

**TOWNSHIP OF MILLBURN
ORDINANCE NO. 2557-20
ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN DEVELOPMENT
REGULATIONS AND ZONING ORDINANCE**

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. Article 6 "Zoning Provisions", Section 602 "Zoning Map" is hereby amended such that Block 1211, Lot 1 and Lot 7 on the Official Tax Map of the Township of Millburn shall be removed from the B-4 zone and shall then be incorporated into the RMF-AH2 zone.

Section 2. Article 6 "Zoning Provisions", Section 606 "Zone Requirements" is hereby amended and supplemented by adding the following new section:

606.4.2 Residential Multi-Family Affordable Housing RMF – AH2

a. Purpose.

To provide for development of a multi-family inclusionary building with a required set aside for low and moderate income units.

b. Permitted Principal Uses.

1. Residential apartments; with optional associated amenities and services, including but not limited to fitness center, screening room, business center, balconies and terraces for individual units, and other uses customarily associated with multi-family dwellings, provided such accessory uses are subordinate to the principal use and serve only the principal use. Notwithstanding the above, no residential apartments shall occupy the ground floor along the building's Millburn Avenue frontage.
2. A minimum of 3,000 square feet of the ground floor space along the building's Millburn Avenue frontage shall be devoted to any B-4 district permitted principal or conditional use, i.e., other than residential.

c. Accessory Uses

1. Off-street structured parking within the building
2. Any other use which is subordinate and customarily incidental to the principal permitted use, including but not limited to leasing/sales/management offices associated with residential apartments, maintenance areas, and trash collection/recycling areas.

d. Maximum Development Yield

1. The total number of residential multi-family units shall not exceed 53.

2. Market rate units shall be limited to 1- and 2- bedroom apartments.

e. Area, Bulk and Setback Requirements

1. The minimum tract area shall be 1.5 acres.

2. Required minimum building setbacks from street lines shall be as follows: five (5) feet along Millburn Avenue; five (5) feet along Douglas Street; and five (5) feet along Essex and Spring Streets. Porches and stoops may project into the setback.

3. Required minimum building setbacks from internal lot lines shall be as follows: seven (7) feet along the side lot line shared with Block 1211, Lot 2; and two (2) feet along the side and rear lot line shared with Block 1211, Lot 6.

4. Building height. Maximum permitted building height shall not exceed 40 feet. In addition, maximum building height shall not exceed three stories at the lowest-elevation finished grade along Millburn Avenue and shall not exceed two stories at the highest-elevation finished grade along Essex Street. A flat roof is required.

f. Affordable Housing Requirements

If developed as rental apartments, a total of eight (8) units shall be maintained as affordable units in compliance with applicable New Jersey Council on Affordable Housing (COAH) rules and regulations and Uniform Housing and Affordability Controls (UHAC). Such affordable units shall include at least 2 three-bedroom units and no more than 2 one-bedroom units. Four of the affordable units shall be set aside for low-income households, and four shall be set aside for moderate-income households, as defined by COAH and/or UHAC. In addition, one of the four affordable units set aside for low-income households shall be made available to very-low income households, as defined by COAH and/or UHAC.

If developed as for sale apartments, a total of eleven (11) units shall be maintained as affordable units in compliance with applicable New Jersey Council on Affordable Housing (COAH) rules and regulations and Uniform Housing and Affordability Controls (UHAC). Such affordable units shall include at least 3 three-bedroom units and no more than 3 one-bedroom units. Six of the affordable units shall be set aside for low-income households and five shall be set-aside for moderate-income households, as defined by COAH and UHAC. In addition, two of the six affordable units set-aside for low-income households shall be made available to very low-income households, as defined by COAH and/or UHAC.

