

BERNARDSVILLE BOROUGH
ORDINANCE # 2020-1852

SUPPLEMENTING AND AMENDING THE BOROUGH LAND USE ORDINANCE
TO CREATE A NEW DOWNTOWN ZONING DISTRICT WITH FOUR
DOWNTOWN SUBDISTRICTS WITH RELATED ZONING AND DESIGN
REGULATIONS

WHEREAS, the Borough Of Bernardsville 2000 Master Plan as amended in 2004 included goals and policy objectives relating to the Borough's Downtown and included a Downtown Plan within the Master Plan Land Use Element; and

WHEREAS, the Planning Board adopted a Master Plan Reexamination Report in 2016 that reaffirmed the goals and status of the 2000 Master Plan relating to the Borough's Downtown; and

WHEREAS, the Borough authorized the preparation of a draft Downtown Zoning Ordinance to implement the recommendations of the 2000 Master Plan and Reexamination Report as amended and reexamined; and

WHEREAS, Common Ground, an urban design and planning firm was retained by the Borough to prepare a draft ordinance dated September 23, 2019; and

WHEREAS, the draft ordinance promotes a performance based approach to regulating development in the Borough's Downtown whereby design criteria and standards guide development such that development becomes self-regulating based on compliance with such criteria and standards; and

WHEREAS, the Planning Board has adopted a 2020 Reexamination Report recommending that the Borough's Master Plan Land Use Element be amended to incorporate the proposed zoning regulations contained in the draft Downtown Ordinance; and

WHEREAS, the Planning Board also adopted a Master Plan Land Use Element Amendment as

recommended by the 2020 Reexamination Report incorporating the proposed land use and zoning regulations into the Land Use Element;

NOW THEREFORE, BE IT ORDAINED by the Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey that the Borough Land Use Ordinance Article 12 entitled “Zoning” is hereby supplemented and amended as follows (note: deletions are denoted as strikeouts while new provisions are denoted in *bold italic*):

Section 1. Section 12-2.1 Table of Zone Districts is hereby amended to delete the B-1, C-1, H-D and O-B districts and add the Downtown, D-C, D-Co, D-Cl and D-G districts as follows:

| | | |
|---------------|----------------|--|
| a. | R-1 | Residence District |
| b. | R-1A | Residence District |
| c. | R-2 | Residence District |
| d. | R-3 | Residence District |
| e. | R-4 | Residence District |
| f. | R-5 | Residence District |
| g. | R-8 | Single-Family Attached Residence District |
| h. | R-10A | Multi-Family Housing District |
| i. | R-10B | Multi-Family Housing District |
| j. | B-1 | Business District |
| k. | O-B | Office Building District |
| l. | C-1 | Commercial District |
| <i>j.</i> | <i>D</i> | <i>Downtown District</i> |
| <i>k.</i> | <i>D-C</i> | <i>Downtown Core</i> |
| <i>l.</i> | <i>D-Co</i> | <i>Downtown Corridor Subdistrict</i> |
| <i>m.</i> | <i>D-Cl</i> | <i>Downtown Claremont Road Subdistrict</i> |
| <i>n.</i> | <i>D-G</i> | <i>Downtown Gateway Subdistrict</i> |
| o. | I | Industrial District |

| | | |
|-------------------|----------------|---|
| n . p. | I-2 | Light Industrial District |
| o . q. | H-D | Highway Development District |
| p . r. | R-1-10 | Residence District |

Section 2. Section 12-2.2 a. The Zoning Map is hereby amended to delete reference to the B-1, O-B, C-1 and H-D Districts to be replaced with a new Downtown District with four subdistricts D-C, D-Co, D-Cl and D-G as identified in the amended zoning map Appendix 1 attached hereto.

Section 3. Section 12-12 B-1 Business District is deleted in its entirety.

Section 4. Section 12-13 O-B Office Building District is deleted in its entirety.

Section 5. Section 12-16 C-1 Commercial District is deleted in its entirety.

Section 6. Section 12-21 HD Highway Development is deleted in its entirety.

