

TOWNSHIP OF MILLSTONE

ORDINANCE NO. 20-04
INTRODUCTION DATE: 02-19-2020
ADOPTION DATE: 03-18-2020

ORDINANCE AMENDING CHAPTER XXXV (LAND USE AND DEVELOPMENT REGULATIONS), ARTICLE 5, SECTIONS 5-2 AND 5-3.1 ADDING THE R-MF MULTI-FAMILY ZONE DISTRICT TO THOSE SECTIONS AND THE SCHEDULE OF AREA, YARD AND BUILDING REQUIREMENTS (SECTION 5-5) AND CREATING NEW SECTION 5-17 OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF MILLSTONE, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

BE IT ORDAINED by the Township Committee of the Township of Millstone, County of Monmouth, State of New Jersey as follows:

CHAPTER XXXV, Land Use and Development Regulations, Article 5, is revised as follows:

The following is added to Section 5-2:

5-2 DESIGNATION OF ZONING DISTRICTS.

“R-MF Rural Multi-Family Zone”

The following is added to Section 5-3.1:

5-3.1 ZONING MAP ADOPTED.

The “Zoning Map, Millstone Township” shall be revised to include the R-MF Rural Multi-Family Zone district which shall consist of Block 11, Lot 19 and Block 9, Lot 7, as shown on the Official Tax Map of the Township of Millstone.

The following new Section is added to Article 5:

5-17 R-MF MULTI-FAMILY ZONE DISTRICT.

Purpose: The R-MF zone district is designed to provide an opportunity for the construction of affordable housing through inclusionary development in order to assist the municipality in meeting its obligation to provide its fair share of the regional need for housing affordable to very low, low and moderate income households. The property included in this zone was previously zoned RU-P RURAL PRESERVATION ZONE. This new zone permits residential use in townhomes and multi-family buildings to allow development of an inclusionary project of 242 total units of which 20% shall be set aside as affordable rental units. The developer may choose to produce less than one hundred ninety-four (194) market rate units but shall produce a minimum of 48 affordable

units. Nothing herein may be construed to limit developer's ability to construct all 242 units.

5-17.1 Permitted Principal & Accessory Uses

- A. The following uses are permitted as a matter of right in this zone:
1. Residential dwellings. Up to 242 total units of which 20% shall be set aside as affordable family rental units for occupancy by very low, low, and moderate income households. The income distribution of the affordable units shall comply with Sec. 5-17.2(B). Market rate units may be in both townhomes and multi-family buildings, and affordable units shall be provided in multi-family buildings.
 2. Private and/or public utilities, including but not limited to stormwater management basins and facilities, package plant for sewer treatment, pumps, pump stations, facilities for well water service storage and treatment, hot box, and buildings and structures for such utilities. Potable water and wastewater management shall be maintained on property within the zoning district, and shall not be provided through the extension of public water or sewer.
 3. Multiple principal uses are permitted on a property.
- B. The following uses are accessory uses in this zone:
- (1) Off-street parking facilities and surface parking areas.
 - (2) Common facilities and amenities including: tot lots, clubhouse with a fitness center and reception facilities, swimming pools, hot tubs, grilling stations and other on-site recreational areas and facilities, common walkways, gazebos, sitting areas, picnic areas and gardens, enclosed dog park/run area, and other similar accessory uses for the benefit of the residents. The land use ordinances recreational facilities requirements of Sec. 4-15 shall not apply in the zone.
 - (3) Fences and walls.
 - (4) Maintenance buildings up to 30 ft. in height. Such buildings shall be properly buffered and shall be architecturally compatible with residential structures.
 - (5) Utilities including those enumerated in section A.2. herein.
 - (6) Satellite dishes, antennae and solar energy panels, roof mounted and at ground level.
 - (7) Bike racks.
 - (8) Trash and recycling enclosures.

- (9) Signs.
- (10) Other uses which are customarily incidental to a permitted principal use.
- (11) Temporary construction trailers and sales trailers.
- (12) Emergency generators.

5-17.2 Inclusionary Development.

- A. Inclusionary residential development shall include a 20% set-aside of affordable family rental units provided in multi-family buildings with no more than 27 units in any one multi-family building. The multi-family buildings may be located adjacent to one another, and on a separate tax lot created by subdivision for the ownership and management of the affordable units. Such lot shall be improved with affordable units and shall meet the bulk standards set forth herein at Section 5-17.3. C.
- B. Very low, low and moderate-income housing shall be constructed in accordance with the Council on Affordable Housing rules at N.J.A.C. 5:93-1 et. seq. and the Uniform Housing Affordability Controls (“UHAC”) at N.J.A.C. 5:80-23.1 et. seq. including standards for the split between very low, low and moderate-income housing, provided a minimum of 13% of the affordable units are very low income and 37% of the affordable units are low income units with up to 50% of the units allowed at moderate income; bedroom distribution, range of affordability; pricing of units; affirmative marketing; 30-year minimum affordability controls; and construction phasing with the market rate units developed on the tract in accordance with N.J.A.C. 5:93-5.6(d).

