximum tract yield.
  - (2) On-site critical areas shall be identified, mapped, and submitted as part of the application.
  - (3) Maximum lot coverage, maximum building coverage, and maximum useable floor area ratio shall be calculated in reference to the buildable lot area rather than the gross area of the tract. These resulting calculations are considered the maximum tract yield.
    - (a) The below chart shall be prepared by the applicant and submitted along with the identified and mapped Critical Areas.

	<b>Calculation</b>
1. Gross Area of Tract:	
2. Critical Areas acreage:	
3. Buildable Area (Line 1 less Line 2):	
4. Maximum allowable impervious coverage in zone:	
5. Maximum square feet of impervious coverage (Line 3 multiplied by Line 4):	
6. Maximum allowable building coverage in zone:	
7. Maximum square feet of building coverage (Line 3 multiplied by Line 6):	
8. Maximum Useable Floor Area Ratio in Zone:	
9. Calculated Useable Floor Area (Line 3 multiplied by Line 8)	

- e. Pursuant to Article 4, § 35-4-1.6, municipally sponsored affordable housing construction is a permitted use in all zoning districts in the Township. The following Schedule of Area, Yard and Building Requirements shall apply to the development of municipally sponsored affordable construction in the BP Zone District:  
[Added 3-18-2020 by Ord. No. 20-05]

**Single-family detached development**

Minimum Lot Area	6,000 square feet
Minimum Lot Width/Frontage	50 feet
Principal Building Setbacks	
Front	35 feet
Rear	20 feet
Each Side	10 feet
Total Sides	20 feet
Accessory Building Setbacks	
Minimum Side Yard Setback	5 feet
Minimum Side Yard Setback	5 feet
Maximum Lot Coverage	50%
Maximum Building Coverage	25%
Maximum Height	

Feet	30
Stories	2
<b>Multifamily development</b>	
Minimum Lot Area	30,000 square feet
Minimum Lot Width/Frontage	75 feet
Principal Building Setbacks	
Front	50
Rear	20
Each Side	10
Total Sides	20
Accessory Building Setbacks	
Side	5
Rear	5
Maximum Lot Coverage	50%
Maximum Building Coverage	30%
Maximum Height	
Feet	30
Stories	2

## II

Chapter 35, Land Use and Development, Article 5 Zoning District Regulations Section 5-15.4 c. is revised to delete:

“Maximum Building Floor Area Ratio (for warehouse buildings)	0.25
Maximum Building Floor Area Ratio (for other buildings)”	0.20

The foregoing is replaced with:

“Maximum Building Useable Floor Area Ratio (for warehouse buildings)	0.25
Maximum Building Useable Floor Area Ratio (for other buildings)	0.20

Chapter 35, Land Use and Development, Article 5 Zoning District Regulations Section 5-15.4 is revised to add the following:

**f. Buildable Lot Area and Maximum Tract Yield:**

Definitions

**Buildable Lot Area** – The area of any lot exclusive of wetlands, wetland transitional buffers, one-hundred-year floodplains, topographic slopes 15% or greater, waterways, and stream corridor buffers required by the Delaware & Raritan Canal Commission, Millstone Township, Monmouth County and/or by the State of New Jersey, collectively referred to as “critical areas.”

**Maximum Tract Yield** – The maximum permitted intensity of development (i.e. lot/building coverage and FAR) after accounting for buildable lot area.

**Useable Floor Area Ratio** – The sum of the area of all floors of buildings or structures compared to the buildable lot area that is the subject of an application for development.

Standards

A. All applications for site plans, subdivisions, and planned development shall comply with the following requirements:

- (1) Each application shall utilize the below section to compute the buildable lot area, i.e. the total area of a tract that is suitable for development after subtracting identified Critical Areas, and to determine the maximum tract yield.
- (2) On-site Critical Areas shall be identified, mapped, and submitted as part of the application.
- (3) Maximum lot coverage, maximum building coverage, and maximum useable floor area ratio shall be calculated in reference to the buildable lot area rather than the gross area of the tract. These resulting calculations are considered the maximum tract yield.
  - (a) The below chart shall be prepared by the applicant and submitted along with the identified and mapped Critical Areas.