Section 7. New Section 12-12 Downtown District is hereby created and added to replace the deleted Districts as follows:

12-12 DOWNTOWN DISTRICT

12-12.1 Purpose and Intent

The purpose of this District is to implement the recommendations of the Borough of Bernardsville’s 2000 Comprehensive Master Plan Downtown Plan as amended, 2019 Master Plan Reexamination Report and 2019 Land Use Plan Element. Specifically, the intent of this District is to:

- a) promote the Downtown as the commercial and civic center of Bernardsville in a cohesive manner;*
- b) enhance the physical characteristics of the Downtown through sign, facade, and streetscape improvements;*
- c) encourage architectural design that is consistent with the historical character of Bernardsville;*
- d) create a pedestrian-friendly atmosphere in the downtown; and*
- e) provide sufficient parking in the downtown.*

12-12.2 Sub-districts

It is recognized that there are several areas of distinct character in Downtown Bernardsville; therefore, the following sub-districts are hereby created:

- a) *Downtown Core (D-C)*
- b) *Downtown Corridor (D-Co)*
- c) *Downtown Gateway (D-G)*
- d) *Downtown Claremont Road (D-Cl)*

12.12.3 General provisions.

- a) *Definitions. The following definitions shall apply solely to the Downtown District. Terms contained in this section shall govern where they are in conflict with the other sections of the Land Development Ordinance except where terms are not defined herein, the definitions contained in Article 1, Section 1-3.2 shall apply:*

ARTICULATION: *Treatment of a building facade through the use of offsets, recesses, Attachments, and/or Openings to reduce the mass of the facade.*

ARTISAN MANUFACTURING: *The shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to electronic goods; food, drink and bakery products; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing; provided such facilities are open to the public for the retail sale of goods or services.*

ATTACHMENT: *A structure, excluding signage, attached to the facade of a building.*

BALCONY: *A covered or uncovered occupiable platform attached to a building facade.*

BAY WINDOW: *A space with windows that projects outward from a building facade and forms a recess within.*

CEILING: *The upper finished surface of a story.*

DEVELOPMENT PLAN: *The documents necessary to demonstrate to the Zoning Official that proposed development, as defined in the Land Development Code, is in compliance with this section.*

ENTRANCE: *An opening intended for the entry or exit of pedestrians in a building.*

FACADE: *The face of a building.*

FACADE, BLANK: *The portion of a facade per story that is permitted to have no Articulation or Opening.*

FRONTAGE: *The area between a building facade and a street, including built and planted elements. Private Frontage is located between a building facade and lot line adjacent to a street. Public Frontage is located in the street right-of-way adjacent to a lot line.*

FRONTAGE BUILDOUT: *The portion of a building facade built within the build-to-zone.*

HOTEL: *An establishment that is not a bed and breakfast or motel, that provides sleeping accommodations and customary lodging services, including dining facilities, maid service, and the furnishing of furniture and bed linens to a transient population.*

MOTEL: *A building or series of buildings in which lodging is offered for compensation in which each rental unit has direct independent access to, and adjoining parking for each unit.*

OFFICES: *Shall include co-working spaces.*

OPENING: *A window or door within a building facade.*

PARAPET: *A low protective wall along the edge of a building roof.*

PORCH: *A covered; occupiable platform attached to a building facade near grade level.*

PRINCIPAL BUILDING: *A building in which the primary use on the property is conducted.*

ROOF: *The structure forming the upper covering of a building including parapet walls.*

STOOP: *A covered platform attached to a building facade near a building entrance.*

STORY: *A portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it as follows:*

Any finished floor surface entirely above the established predevelopment grade shall be counted as a story, except that a basement shall be considered to be a story above grade where the finished surface of the floor above the basement is:

- 1. More than six (6) feet above the existing grade; or*
- 2. More than six (6) feet above existing grade for more than fifty (50%) percent of the total building perimeter; or*
- 3. More than twelve (12) feet above grade at any point.*

