

**ORDINANCE No. 2011 – 001**

**AN ORDINANCE  
ADOPTING THE MAIN STREET REDEVELOPMENT PLAN AND AMENDING THE  
DEVELOPMENT ORDINANCE OF THE BOROUGH OF MILLSTONE, COUNTY OF  
SOMERSET, STATE OF NEW JERSEY**

**BE IT ORDAINED** by the Mayor and 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:** The Main Street Redevelopment Plan attached hereto as Exhibit A is hereby adopted.

**SECTION TWO:** 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 thirteen (13) classes of zoning districts as follows: Traditional Village Commercial, Residential R-20, Residential 1, Residential 2, Residential R-8, Rural Agricultural, Institutional, Park, Traditional Neighborhood Development, South River Street, North Main Street Residential Receiving, South Main Street-Amwell Road Existing Commercial, and North Main Street-Amwell Road Commercial Districts.

**SECTION THREE:** Amend ARTICLE II, ZONING, by adding a NEW Section D-112.D as follows:

**D-112.D SOUTH RIVER STREET DISTRICT**

**A. PRINCIPAL PERMITTED USES**

Within this district, no building or structure or land shall be used and no building or structure shall be erected for any other than the following specified purposes:

- (1) Single family residential uses in existing structures
- (2) Open space and recreational uses
- (3) Pumping station for public sewer
- (4) Open air market building
- (5) Public bathrooms
- (6) Boat landing along the Millstone River

**B. ACCESSORY USES**

The following shall be permitted as accessory uses:

- (1) Surface parking areas, except for any parcels purchased by the Federal Emergency Management Agency

**C. PERMITTED ACTIVITIES**

(1) Relocation of existing structures to locations within the North Main Street Residential Receiving District, including the conduct of all such studies and analyses as may be required in order to relocate structures of such type, character and designation.

(2) Subdivision of parcels to permit a portion of a parcel to be devoted to open space and/or recreational use while the remainder of the parcel remains in its existing use.

(3) Improvements and modifications to any parcel to be devoted to open space and/or recreational use to the degree such improvements and/or modifications are permitted pursuant to applicable state and Federal laws and regulations.

(4) Subdivision of a parcel for the purposes of constructing a pumping station for future public sewers to serve the Borough.

#### **D. DESIGN REQUIREMENTS**

The design requirements set forth in Section D-115.D shall apply to this district.

**SECTION FOUR:** Amend ARTICLE II, ZONING, by adding a NEW Section D-112.E as follows:

#### **D-112.E NORTH MAIN STREET RESIDENTIAL RECEIVING DISTRICT**

##### **A. PRINCIPAL PERMITTED USES**

Within this district, no building or structure or land shall be used and no building or structure shall be erected for any other than the following specified purposes:

- (1) Single family residential uses

##### **B. ACCESSORY USES**

The following shall be permitted as accessory uses:

- (1) All such uses that are customarily incidental to a residential use, such as an accessory garage, storage shed, fence, swimming pool, terrace, etc.

##### **C. PERMITTED ACTIVITIES**

- (1) Subdivision of the District into a maximum of four tax lots, the minimum of size of any lot created by such sub-division to not be less than one-half of one acre.

- (2) Relocation of existing structures from the South River Street District, including all construction and site improvements as may be necessary to accommodate such relocation.

- (3) Construction of new single family residential dwellings.

##### **D. DESIGN REQUIREMENTS**

The design requirements set forth in Section D-115.D shall apply to this district.

**SECTION FIVE:** Amend ARTICLE II, ZONING, by adding a NEW Section D-112.F as follows:

**D-112.F SOUTH MAIN STREET-AMWELL ROAD EXISTING  
COMMERCIAL DISTRICT**

**A. PRINCIPAL PERMITTED USES**

Within this district, no building or structure or land shall be used and no building or structure shall be erected for any other than the following specified purposes:

- (1) Single family residential uses in existing structures
- (2) Open space and recreational uses
- (3) Pumping station for public sewer
- (4) Open air market building
- (5) Public bathrooms
- (6) Boat landing along the Millstone River

**B. ACCESSORY USES**

The following shall be permitted as accessory uses:

- (1) Surface parking areas, except for any parcels purchased by the Federal Emergency Management Agency
- (2) Uses customarily incidental to the principal permitted uses

**C. PERMITTED ACTIVITIES**

- (1) Merger and subdivision of parcels to permit the District to be developed in the most effective and efficient manner.
- (2) Improvements and modifications to any parcel to be devoted to open space and recreational use to the degree such improvements and modifications are permitted pursuant to applicable state and Federal laws and regulations; and
- (3) Improvements or changes to any existing residential structure as may be necessary to mitigate the risks of damage or loss due to flooding.

