

Borough of Milltown
Middlesex County, New Jersey
Ordinance #19-1484

Amending Chapter 34, Comprehensive Development Of the Code of the Borough of Milltown to Create Affordable Housing Overlay Zones

IT IS HEREBY ORDAINED by the Borough Council of the Borough of Milltown, Middlesex County, State of New Jersey, as follows:

SECTION 1: Chapter 34, Article 19, Section 1, Schedule of Zones, is hereby amended to add the following:

<i>Zone</i>	<i>Description</i>
AHIO-1	Multifamily affordable housing overlay
AHIO-2	Townhouse and stacked affordable housing overlay
AHIO-3	Townhouse and stacked affordable housing overlay
AHIO-4	Multifamily affordable housing overlay
AHIO-5	Townhouse and stacked affordable housing overlay
AHIO-6	Multifamily affordable housing overlay

SECTION 2: Chapter 34, Article 19, Section 2, Zoning Map, is hereby amended to place an overlay zone in addition to the existing underlying zoning for the following properties as shown on the official tax maps of the Borough of Milltown:

<i>Tax Lots</i>	<i>New Overlay Zone</i>
Block 73, Lot 1.03	AHO-1
Block 58, Lot 1.04	AHIO-2
Block 85, Lots 6.01, 7-9 & 9.03	AHIO-3
Block 74, Lots 5 & 6.01-6.02, 6.04-6.05	AHIO-4
Block 27, Lots 3.01 & 3.04	AHIO-5
Block 84.02, Lots 1.06 & 1.10-1.12	AHO-6

SECTION 3: Chapter 34, Comprehensive Development, is hereby amended to add the following:

§34-20A AFFORDABLE HOUSING OVERLAY DISTRICTS.

§34-20A.1 Purpose.

Affordable housing overlay districts are established in order to achieve the general goals as stated in Section 34-2, as well as to create an opportunity for the construction of inclusionary housing in the Borough of Milltown. All affordable housing units constructed within these overlay districts shall conform to the applicable provisions in §34-18 Affordable Housing. The uses contemplated in an overlay zone shall be permitted in addition to the uses permitted in the underlying zone. Bulk and other standards set forth in the overlay zone shall only apply to uses specifically subject to the overlay zone, and not to uses governed by the underlying zone.

§34-20A.2 AHO-1 Multifamily Affordable Housing Overlay Zone

The following regulations shall apply in the AHIO-1 Multifamily Affordable Housing Overlay Zone:

- a. *Permitted Principal Uses.*
 - 1. Multifamily residential dwellings, with a minimum of 20% of units set aside for low- and moderate-income households.
- b. *Permitted Accessory Uses.*
 - 1. Private garage space and parking area for the storage of motor vehicles.
 - 2. Private recreational facilities such as, but not limited to swimming pools and tennis courts, provided these uses shall be noncommercial and that all lighting shall be directed away from all adjacent lots.
 - 3. Fences, wall, hedges, and signs.
 - 4. Other uses customarily incidental to the permitted principal use.

c. *Bulk Regulations.*

Multifamily residential development in the AHIO-1 zone shall comply with the following standards:

1. Minimum Lot Area: 2.5 acres
2. Minimum Lot Width: 135 feet
3. Minimum Lot Depth: 200 feet
4. Minimum Front Yard Setback: 50 feet
5. Minimum 1 Side Yard Setback: 25 feet
6. Minimum 2 Side Yard Setback: 50 feet
7. Minimum Rear Yard Setback: 50 feet
8. Maximum Building Height: 3 stories/35 feet
9. Maximum Lot Coverage: 30%
10. Maximum Impervious Coverage: 60%
11. Maximum Gross DU/Acre: 15 units per acre
12. Maximum DU/Building: 24 units per building
13. Minimum Distance Between Buildings:
 - (a) Windowless wall to windowless wall: 25 feet
 - (b) Window wall to windowless wall: 30 feet
 - (c) Window wall to window wall:
 - Front to front: 75 feet
 - Rear to rear: 50 feet
 - End to end: 35 feet