STREET, PRIMARY: *The fronting street of a lot; or when a lot fronts on more than one street, the street with the wider right-of-way which carries the greater average daily traffic volume shall be considered the primary street. In the event of two street frontages where the street has a greater average daily traffic volume but is not the wider street, the primary street shall be determined by the Planning Board based upon the orientation of the proposed building(s) and the character of the surrounding development.*

STREET, SECONDARY: *Street determined to not be a primary street.*

TRANSPARENCY: *The portion of the building facade made up of openings.*

- b) **Design Standards.** *Design Standards are prescriptive, quantifiable measures and rules that provide specific direction for meeting the intent of this section. Design Standards use terms such as “shall” or “must” to indicate that compliance with the standard is required.*
- c) **Design Guidelines.** *Design Guidelines are recommended approaches for meeting the intent of this section. Design Guidelines use terms such as “should” to indicate that the guideline is relevant to the intent and will be considered during the review process.*
- d) **Applicability of Regulations**
 - 1. **Existing Development.** *Any existing use, lot, building or other structure legally established prior to the effective date of this ordinance that does not comply with any provision of these specific regulations is a legal non-conforming use pursuant to Chapter 12-26 Non-conforming Lots, Uses, and Structures.*
 - 2. **New Development.** *New construction or redevelopment of property that is not otherwise exempt shall comply with all applicable provisions of this section.*
 - 3. **Additions.** *Except as provided elsewhere, any addition to an existing building or buildings shall be constructed or developed in accordance with all applicable provisions of this section if any of the following criteria are met:*
 - i. *The addition fronts a public right-of-way; or*
 - ii. *The gross floor area of the addition exceeds 25% of the gross floor area of the existing building or structure being modified. Building additions less than 25% shall still require site plan approval in conformity with the applicable building height and setback requirements for the sub-district in which the property is located.*
 - 4. **Modifications.** *Except as provided elsewhere, any modification to an existing part of a building or buildings shall comply with the provisions of this section if both of the following criteria are met. Only modifications that meet the criteria are required to comply with the*

provisions of this section and shall not require the unmodified portions of the building to be brought into compliance:

- i. The building part is regulated by this section; and*
 - ii. The proposed modification fronts a public right-of-way.*
- 5. Repair and Maintenance. Routine repairs and maintenance of an existing building or site are permitted and are not required to comply with the provisions of this section. If parts of a building have deteriorated beyond the point where they can be repaired to code, they shall be replaced in kind. Parts of a building that are not replaced in kind shall be considered modifications and comply with the provisions for Modifications under Section 12-12.3 d) 4.*
- 6. Changes of Use. Except as provided elsewhere, any change of use within an existing building or structure shall comply with the parking and signage provisions of this section.*

12-12.4 Administrative Procedures

- a) Pre-Application Conference. A pre-application conference with the Zoning Official is recommended prior to any application for approval within the Downtown district. The purpose of the pre-application conference is to provide an overview of the materials needed to submit an application and a description of the process; answer questions related to development within the district; and determine and clarify issues that may arise.*
- b) No construction, reconstruction, alteration, conversion or installation of a structure, building, fence, patio, driveway, or other impervious surface, establishment of or change of use shall be undertaken unless and until a Zoning Permit is obtained from the Zoning Officer in accordance with the requirements of section 12-13A of this Code. In addition, an application for a zoning permit within the Downtown district, an applicant shall submit any additional information requested by the Zoning Official to effectively review for compliance with the provisions of the Downtown District.*
- c) Review and Approval. The Zoning Official shall provide copies of the zoning permit application to appropriate agencies for review. If the zoning permit application is deemed to be in compliance with this section and no variances or other development approvals are required under the Borough Land Development Regulations or Municipal Land Use Law, then the Zoning Official can issue the zoning permit. If the Zoning Official deems the submittal to not be in compliance with this ordinance (providing the reasons for such decision), then the applicant may submit the land development application to the Planning Board or the Board of Adjustment, as applicable, for appropriate relief and approval.*