**D. DESIGN REQUIREMENTS**

The design requirements set forth in Section D-115.D shall apply to this district.

**SECTION SIX:** Amend ARTICLE II, ZONING, by adding a NEW Section D-112.G as follows:

**D-112.G NORTH MAIN STREET-AMWELL ROAD COMMERCIAL  
DISTRICT**

## **A. PRINCIPAL PERMITTED USES**

Within this district, no building or structure or land shall be used and no building or structure shall be erected for any other than the following specified purposes:

- (1) Commercial uses expressly limited to the following:
  - a. Retail sales and service establishments such as: gift shops, antiques, book stores, newsstands, food markets, bakeries, clothing store, coffee shop, banking institution with no drive-in windows, realtor, travel agent, crafts and similar uses, art gallery, and personal service facilities such as a barber shop, beauty salon, spa, health club, cleaning and garment services.
  - b. Offices, when limited to the second floor and limited to the following uses: investments, architects, engineers, lawyers, realtors, travel agents, or other similar uses.
  - c. Visitors center with an information center, bathrooms and gift store in association with a public park.
  - d. Restaurants, but not including restaurants with drive-thru facilities.
- (2) Residential uses expressly limited to the following:
  - a. Apartments, when limited to the second floor above retail.
  - b. Affordable housing as required by applicable law at the time a development application is duly filed. It shall be the responsibility of the developer to meet all affordable housing obligations relative to the related development on the same site. All affordable housing shall be limited to the second floor above retail.

## **B. ACCESSORY USES**

The following shall be permitted as accessory uses:

- (1) Surface parking areas
- (2) Uses customarily incidental to the principal permitted uses

## **C. PERMITTED ACTIVITIES**

- (1) Merger and subdivision of parcels to permit the District to be developed in the most effective and efficient manner, subject to the limitations on use and design set forth in this Plan.
- (2) Improvements and modifications to any parcel to the degree such improvements and modifications are permitted pursuant to applicable state and Federal laws and regulations and further subject to the limitations on use and design set forth in this Plan.
- (3) Construction of new buildings.

## **D. DESIGN REQUIREMENTS**

The design requirements set forth in Section D-115.D shall apply to this district.

**SECTION SEVEN:** Amend ARTICLE II, ZONING, by adding a NEW Section D-115.D as follows:

**D-115.D      DESIGN REQUIREMENTS APPLICABLE TO THE SOUTH  
RIVER STREET, NORTH MAIN STREET RESIDENTIAL  
RECEIVING, SOUTH MAIN STREET-AMWELL ROAD  
EXISTING COMMERCIAL, AND NORTH MAIN STREET-  
AMWELL ROAD COMMERCIAL DISTRICTS**

The following design standards shall apply to the South River Street, North Main Street Residential Receiving, South Main Street-Amwell Road Existing Commercial, and North Main Street-Amwell Road Commercial Districts:

**A.      GREEN SPACE REQUIREMENTS AND MAXIMUM  
IMPERVIOUS SURFACES**

(1)      A landscaped green space of at least 5 feet in width shall be designated and maintained along any property line which directly abuts public lands. Such green space shall be landscaped in accordance with a landscape plan that will provide a full, dense, all-season screen that shall achieve a minimum height of ten feet within ten years after the initial planting.

(2)      Within the Districts, a variety of green spaces shall be designed to complement the nonresidential development. A minimum of 10% of the total site area shall be designated, landscaped, and maintained as green space.

(3)      It shall be the responsibility of the landowner to obtain all necessary slope easements to maximize the development potential for each commercial lot within the Plan area.

(4)      The maximum allowable amount of impervious surface for any commercial development shall be eighty percent (80 %) of the gross area of the lot.

**B.      STREETS, ALLEYS AND ACCESSWAYS**

(1)      Streets, alleys and accessways shall form an interconnected vehicular circulation network to the maximum extent practicable.