d. *Parking and Other Site Requirements.*

1. Off-street parking space with appropriate access thereto shall be provided on the same lot or tract it is intended to serve, in accordance with the following standards:
 - (a) Minimum Off-Street Parking/DU: shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS)
 - (b) No parking area shall be located within fifty (50) feet of a front lot line or within twenty-five (25) feet of any other lot line.
 - (c) Parking garages shall be enclosed and screened from view from public right-of-ways and adjacent properties using the same architectural detailing and finishing as the rest of the building.
2. Landscaping and open space shall be provided on the site as follows:
 - (a) A minimum of 25% of the total lot area shall be set aside as open space for the use and benefit of residents of the development. Common open space shall be subject to N.J.S.A. 40:55D-43.
 - (b) A planted buffer area shall be provided along the perimeter of the property to provide an effective year round screen. The buffer shall be a minimum width of twenty-five (25) feet. Planting material shall be at least six (6) feet in height at the time of planting.

e. *Permitted Signs.*

1. All signs as specified in the R-4 Zone at §34-20.2.g.
2. One (1) freestanding sign, nonilluminated, to identify the project/complex name, not exceeding a maximum twenty-four (24) square feet on all surfaces, not more than eight (8) feet long, with a maximum height of sign and sign base above finished grade level of seven (7) feet. No such sign shall be located closer than ten (10) feet to any front lot line or six (6) feet to any side lot line. No such signs shall be located within any required street or driveway sight triangle area. All such signs shall be provided with a monument type base with planter area.
3. Unless a specific sign is expressly permitted in this zone, it shall be deemed prohibited.

§34-20A.3 AHO-2 Townhouse and Stacked Affordable Housing Overlay Zone

The following regulations shall apply in the AHIO-2 Townhouse and Stacked Affordable Housing Overlay Zone:

a. *Permitted Principal Uses.*

1. Townhouses and/or stacked flats, with a minimum of 20% of units set aside for low- and moderate-income households.

b. *Permitted Accessory Uses.*

1. Private garage space and parking area for the storage of motor vehicles.
2. Private recreational facilities such as, but not limited to swimming pools and tennis courts, provided these uses shall be noncommercial and that all lighting shall be directed away from all adjacent lots.
3. Fences, wall, hedges, and signs.
4. Other uses customarily incidental to the permitted principal use.

c. *Bulk Regulations.*

Townhouses and stacked flats development in the AHIO-2 zone shall comply with the following standards:

1. Minimum Lot Area: 3 acres
2. Minimum Lot Width: 200 feet

3. Minimum Lot Depth: 250 feet
 4. Minimum Front Yard Setback: 50 feet
 5. Minimum 1 Side Yard Setback: 25 feet
 6. Minimum 2 Side Yard Setback: 50 feet
 7. Minimum Rear Yard Setback: 50 feet
 8. Maximum Building Height: 3 stories/35 feet
 9. Maximum Lot Coverage: 25%
 10. Maximum Impervious Coverage: 50%
 11. Maximum Gross DU/Acre: 12 units per acre
 12. Maximum DU/Building: 8 units per building
 13. Minimum Distance Between Buildings:
 - (d) Windowless wall to windowless wall: 25 feet
 - (e) Window wall to windowless wall: 30 feet
 - (f) Window wall to window wall:
 - Front to front: 75 feet
 - Rear to rear: 50 feet
 - End to end: 35 feet
- d. *Parking and Other Site Design Requirements.*
1. Off-street parking space with appropriate access thereto shall be provided on the same lot or tract it is intended to serve, in accordance with the following standards:
 - (a) Minimum Off-Street Parking/DU: shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS)
 - (b) No parking area shall be located within fifty (50) feet of a front lot line or within twenty-five (25) feet of any other lot line.
 - (c) Parking garages shall be enclosed and screened from view from public right-of-ways and adjacent properties using the same architectural detailing and finishing as the rest of the building.
 2. Landscaping and open space shall be provided on the site as follows:
 - (a) A minimum of 25% of the total lot area shall be set aside as open space for the use and benefit of residents of the development. Common open space shall be subject to N.J.S.A. 40:55D-43.
 - (b) A planted buffer area shall be provided along the perimeter of the property to provide an effective year round screen. The buffer shall be a minimum width of twenty-five (25) feet. Planting material shall be at least six (6) feet in height at the time of planting.
- e. *Permitted Signs.*
1. All signs as specified in the R-4 Zone at §34-20.2.g.
 2. One (1) freestanding sign, nonilluminated, to identify the project/complex name, not exceeding a maximum twenty-four (24) square feet on all surfaces, not more than eight (8) feet long, with a maximum height of sign and sign base above finished grade level of seven (7) feet. No such sign shall be located closer than ten (10) feet to any front lot line or six (6) feet to any side lot line. No such signs shall be located within any required street or driveway sight triangle area. All such signs shall be provided with a monument type base with planter area.
 3. Unless a specific sign is expressly permitted in this zone, it shall be deemed prohibited.

§34-20A.4 AHO-3 Townhouse and Stacked Affordable Housing Overlay Zone

The following regulations shall apply in the AHO-3 Townhouse and Stacked Affordable Housing Overlay Zone:

- a. *Permitted Principal Uses.*
1. Townhouses and/or stacked flats, with a minimum of 20% of units set aside for low- and moderate-income households.
- b. *Permitted Accessory Uses.*
1. Private garage space and parking area for the storage of motor vehicles.
 2. Private recreational facilities such as, but not limited to swimming pools and tennis courts, provided these uses shall be noncommercial and that all lighting shall be directed away from all adjacent lots.
 3. Fences, wall, hedges, and signs.
 4. Other uses customarily incidental to the permitted principal use.
- c. *Bulk Regulations.*
- Townhouse and stacked flats development in the AHO-3 zone shall comply with the following standards:
1. Minimum Lot Area: 0.75 acres
 2. Minimum Lot Width: 70 feet
 3. Minimum Lot Depth: 350 feet
 4. Minimum Front Yard Setback: 50 feet
 5. Minimum 1 Side Yard Setback: 15 feet
 6. Minimum 2 Side Yard Setback: 30 feet
 7. Minimum Rear Yard Setback: 50 feet

8. Maximum Building Height: 3 stories/35 feet
9. Maximum Lot Coverage: 25%
10. Maximum Impervious Coverage: 50%
11. Maximum Gross DU/Acre: 12 units per acre
12. Maximum DU/Building: 8 units per building
13. Minimum Distance Between Buildings:
 - (a) Windowless wall to windowless wall: 25 feet
 - (b) Window wall to windowless wall: 30 feet
 - (c) Window wall to window wall:
 - Front to front: 75 feet
 - Rear to rear: 50 feet
 - End to end: 35 feet

d. *Parking and Other Site Design Requirements.*

1. Off-street parking space with appropriate access thereto shall be provided on the same lot or tract it is intended to serve, in accordance with the following standards:
 - (a) Minimum Off-Street Parking/DU: shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS)
 - (b) No parking area shall be located within fifty (50) feet of a front lot line or within fifteen (15) feet of any other lot line.
 - (c) Parking garages shall be enclosed and screened from view from public right-of-ways and adjacent properties using the same architectural detailing and finishing as the rest of the building.
2. Landscaping and open space shall be provided on the site as follows:
 - (a) A minimum of 25% of the total lot area shall be set aside as open space for the use and benefit of residents of the development. Common open space shall be subject to N.J.S.A. 40:55D-43.
 - (b) A planted buffer area shall be provided along the perimeter of the property to provide an effective year round screen. The buffer shall be a minimum width of fifteen (15) feet. Planting material shall be at least six (6) feet in height at the time of planting.