The affordable units shall be integrated with market rate units throughout the development.

g. Circulation and Parking

1. Vehicular entry. One vehicular entrance to structured parking is permitted along the Millburn Avenue frontage. Said entrance shall be located a minimum of 100 feet from the intersection of Millburn Avenue and Douglas Street. The driveway and garage door each shall not exceed 24 feet in width. A second entrance to structured parking is permitted along the Spring Street frontage.
2. Sidewalks. Sidewalks shall be provided along all adjoining public streets.
3. Parking requirements. Residential parking shall be compliant with RSIS, except that the Planning Board may consider a de minimis exception from RSIS in recognition of the zone's proximity to the Millburn train station. However, in no event shall the residential parking ratio be less than 1.75 spaces per unit. A minimum of 3 parking spaces shall be provided for the non-residential space along the building's Millburn Avenue frontage.
4. Location and screening of parking. Parking shall be provided only as structured parking within the first level of the building. Tuck-under structured parking with open sidewalls is prohibited along all public frontages.
 - (a) Parking within the structure may not be located within 25 feet of the front wall of the building facing Millburn Avenue, except that where parking is located behind required ground floor commercial space it shall be at least 35 feet from said front wall.
 - (b) Where structured parking extends to the front facade along the varying grade of Douglas Street, it shall be screened through the use of prominent stoops or porches as set forth herein.

h. Building Design and Massing

1. Pedestrian entries, stoops and porches. Pedestrian building entries should be clearly visible and highlighted within the front facade through projections, recessions, material changes, canopies, overhangs, porches, stoops, and/or lighting. Specific requirements for entry location and configuration shall include the following.
 - (a) Shared /common entries
The primary shared pedestrian entry to the building should be located at-grade within a chamfered corner at Millburn Avenue

and Douglas Street. This entry should lead to a large central lobby. A secondary shared entrance and lobby are required on Essex Street, at grade with the sidewalk.

(b) Lowest-level units along Douglas Street to screen parking
In order to screen the parking garage along Douglas Street, stoops or porches connecting to the public sidewalk are required for *all* residential units on the second floor along Douglas Street, except for any residences that are above the ground-floor lobby at the corner of Douglas Street and Millburn Avenue.

(c) Units along Essex Street
Along Essex Street, at least two apartment units on the second level of the building (roughly at-grade) should have stoop or porch entries directly to the public sidewalk.

2. Ground floor commercial along Millburn Avenue. A segment of the building frontage along Millburn Avenue shall include ground level commercial space for one or more tenants comprising a total of at least 3,000 square feet of gross floor area. The retail commercial space should be at least 35 feet deep and shall maximize the interior ceiling height to the extent practical. All entries to the commercial space shall connect directly to the Millburn Avenue sidewalk, rather than an internal mall-style entry.

3. Articulation. All building facades facing public streets should have articulated massing so as to create a smaller, human-scale, traditional form that complements the character of downtown Millburn and harmonizes with the adjacent residential neighborhood.

(a) Facade proportion and expression by street

(i) Along Douglas Street and Millburn Avenue
A building appearance that is harmonious with the nearby single-family housing is encouraged along Douglas Street and Millburn Avenue. Along these streets, the building should present a townhouse form to the street, with a series of tall, narrow bays. The width of each bay should be approximately two-thirds of the height. Placement of commercial storefront windows and their enframing structure along Millburn Avenue should echo the townhouse-width bays.

(ii) Along Essex Street
A larger-scale bay width is acceptable and encouraged, such as is found in traditional downtown civic, commercial or office buildings. Wider bays; short and

thicker massing elements; and wider, square, or horizontally-proportioned casement style windows with divided lites are examples of the types of massing and detailing encouraged for this style.

(b) Corner emphasis

The most prominent articulation of facades should place the focus on major pedestrian entryways and corner elements. At the corner of Douglas Street and Millburn Avenue, as well as at the corner of Douglas and Essex Streets, the building should have more prominent corner bay massing, including chamfered corners, taller and more elaborate rooflines such as from tall parapets and deeply-projecting cornices, shared entries and lobbies, stoops or porches, and contrasting or accent materials.

(c) Vertical articulation

Facades should be broken down vertically so that they appear as a series of distinct bays. The physical expression of each bay should extend through all levels, including into any exposed parking levels and the roofline. Bays should be defined through two approaches, dimensional variation and texture / pattern / material variation, as follows:

(i) Dimensional variation.