(2)      County Route 514 shall be widened to a width sufficient to provide for on-street parking on both sides of the street for the portion of the road as exists within the Districts and for three travel lanes for a total minimum cartway width of 55 feet, unless a different dimension is authorized by the County.

(3)      To the extent practicable, traffic calming measures shall be installed along County Routes 514 and 532, including, but not limited to, bump-outs, pedestrian walkways, and median islands.

(4)      All off-street parking areas shall be placed at the rear or side of the buildings and shall have cross easements to adjoining properties to provide for linked parking lots.

**C.      SIDEWALKS AND PATHWAYS**

(1) Sidewalks of at least five feet six inches in width shall be constructed and maintained along all streets. Internal sidewalks shall be a minimum of five feet in width.

(2) All sidewalks shall be brick to match the existing sidewalks within the Borough on Main Street.

#### **D. STREET TREES AND OTHER LANDSCAPING**

(1) Street trees shall be planted with an average spacing of 35 feet on all street frontages.

(2) All landscaping and plantings shall comply with the Borough's landscaping design standards.

(3) All street trees shall be planted within the right-of-way or within a five foot street tree landscape easement located adjacent the edge of the right-of-way.

(4) Other landscaping elements in the form of perimeter buffers, screens, foundation plantings, fencing and perimeter walls are essential to the appearance of a traditional village commercial area and shall be subject to plan approval by the Planning Board upon consultation with the Millstone Borough Historic District Commission.

(5) Nonresidential parking areas shall be buffered from the street by landscaping and/or compatible fencing or walls.

(6) Along all sidewalks, ornamental street post lights shall be placed at a minimum spacing of 80 feet unless greater spacing shall be permitted by the Planning Board. The design of such lights shall be subject to review and approval by the Planning Board upon consultation with the Millstone Borough Historic District Commission.

#### **E. BUILDING DESIGN**

(1) The buildings in the Districts shall be subject to review and recommendations by the Millstone Borough Historic District Commission and the approval of the Borough Planning Board.

(2) All buildings, whether fronting onto a dedicated street or internal non-dedicated street, must be placed to encourage continuous uninterrupted pedestrian pathways and link large and attractive shop windows and access points. Blank walls shall not be permitted to front onto dedicated street frontages.

(3) *Building Frontages:* All building facades fronting along a street shall have window and door openings facing the street. For all building facades facing a parking area, or the rear of the building, secondary windows and doors facing the parking or rear service area are required. At a minimum, there shall be some kind of articulation to mimic the scale of windows and doors as provided on the front facades.

(4) *Building Forms:* Where an existing building is to be reused and its design is non-conforming, every effort shall be made to change the detail of the roofline to eliminate an existing flat roofline, and enhance the canopy, window and door treatment to break up the expansive length of the building.

(5) *Windowless Walls:* Windowless walls seen from the right-of-way, or vehicular or pedestrian circulation areas, are prohibited, unless the construction of the blank wall is necessitated by local building codes, in which case the wall details must match the details in the masonry courses, color, cornice, etc. to match the general character of other sides of the building.

(6) *Roof Design:* All buildings shall have pitched roofs, with either overhangs or cornices on all sides extending a minimum of twelve (12") inches beyond the building wall. A variety of ridge heights and/or dormers, masonry chimneys and cupolas shall be included in the design of the buildings. Except for porch roofs, all gable roofs shall have a minimum pitch of 9/12 (vertical/horizontal), and all hipped roofs shall have a minimum pitch of 6/12. Roofing materials shall vary on buildings to feature porches, cupolas, or bay windows. Flat roofs are prohibited.

(7) *Awnings, Canopy or Porches:* Permanent porches, canopy, arcade or awnings that can be cranked out to protect pedestrians along the fronting sidewalk are encouraged. Awnings intended primarily as signs are prohibited.

(8) *Building Materials:* Roofing may be fiberglass architectural shingles that represent slates or wood, artificial slate or shakes, wood shakes, or metal. Siding may be a combination of brick, architectural or real 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 have detailed mullions and shutters with hardware.

(9) *Building Massing:* Buildings shall be designed so that they appear to retain an average building size of 3,500 sq. ft.. Larger buildings may be achieved by attaching multiple buildings that appear to be separate buildings that average 3,500 sq. ft., provided that no building shall have a building façade greater than forty (40) feet in length without a minimum of a three (3) foot setback. (Note: An exception to this provision would be any inn, which shall not exceed 10,000 sq. ft. in area.)