e. *Permitted Signs.*

1. All signs as specified in the R-4 Zone at §34-20.2.g.
2. One (1) freestanding sign, nonilluminated, to identify the project/complex name, not exceeding a maximum twenty-four (24) square feet on all surfaces, not more than eight (8) feet long, with a maximum height of sign and sign base above finished grade level of seven (7) feet. No such sign shall be located closer than ten (10) feet to any front lot line or six (6) feet to any side lot line. No such signs shall be located within any required street or driveway sight triangle area. All such signs shall be provided with a monument type base with planter area.
3. Unless a specific sign is expressly permitted in this zone, it shall be deemed prohibited.

§34-20A.5 AHO-4 Multifamily Affordable Housing Overlay Zone

The following regulations shall apply in the AHO-4 Multifamily Affordable Housing Overlay Zone:

a. *Permitted Principal Uses.*

1. Multifamily residential dwellings, with a minimum of 20% of units set aside for low- and moderate-income households.

b. *Permitted Accessory Uses.*

1. Private garage space and parking area for the storage of motor vehicles.
2. Private recreational facilities such as, but not limited to swimming pools and tennis courts, provided these uses shall be noncommercial and that all lighting shall be directed away from all adjacent lots.
3. Fences, wall, hedges, and signs.
4. Other uses customarily incidental to the permitted principal use.

c. *Bulk Regulations.*

Multifamily residential development in the AHO-4 zone shall comply with the following standards:

1. Minimum Lot Area: 0.5 acres
2. Minimum Lot Width: 100 feet
3. Minimum Lot Depth: 100 feet
4. Minimum Front Yard Setback: 30 feet
5. Minimum 1 Side Yard Setback: 15 feet
6. Minimum 2 Side Yard Setback: 30 feet
7. Minimum Rear Yard Setback: 30 feet
8. Maximum Building Height: 3 stories/35 feet
9. Maximum Lot Coverage: 30%
10. Maximum Impervious Coverage: 60%
11. Maximum Gross DU/Acre: 15 units per acre
14. Maximum DU/Building: 24 units per building

15. Minimum Distance Between Buildings:
 - (g) Windowless wall to windowless wall: 25 feet
 - (h) Window wall to windowless wall: 30 feet
 - (i) Window wall to window wall:
 - Front to front: 75 feet
 - Rear to rear: 50 feet
 - End to end: 35 feet

d. *Parking and Other Site Requirements.*

1. Off-street parking space with appropriate access thereto shall be provided on the same lot or tract it is intended to serve, in accordance with the following standards:
 - (a) Minimum Off-Street Parking/DU: shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS)
 - (b) No parking area shall be located within thirty (30) feet of a front lot line or within fifteen (15) feet of any other lot line.
 - (c) Parking garages shall be enclosed and screened from view from public right-of-ways and adjacent properties using the same architectural detailing and finishing as the rest of the building.
2. Landscaping and open space shall be provided on the site as follows:
 - (a) A minimum of 25% of the total lot area shall be set aside as open space for the use and benefit of residents of the development. Common open space shall be subject to N.J.S.A. 40:55D-43.
 - (b) A planted buffer area shall be provided along the perimeter of the property to provide an effective year round screen. The buffer shall be a minimum width of fifteen (15) feet. Planting material shall be at least six (6) feet in height at the time of planting.

e. *Permitted Signs.*

1. All signs as specified in the R-4 Zone at §34-20.2.g.
2. One (1) freestanding sign, nonilluminated, to identify the project/complex name, not exceeding a maximum twenty-four (24) square feet on all surfaces, not more than eight (8) feet long, with a maximum height of sign and sign base above finished grade level of seven (7) feet. No such sign shall be located closer than ten (10) feet to any front lot line or six (6) feet to any side lot line. No such signs shall be located within any required street or driveway sight triangle area. All such signs shall be provided with a monument type base with planter area.
3. Unless a specific sign is expressly permitted in this zone, it shall be deemed prohibited.