Bay definition must include variation by dimensional elements such as columns, pilasters, and changes in facade plane such as setbacks, stepbacks, projections, and recessions. Those distinguishing dimensional features should each have a depth of at least one foot and a width of at least two feet, so as to create significant shadow lines that help create a sense of depth in the facade.

(ii) Texture, pattern and material variation

Bay definition should also include textural, pattern, and/or material variation, such as by the proportions and rhythm of window spacing, pattern of balconies, variation in surface material and pattern, and downspouts or expansion joints. Variation in color alone is not sufficient.

(d) Horizontal articulation

(i) Base

The base of the building is the first level, and on sloping grades may also include the second level. A visually-weighty material, such as brick or cast stone, should be used to anchor the base of the building, including any exposed parking garage facades. To define the base,

overhangs, light shelves, or flat projecting canopies are encouraged over building entrances and bordering lobbies and other common-use areas. Entries should be flanked by sconce lights. The base may include porches or stoops as discussed above. For commercial storefronts, transom windows, flat canopies and decorative accents such as tile work trim and façade lighting are encouraged to provide visual interest within the façade.

(ii) Middle

The middle of the building should be distinguished from the base and top by horizontal belt courses or cornices, and/or by changes in material, masonry, or fenestration pattern.

(iii) Top

The top of the building is the roofline and should be emphasized with a parapet wall and/or balustrade, deep bracketed cornice with a minimum 6-inch projection, or sunshade (*brise-soleil*). Roofs shall be flat. Corners and entry bays should be accented with a more elaborate, deeper and/or higher roofline.

4. Transparency

(a) Entries

The shared pedestrian entry at Millburn Avenue and Douglas Street should be highlighted with an industrial-style metal or glass overhang or canopy which may project up to 6 feet from the façade plane.

The shared pedestrian entry on Essex Street should include a fully-glazed door. Double doors, side lites, full-height windows, transoms, and other glazed features are encouraged to increase the transparency at this entry.

Where a stoop or porch leading to an individual unit door is required, it should meet the following requirements. The stoop or porch should have a base of similar materials and expression as the adjoining building facade. Railings should be substantial but should allow views through to entry doors. Steps that project at right angles to the building facade are encouraged. Steps that extend parallel to the building are acceptable if necessary due to space constraints, provided that they have a generous width and a shallow slope.

(b) Windows

Upper-story residential units should have windows occupying at least 25 percent of that floor's façade area. Windows that align

vertically from floor to floor are encouraged. To the extent practical, commercial storefront windows along Millburn Avenue should occupy approximately 40 percent of the façade area and provide clear views into the interior space.

No area of blank, windowless wall shall exceed 12 feet in width, including at garage levels. Where structured parking areas extend to the outside building wall, they should be screened by stoops or porches (as required above) and by window-like garage openings with glazing or decorative grilles.

All windows and garage-window openings should have dimensionality so as to create shadows and texture within the building facade. At a minimum, all windows and garage-window openings should have deep headers and sills; in addition, trim on all sides that projects from the building facade is encouraged. Window glazing should be recessed relative to the surrounding enframing. If divided lites are used, they should include external members that cast shadows on the glass.

On any residential-styled facades, upper-story windows should be vertically-proportioned in order to harmonize with the character of downtown Millburn. Vertically-proportioned windows may be clustered in pairs and triples to create larger, horizontally-proportioned expanses of windows within each bay.

5. Materials

(a) Facade materials

Preferred facade materials are brick veneer, cultivated stone, cast stone or other masonry facing; fiber cement vertical siding panels, siding boards or shingles; and wood, metal, and glass. No more than three different materials should be employed as primary materials on a building façade. Within the chosen primary materials, variation in color, texture and pattern may be employed to create further distinctions. Use of secondary materials for accent purposes is further permitted.

(b) Window glazing

Windows for residences, lobbies, commercial storefronts and shared common-use rooms on the ground floor should have clear and non-reflective glass. Stained, translucent, or decorative glass may only be used for transom and accent windows. Windows on upper-level floors may be lightly tinted but should not be mirrored. Window and door glazing for mechanical and related rooms may be translucent (admitting light but not views) or opaque (such as spandrel glass).