	<b>Calculation</b>
1. Gross Area of Tract:	
2. Critical Areas acreage:	
3. Buildable Area (Line 1 less Line 2):	
4. Maximum allowable impervious coverage in zone:	
5. Maximum square feet of impervious coverage (Line 3 multiplied by Line 4):	
6. Maximum allowable building coverage in zone:	

7. Maximum square feet of building coverage (Line 3 multiplied by Line 6):	
8. Maximum Useable Floor Area Ratio in Zone:	
9. Calculated Useable Floor Area (Line 3 multiplied by Line 8)	

### III

Chapter 35, Land Use and Development, Article 5 Zoning District Regulations Section 5-15.5 is deleted and replaced with the following:

#### **5-15.5 Schedule of Area, Yard and Building Requirements.**

The following requirements shall apply to development of lots not part of a planned commercial development, including farms and agricultural uses. Lots and principal and accessory uses, which are part of a planned commercial development shall meet the requirements specified in subsection 5-15.4 hereinabove

Minimum Lot Area	20 acres
Minimum Lot Width/Frontage	800 feet
Minimum Lot Depth	450 feet
Minimum Front Yard Setback	100 feet
Minimum Side Yard Setback	50 feet
Combined Side Yard Setback	125 feet
Minimum Rear Yard Setback	100 feet
Maximum Height	30 ft./2 stories
Maximum Percent Lot Coverage	50 Percent
Maximum Percent Building Coverage	15 Percent
Maximum Useable Floor Area Ratio	0.15
Minimum Accessory Side Yard Setback	50 feet
Minimum Accessory Rear Yard Setback	75 feet

#### **a. Buildable Lot Area and Maximum Tract Yield:**

##### Definitions

Buildable Lot Area – The area of any lot exclusive of wetlands, wetland transitional buffers, one-hundred-year floodplains, topographic slopes 15% or greater, waterways, and stream corridor

buffers required by the Delaware & Raritan Canal Commission, Millstone Township, Monmouth County and/or by the State of New Jersey, collectively referred to as “critical areas.”

Maximum Tract Yield – The maximum permitted intensity of development (i.e. lot/building coverage and FAR) after accounting for buildable lot area.

Useable Floor Area Ratio – The sum of the area of all floors of buildings or structures compared to the buildable lot area that is the subject of an application for development.

Standards

B. All applications for site plans, subdivisions, and planned development shall comply with the following requirements:

- (1) Each application shall utilize the below section to compute the buildable lot area, i.e. the total area of a tract that is suitable for development after subtracting identified Critical Areas, and to determine the maximum tract yield.
- (2) On-site Critical Areas shall be identified, mapped, and submitted as part of the application.
- (3) Maximum lot coverage, maximum building coverage, and maximum useable floor area ratio shall be calculated in reference to the buildable lot area rather than the gross area of the tract. These resulting calculations are considered the maximum tract yield.
  - (a) The below chart shall be prepared by the applicant and submitted along with the identified and mapped Critical Areas.

	<b>Calculation</b>
1. Gross Area of Tract:	
2. Critical Areas acreage:	
3. Buildable Area (Line 1 less Line 2):	
4. Maximum allowable impervious coverage in zone:	
5. Maximum square feet of impervious coverage (Line 3 multiplied by Line 4):	
6. Maximum allowable building coverage in zone:	
7. Maximum square feet of building coverage (Line 3 multiplied by Line 6):	
8. Maximum Useable Floor Area Ratio in Zone:	
9. Calculated Useable Floor Area (Line 3 multiplied by Line 8)	

#### IV

All Ordinances and parts of Ordinances inconsistent herewith are repealed.

#### V

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.

#### VI

The Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.

**EXPLANATORY STATEMENT:** This Ordinance revision provides for amendments to the BP and PCD zones to provide additional controls to reduce the impacts of commercial development.