§34-20A.6 AHO-5 Townhouse and Stacked Affordable Housing Overlay Zone

The following regulations shall apply in the AHO-5 Townhouse and Stacked Affordable Housing Overlay Zone:

a. *Permitted Principal Uses.*

1. Townhouses and/or stacked flats, with a minimum of 20% of units set aside for low- and moderate-income households.

b. *Permitted Accessory Uses.*

1. Private garage space and parking area for the storage of motor vehicles.
2. Private recreational facilities such as, but not limited to swimming pools and tennis courts, provided these uses shall be noncommercial and that all lighting shall be directed away from all adjacent lots.
3. Fences, wall, hedges, and signs.
4. Other uses customarily incidental to the permitted principal use.

c. *Bulk Regulations.*

Townhouses and stacked flats development in the AHO-5 zone shall comply with the following standards:

1. Minimum Lot Area: 1.5 acres
2. Minimum Lot Width: 150 feet
3. Minimum Lot Depth: 450 feet
4. Minimum Front Yard Setback: 50 feet
5. Minimum 1 Side Yard Setback: 20 feet
6. Minimum 2 Side Yard Setback: 40 feet
7. Minimum Rear Yard Setback: 50 feet
8. Maximum Building Height: 3 stories/35 feet
9. Maximum Lot Coverage: 25%
10. Maximum Impervious Coverage: 50%
11. Maximum Gross DU/Acre: 12 units per acre
12. Maximum DU/Building: 8 units per building
13. Minimum Distance Between Buildings:
 - (a) Windowless wall to windowless wall: 25 feet
 - (b) Window wall to windowless wall: 30 feet
 - (c) Window wall to window wall:

Front to front: 75 feet
 Rear to rear: 50 feet
 End to end: 35 feet

d. *Parking and Other Site Design Requirements.*

3. Off-street parking space with appropriate access thereto shall be provided on the same lot or tract it is intended to serve, in accordance with the following standards:
 - (a) Minimum Off-Street Parking/DU: shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS)
 - (b) No parking area shall be located within seventy (75) feet of a front lot line or within twenty (20) feet of any other lot line.
 - (c) Parking garages shall be enclosed and screened from view from public right-of-ways and adjacent properties using the same architectural detailing and finishing as the rest of the building.
4. Landscaping and open space shall be provided on the site as follows:
 - (a) A minimum of 25% of the total lot area shall be set aside as open space for the use and benefit of residents of the development. Common open space shall be subject to N.J.S.A. 40:55D-43.
 - (b) A planted buffer area shall be provided along the perimeter of the property to provide an effective year round screen. The buffer shall be a minimum width of twenty (20) feet. Planting material shall be at least six (6) feet in height at the time of planting.

e. *Permitted Signs.*

1. All signs as specified in the R-4 Zone at §34-20.2.g.
2. One (1) freestanding sign, nonilluminated, to identify the project/complex name, not exceeding a maximum twenty-four (24) square feet on all surfaces, not more than eight (8) feet long, with a maximum height of sign and sign base above finished grade level of seven (7) feet. No such sign shall be located closer than ten (10) feet to any front lot line or six (6) feet to any side lot line. No such signs shall be located within any required street or driveway sight triangle area. All such signs shall be provided with a monument type base with planter area.
3. Unless a specific sign is expressly permitted in this zone, it shall be deemed prohibited.