(c) Application of materials

The quality and variety of materials, detailing, and articulation should be consistent on all facades. Materials should extend around corners and extensions to a logical break in plane so as to avoid a pasted-on appearance. Changes in materials across a vertical line should be made at an inside corner or other logical change in building massing. Changes in materials across a horizontal line should be delineated by a cornice, belt course, expansion joint, or similar feature.

6. Open space and landscaping

(a) Front setback and sidewalk landscaping

Any required front setback area that is not used as porch, stoop, or walkway along public streets should be landscaped with a mix of lawn grasses, ornamental hedges and flowers, and shade trees.

Any portion of the adjoining public right-of-way that is not being used as a public sidewalk should be landscaped seamlessly and in a similar fashion to the front setback.

(b) Terrace over parking

The building should provide a shared residential open space in the form of a roof deck terrace over the parking garage. Access to the terrace should be readily available to all building residents and prominently sited off a common hallway or lobby. The terrace should include landscaping and a variety of seating options. Buffer landscaping or low fencing should be provided for privacy screening between the terrace and adjoining properties.

(c) Individual private open space

Interior balconies (i.e., balconies that do not face public streets) are encouraged as a means to provide private outdoor space for some or all apartments. Balconies should be recessed within a wider facade or within a projecting bay, rather than projecting alone from the facade. Balconies should be visually-permeable, such as with vertical posts, horizontal wires, or glass safety panels.

i. Service Areas

1. Mechanical rooms

Where possible, mechanical, storage, and other utilitarian rooms should be located at the interior or below-grade portions of the building. Where they must be located along an exterior, street-facing or courtyard-facing wall of the building, they should maintain the overall pattern, proportion, and design of windows in adjacent and upper facades.

2. Rooftop mechanical equipment
All major mechanical equipment located on the roof should be screened from view of all street-level sidewalk vantage points along Millburn Avenue and Douglas and Essex Streets, using a material harmonious to the building's façade design.
3. Trash and refuse
Building trash and recycling collection areas should be fully contained within the garage.

j. Signage

1. Number and placement of residential façade signs
A total of two (2) façades sign identifying the name of the residential apartment building are permitted, one along Millburn Avenue and one along Essex Street. Facade signs should be placed in the sign band or entablature that extends in a consistent zone across the first-level façade above windows and doors; or be mounted as individual channel-cut letters at the front edge of an entrance canopy. Façade signs should not obscure architectural features of the building.
2. Residential façade sign area and types
The area of each permitted residential façade sign shall not exceed thirty (30) square feet. Recommended facade signage types include: designs painted on or otherwise affixed to a signage board; dimensional lettering; channel-cut letters; and box signs with light-colored lettering against a dark, opaque background. Dimensional signs (such as carved relief, individually-pin-mounted lettering or channel-cut letters) are encouraged.
3. Residential signage lighting
All residential façade signs shall be lighted in one of two ways: (1) externally lit wall-mounted, focused, directional lights such as goose neck lights or sconces, in which the lighting source is shielded, and the bulb exposure limited to that sufficient to illuminate the sign content; or (2) halo-illuminated, providing a shielded back glow illumination. All lighting should be selected from the International Dark Sky Association's Fixture Seal of Approval program in order to limit glare, light trespass, and skyglow.
4. Signage for ground floor commercial space along Millburn Avenue shall comply with the requirement for the B-4 district as set forth in Section 609.10 of the Township of Millburn Development Regulations and Zoning Ordinance.

Section 3. Conflicts and Severability

- a. Conflicts. All other Ordinances, parts of Ordinances, or other local requirements that are inconsistent or in conflict with this Ordinance are hereby superseded to

the extent of any inconsistency or conflict, and the provisions of this Ordinance apply.

- b. Severability. If any portion or clause of this Ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality or any other part of portion of this Ordinance.
- c. This Ordinance shall be so construed as not to conflict with any provision of New Jersey law.
- d. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

Section 4. This Ordinance may be renumbered for purposes of codification.

Section 5. This Ordinance shall take effect after final passage and publication as provided by law.

1st Reading and Introduction: 6/16/2020

1st Publication: 6/25/2020