5-17.3 Area, Yard and Building Requirements

A. OVERALL DEVELOPMENT TRACT

Maximum Lot Coverage (%) ¹	50%
Maximum Building Coverage (%) ²	25%

B. FOR TOWNHOUSE & UTILITIES STRUCTURES

Minimum Lot Area	7 Acres
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¹ Maximum lot coverage is calculated using the gross acreage of the predevelopment tract or tracts including wetlands. Detention basins, wetponds, and open waters are not impervious.

² Maximum building coverage is calculated using the gross acreage of the predevelopment tract or tracts including wetlands.

Minimum Lot Width/Frontage	300 ft.
Minimum Lot Depth	300 ft.
Townhome Building Setbacks	
Front Yard (from Perrineville Rd.) ³	50 ft.
Rear Yard	30ft.
Each Side Yard	25 ft.
Total Side Yard	60 ft.
From Lot 19.01 and Lot 20, Block 11	40 ft.
From internal road/drive aisle	
Two-Way	24ft.
One-Way	15 ft.
Building to Building Setbacks for Townhome Buildings	
Side to Side	15 ft.
Back to Back	30 ft.
Maximum units per townhouse building	10
Water/Sewer Utilities Building Setbacks	
Front Yard (from Perrineville Rd.)	50 ft.
Side	25ft.
Rear	25 ft.
Parking Area Setbacks	
From Perrineville Road	50 ft.
From Side or Rear Boundary	10 ft.
From Principal Building	5 ft.

³ Balconies, patios, and decks may encroach up to six (6) feet into the front yard.

Parking is permitted in all yards

Building Height

Maximum Height Townhome Building

Feet	35 ft.
Stories	2.5 Stories

Maximum Height Water/Sewer Utilities Buildings

Feet	30 ft.
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C. MULTI-FAMILY BUILDINGS

Minimum Lot Area	2 Acres
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Multi-family Building Setbacks

Front Yard (from Perrineville Rd.)*	200 ft.
Rear Yard*	30 ft.
Side Yard*	25 ft.
From Lot 19.01 and Lot 20, Block 11	55 ft.
From internal road/drive aisle	
Two-Way	24 ft.
One-Way	15 ft.

Building to Building Setbacks	20 ft.
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Maximum units per multi-family building	27
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Parking Area Setbacks

From Perrineville Road*	50 ft.
From Side or Rear Boundary*	10 ft.
From Principal Building	5 ft.

Parking is permitted in all yards

Building Height

Affordable Units

Feet	45 ft.
Stories	3.5 Stories

Market Units

Feet	35 ft.
Stories	2.5 Stories

* Calculated from the boundary of Block 11, Lot 19.

5-17.4 Design Standards

- A. Solid waste and recycling areas. Solid waste and recycling areas shall not be located within the front yard (Perrineville Road) setback. However they may be located within all other setback areas provided that any area shall be screened from view by a six (6) foot solid PVC or chain link fence with vinyl strips, and have gated access. There is no setback requirement from parking areas. Refuse and recycling areas shall be designed to appropriately contain all refuse generated on site. There shall be clear and unobstructed access to all refuse and recycling areas for collection vehicles.
- B. The townhomes and multi-family buildings may be oriented so that the rear elevation faces the Perrineville Road frontage, and such townhome buildings shall be architecturally designed to provide an aesthetically pleasing rear elevation view with compatible design and materials to the front elevation.
- C. Site lighting. The arrangement of exterior lighting shall adequately and safely illuminate parking areas, internal roadways, and walkways. Exterior lighting shall be properly shielded and shall not create excessive glare or light levels or direct light onto neighboring off-site buildings or properties. Light poles shall not exceed 18 feet in height.
- D. Landscape Buffer. A 20 ft. wide landscaped buffer to a residential building shall be provided within, or behind, a required setback to Perrineville Road and along lot lines adjacent to existing residential uses. The required landscaped buffer may be provided at grade or on a berm. Fencing with a height of up to 6 feet is permitted behind a landscape buffer, and within any required setback area to screen principally permitted uses from adjacent properties.