§34-20A.7 AHO-6 Multifamily Affordable Housing Overlay Zone

The following regulations shall apply in the AHO-6 Multifamily Affordable Housing Overlay Zone:

a. *Permitted Principal Uses.*

1. Multifamily residential dwellings, with a minimum of 20% of units set aside for low- and moderate-income households.

b. *Permitted Accessory Uses.*

1. Private garage space and parking area for the storage of motor vehicles.
2. Private recreational facilities such as, but not limited to swimming pools and tennis courts, provided these uses shall be noncommercial and that all lighting shall be directed away from all adjacent lots.
3. Fences, wall, hedges, and signs.
4. Other uses customarily incidental to the permitted principal use.

c. *Bulk Regulations.*

Multifamily residential development in the AHO-6 zone shall comply with the following standards:

1. Minimum Lot Area: 8 acres
2. Minimum Lot Width: 450 feet
3. Minimum Lot Depth: 700 feet
4. Minimum Front Yard Setback: 50 feet
5. Minimum 1 Side Yard Setback: 50 feet
6. Minimum 2 Side Yard Setback: 100 feet
7. Minimum Rear Yard Setback: 50 feet
8. Maximum Building Height: 3 stories/35 feet
9. Maximum Lot Coverage: 30%
10. Maximum Impervious Coverage: 60%
11. Maximum Gross DU/Acre: 15 units per acre
12. Maximum DU/Building: 24 units per building
13. Minimum Distance Between Buildings:
 - (j) Windowless wall to windowless wall: 25 feet
 - (k) Window wall to windowless wall: 30 feet
 - (l) Window wall to window wall:
 - Front to front: 75 feet
 - Rear to rear: 50 feet
 - End to end: 35 feet

d. *Parking and Other Site Requirements.*

1. Off-street parking space with appropriate access thereto shall be provided on the same lot or tract it is intended to serve, in accordance with the following standards:
 - (a) Minimum Off-Street Parking/DU: shall be provided in accordance with New Jersey Residential Site Improvement Standards (RSIS)
 - (b) No parking area shall be located within fifty (50) feet of any lot line.
 - (c) Parking garages shall be enclosed and screened from view from public right-of-ways and adjacent properties using the same architectural detailing and finishing as the rest of the building.
2. Landscaping and open space shall be provided on the site as follows:
 - (a) A minimum of 25% of the total lot area shall be set aside as open space for the use and benefit of residents of the development. Common open space shall be subject to N.J.S.A. 40:55D-43.
 - (b) A planted buffer area shall be provided along the perimeter of the property to provide an effective year round screen. The buffer shall be a minimum width of fifty (50) feet. Planting material shall be at least six (6) feet in height at the time of planting.

e. *Permitted Signs.*

1. All signs as specified in the R-4 Zone at §34-20.2.g.
2. One (1) freestanding sign, nonilluminated, to identify the project/complex name, not exceeding a maximum twenty-four (24) square feet on all surfaces, not more than eight (8) feet long, with a maximum height of sign and sign base above finished grade level of seven (7) feet. No such sign shall be located closer than ten (10) feet to any front lot line or six (6) feet to any side lot line. No such signs shall be located within any required street or driveway sight triangle area. All such signs shall be provided with a monument type base with planter area.
3. Unless a specific sign is expressly permitted in this zone, it shall be deemed prohibited.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

Motion/ Second	Roll Call	Aye	Nay	Abstain	Absent	Adopted on First Reading Dated: November 18, 2019
	Council President Dixon	X				 Gabriella Siboni, RMC Borough Clerk
	Councilman Farkas	X				
	Councilwoman Kerber	X				
Motion	Councilman Ligotti	X				
Second	Councilwoman Mehr	X				
	Councilman Revolinsky	X				

Motion/ Second	Roll Call	Aye	Nay	Abstain	Absent	Adopted on Second Reading Dated: December 23, 2019
Second	Council President Dixon	X				 Gabriella Siboni, RMC Borough Clerk
	Councilman Farkas	X				
	Councilwoman Kerber	X				
Motion	Councilman Ligotti	X				
	Councilwoman Mehr	X				
	Councilman Revolinsky	X				

Approval by the Mayor on this day of 23rd day of December, 2019