## **F. OFF-STREET PARKING AND PARKING LOTS**

(1) Parking shall be located on-street to the maximum extent possible to provide the streetscape appearance that is traditional in the Borough and to serve as an insulator between moving vehicles and pedestrians walking along the adjoining sidewalks. On-street parking, when located in front of the parcel or in close proximity and on the same side of the street, may be used in calculating the minimum required parking.

(2) Off-street parking lots shall be located to the rear or sides of buildings. Required parking can be accommodated either on-lot or off lot, provided that the required parking is within 300 feet of the intended use. All off-street parking that is off lot must include a parking agreement that is acceptable to the Borough to show that the parking will remain in place as long as the use or building remains.

(3) Uses may share parking if it can be documented that the parking needed for an evening event or weekend use will not conflict with a daytime use, such as daily office use and evening restaurant and weekend restaurant use.

(4) Parking lots not located in the floodplain shall use paved surfaces and appropriate design practices that minimize stormwater runoff.

(5) Parking lots and/or garages shall not be the dominant aspect of the building design and/or the streetscape as viewed from the street.

- (6) The following minimum parking requirements shall apply:
- a. Retail uses: 1 space per 250 sq. ft.
  - b. Office uses: 1 space per 300 sq. ft.
  - c. Restaurant/ Bar: 1 space per 50 sq. ft. of area accessible to the public
  - d. Inn room: 0.5 spaces per room
  - e. Residential: 0.5 spaces per dwelling unit
  - f. Service Station: 4 cars per service garage bay
  - g. All off-street non-residential parking shall be visibly screened from existing and proposed streets by hedges, buffer plantings or similar elements.

**G. OFF-STREET LOADING AREAS, OUTDOOR STORAGE AND TRASH DISPOSAL AREAS**

(1) All loading areas and loading docks shall be located to the sides and rears of all buildings. Loading docks shall not be visible from public streets; however, loading areas may be designated as being on-street. There shall be one loading space per each 40,000 sq. ft. of commercial space. It shall be demonstrated that loading vehicles can access a loading area without impacting upon any parking area. Loading areas shall be screened with a combination of fencing and evergreen landscaping to screen the loading areas from parking areas, the road, or access into apartments or retail establishments.

(2) Outdoor storage or display of materials shall not be permitted.

(3) Trash disposal areas shall be located within buildings or within an opaque screened area that completely hides the trash and is located to the side or rear of the building. All outdoor trash disposal areas shall be set back at least 25 feet from residential property lines.

**H. SIGNS**

(1) Signs shall be clearly visible to the pedestrian shopper.

(2) Signs shall be sufficiently legible to the passing motorist.

(3) Signs, as a group, shall create a vibrant and varied character that complements and enhances the varied buildings and unifies the streetscape within the village.

(4) Signs shall be designed to maintain an overall historic theme for the Millstone Redevelopment Plan Area so that there is continuity within the district.

(5) All signs shall be externally lit.

(6) No sign shall be placed within a sight triangle area.



(7) No use shall have more than two signs per street frontage and no more than one sign facing the parking area when located in the side or rear of the building; except for a service station located on a street corner, in which case there shall be no more than two signs for each facade facing a street plus one sign for each facade not facing a street.

(8) The following signs are permitted:

a. One freestanding sign, provided that it is located no more than four feet from the building facade; that the bottom of the sign is at least eight feet above the sidewalk; and that the sign is no greater than eight (8) square feet (sq. ft.) in area, except that for a building greater than 10,000 sq. ft. the area of the projecting sign shall be no greater than 12 sq. ft. in area.

b. One sign painted on shop windows, provided it does not take up more than forty (40%) of the window area;

c. One sign on an awning provided that it is located on the vertical face of the awning flap and prohibited on the angled portion of the canopy. Numbers and letters shall be no taller than 6 inches. Plastic, back-lit awning signs are prohibited.

d. One wall sign, provided that the sign is placed in a manner that does not hide the architecture of the building and the area of the sign is no larger than 6 sq. ft., except that for a building greater than 10,000 sq. ft., the area of the wall sign shall be no greater than twenty-five sq. ft.

e. One freestanding sign for a service station use only, provided that the sign shall not exceed a height of six (6) feet as measured from the ground, and the area of the sign shall be no greater than nine (9) square feet in area per each side.

f. One changeable copy sign posting the price of gasoline for a service station use provided that the area of the sign shall be no greater than twelve (12) sq. ft. per each side and the height shall be no higher than six (6) feet as measured from the ground.