E. Architectural Standards. The following architectural standards shall apply to buildings:

1. For townhomes, a minimum variation of three (3) feet shall be required at the at the front of each individual townhouse unit. This standard shall also apply to the rear of townhouse units facing Perrineville Road.
2. For residential buildings along the Perrineville Road frontage, there shall be equal quality finishes on the front and rear facing facades.
3. Architectural features such as balconies, bay windows, dormers, and varied roof lines should be utilized throughout the development.
4. Facades shall be articulated and incorporate horizontal and vertical variations.
5. Ground mounted HVAC units shall be screened by either evergreen shrubs planted at no less than thirty-six (36) inches in height or solid fencing at thirty-six (36) inches in height.
6. Flood lighting is discouraged and any exterior lighting mounted on townhouses or multi-family buildings shall be shielded and downward facing.

5-17.5 Access, Parking, and Loading Requirements

- A. Up to two site access driveways are permitted for property with frontage on Perrineville Road.
- B. Number of parking spaces. Consistent with the requirements of N.J.A.C. 5:21-1.1 et seq. known as the Residential Site Improvements Standards.
- C. Parking for accessory, clubhouse, and maintenance buildings. 1 space per 1,000 s.f. of floor area.
- D. Parking space dimensions. 9 feet x 18 feet.
- E. No Loading spaces are required.

5-17.6 Sign Requirements

- A. One monument or freestanding development identification sign at each site entrance along Perrineville Road frontage in accordance with the following standards:

- (1) Signs may be non-illuminated, externally or internally illuminated. Any exterior light source shall be properly shielded and not extend beyond the sign face. There shall be no lighting involving motion or changing messages.
 - (2) Signs shall be landscaped and may identify the community project name, developer, and logo.
 - (3) The maximum sign area containing text and logos shall not exceed 35 square feet for each side of the sign if two-sided.
 - (4) The maximum sign height, including the structure and sign area, shall not exceed 8 feet above proposed finished grade.
 - (5) The minimum sign setback shall be 10 feet from the public right-of-way.
- B. One (1) wall mounted building identification sign is permitted for each face of a building abutting an internal roadway or parking area. The wall mounted sign shall have a maximum height of 12 feet from grade and a maximum area of 8 s.f. Wall mounted signs may be externally illuminated.
- C. Ground mounted wayfinding signs internally located at intersections shall be permitted to identify specific locations and/or buildings, areas, or recreational facilities stating the name of the area or facility, as applicable, and no other advertising material. No sign shall exceed 4 square feet in area and 4.5 feet in height.
- D. Street number designation, name plates, lawn signs, postal boxes, on-site directional and parking signs, and signs posting property as "private property," "no hunting," or similar purposes are permitted but shall not exceed an area of two square feet per sign.
- E. Temporary real estate signs, the purpose of which is to advertise availability and/or direct the public to the development, are permitted along the Perrineville Road frontage provided that such signs are located outside of any sight triangle easements, do not interfere with vehicle sight lines. Such signs shall comply with the following requirements:
- (1) There shall be no more than 5 real estate signs and 5 flag signs along Perrineville Road at any one time. Signs shall be located a minimum of two hundred (200) feet from any adjacent residential lots on the same side of Perrineville Road.
 - (2) Signs shall be freestanding and non-illuminated, and may be two sided.

(3) Real estate signs shall not exceed 25 square feet in area, per side, and 8 feet in height above the ground.

(4) Flag signs shall not exceed 60 square feet of area, per side, and shall not exceed 20 feet in height above the ground.

(5) The text per each sign may include the community development name, developer name, logo, and advertising and informational text.

F. Monument and freestanding signs shall be located outside of any sight triangle easements.

5-17.7 Other Standards

A. Phased development is permitted provided the affordable rental units meet the phasing requirements of N.J.A.C. 5:93-5.6(d).

B. Townhouse units may be developed as zero lot line subdivision without additional setback requirements, and without variance relief from any standards that may apply, to permit fee simple ownership of each unit.

C. The requirements of land use ordinance shall be relaxed in order to comply with the purposes N.J.A.C. 5:93-10.1 and N.J.A.C. 5:93-10.2 to reduce or eliminate unnecessary cost generating features, including but not limited to the tree survey, removal, replacement provisions that require excessive landscape, buffering and reforestation requirements, or payment of any tree replacement fee.

D. All setbacks are measured from the right of way line.

EXPLANATORY STATEMENT: This Ordinance revision is designed to implement the provisions of the Settlement Agreement reached between Millstone Township, Fair Share Housing Center and Showplace Farms, LLC and approved by Order of the Superior Court of New Jersey, Monmouth County, Law Division, Docket No. MON-L-2501-15 dated November 12, 2019 resolving the Township of Millstone’s Mount Laurel Declaratory Judgment action to satisfy its Constitutional obligation to provide its fair share of affordable housing.