(9) There shall be no signs on the canopy or marquee located over the pumps of a service station. In addition, such canopy or marquee shall not have any backlit area. All lighting shall be directed down onto the pump dispensing area.

(10) Pedestrian-oriented directory signs may be permitted throughout the Area when located along a walking path or adjacent to a parking area. Any such directory sign shall include a map of the Borough commercial center, shall identify all of the uses within the commercial center, and may include space to advertise civic or special events. The total area of the directory sign shall be no greater than eight (8) sq. ft. and the maximum height shall be six (6) ft. A decorative canopy over the projecting sign is encouraged.

(11) Directional signs shall not be permitted when they can be visible from any public open space.

(12) All signs shall be subject to review and approval by the Planning Board upon consultation with the Millstone Borough Historic District Commission.

#### **I. DIMENSIONAL REQUIREMENTS FOR ALL COMMERCIAL USES WITHIN THE DISTRICTS**

(1) Front setback from right of way for principal buildings: Front yard: 10 feet minimum; 35 feet maximum. Awnings and porches may encroach into the front yard, but may not extend any closer than four feet from the right-of-way.

(2) Side yards for principal buildings: Five feet minimum;

(3) Rear yards for principal buildings: Fifteen feet minimum setback for the principal building.

(4) There shall be a minimum spacing of 10 feet between buildings.

(5) Maximum lot coverage: The total footprint of any commercial building shall not exceed 40% of the total gross area of the lot on which it is constructed. Surface parking facilities shall not be considered to be part of the building footprint.

(6) Maximum building height: Thirty-five feet or 2 1/2 stories, whichever is less. Tower structures may be permitted provided that they do not exceed forty-five feet in height.

#### **J. DIMENSIONAL REQUIREMENTS FOR ALL RESIDENTIAL USES WITHIN THE PLAN AREA**

(1) Front setback from right of way for principal buildings: 20 feet minimum, 25 feet. maximum; for accessory buildings: 40 feet minimum.

(2) Side yards: for principal buildings: 10 feet.; for accessory buildings: 10 feet

(3) Rear yards: for principal buildings: 50 ft.; for accessory buildings; 10 feet

(4) Minimum lot size: one-half acre

(5) Minimum lot width at the minimum building setback line: 100 feet

(6) Maximum building heights: thirty-five feet or 2 1/2 stories, whichever is less.

#### **K. OTHER DESIGN REQUIREMENTS**

(1) All buildings within the Districts shall be served by public water supply and a public centralized sewage disposal system. Exception: In the event that public centralized sewage disposal is not available, the residential uses located in the North Main Street Residential Receiving District may have on-lot sewage disposal until such time as centralized sewage disposal becomes available.

(2) All public utility lines and similar facilities servicing the Districts shall be installed underground.

(3) All utilities shall be placed where they will not interfere with the placement of street trees or landscaping on the individual lots.

(4) If the development is to be carried out in phases, each phase shall be so planned that the intent of the Development Ordinance and the Main Street Redevelopment Plan shall be fully complied with at the completion of any phase. Any phased development shall be fully described and defined on the site and subdivision plans.

- (5) All streets, whether public or private, shall have a right-of-way.
- (6) Drive-thru windows to service any use shall be prohibited on the front or sides of buildings within the Districts.
- (7) Storm water management systems may be located in the vicinity of the County detention basin located on the south side of C.R. 514, if applicable, or underground on site.

**L. PLANNING BOARD AUTHORITY TO MODIFY DESIGN REQUIREMENTS**

The Borough Planning Board may, at its discretion, waive any of the design requirements included herein if compliance therewith is unnecessary for the purpose of accomplishing the objectives of the Development Ordinance and the Main Street Redevelopment Plan.

**SECTION EIGHT: Zoning Map**

The Zoning Map for the Borough of Millstone is hereby amended in the manner set forth on the map attached hereto as Exhibit B.

**SECTION NINE: Effective Date**

This Ordinance shall take effect upon its passage and publication and its filing, 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 regular meeting of February 21, 2011.

  
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Gregory J. Bonin, Millstone Borough Clerk