12-12.5 Deviation from Standards Defined

- a) *Deviations from use requirements and standards relating to bulk, building placement, building height, building articulation, building transparency, parking, lighting and signage standards shall be deemed zoning requirements requiring use or variance relief pursuant to N.J.S.A. 40:55D-70(c) and (d).*
- b) *Deviations from design standards relating to architecture, frontage and miscellaneous guidelines shall be deemed design standard exceptions pursuant to N.J.S.A. 40:55D-51.*

12-12.6 Permitted Uses In the Downtown District and All Sub-Districts

Unless specifically prohibited within a sub-district or elsewhere in this section, the following uses are permitted in the Downtown District:

- a) *Artisan Manufacturing (including distilleries and micro-brewing)*
- b) *Educational Institutions*
- c) *Financial Institutions*
- d) *Institutional Uses (including but not limited to places of worship)*
- e) *Business and Professional Offices*
- f) *Outdoor Dining as regulated by §12-12.9.*
- g) *Personal Care Services*
- h) *Recreational type uses such as health clubs, spas and boutique exercise class providers, boutique gaming facilities, arcades, dance and art studios.*
- i) *Residential-Multi-family (including within a mixed-use building)*
- j) *Residential-Townhouses*
- k) *Restaurants and cafes*
- l) *Retail sales*
- m) *Theaters, community centers, art centers and museums*
- n) *Drive-through facilities shall be allowed for pharmacies only.*

12-12.7 Conditional Uses Permitted in the Downtown Zone and All Sub-districts

- a) *Hotels (pursuant to Section 12-25.f)*
- b) *Automobile Fueling Stations and Public Garages (pursuant to Section 12-25.b) in the Downtown Corridor and Downtown Gateway Districts only.*
- c) *Public Utilities (pursuant to Section 12-25.i)*

12-12.8 Sidewalk Sales

Sidewalk sales shall be permitted within the Downtown District, not to exceed more than nine (9) days during each calendar year per business, which days shall be authorized by the Borough Clerk subject to the following standards:

- a) *Goods and merchandise may be displayed only upon a sidewalk area immediately in front of the business establishment selling same and in such a manner as to permit the free flow of pedestrian traffic on the sidewalk at a minimum width of 48 inches.*
- b) *Goods and merchandise shall be of the same type and quality as that ordinarily maintained and sold by the business establishment conducting the sale.*
- c) *Goods and merchandise shall be displayed in such manner as to permit sales to pedestrians on sidewalk areas. Sales shall not be conducted or made to pedestrians walking or standing in streets, roads or other areas where motor vehicles ordinarily travel.*
- d) *No advertising signs larger than twelve inches by twenty- four inches shall be utilized in sidewalk sales.*
- e) *Business establishments adjacent to parking areas may set aside portions thereof by clearly marking some and restricting the areas to sidewalk sales. Booths or other displays shall be located in such a manner as to permit the free flow of traffic through the area.*
- f) *Sidewalk sales shall be restricted ~~between~~ to the hours of 9:00 a.m. ~~and~~ to 6:00 p.m., prevailing time.*
- g) *The use of public address systems, bells, music, auctioneers or other devices or activities not otherwise utilized by business establishments in the ordinary course of business shall not be permitted in conjunction with sidewalk sales.*
- h) *The location of booths and other merchandise displays along sidewalks and in parking areas shall be subject to approval by an authorized member of the Police Department of the Borough of Bernardsville and an authorized member of the Fire Department of the Borough of Bernardsville. Any party failing to comply with a written directive from either of the agencies shall be deemed to be in violation of this section.*

12-12.9 Outdoor Dining

Outdoor Dining shall be permitted within the Downtown District as accessory to an existing indoor restaurant only subject to the following regulations:

- a) No outdoor table, shelf or other facility to hold food or drink while the same are being consumed shall be permitted in any nonresidential zone except in accordance with this paragraph.**
- b) The dining area must be on private property. If any portion of the dining area is on a sidewalk over which the public has a right-of-way, an unobstructed passage not less than four (4) feet wide must be left between the dining area and any street, structure, hydrant, lamppost, highway signpost or other obstruction. No portion of the dining area may be closer than four (4) feet to any fire lane, parking lot or loading dock. No portion of any required parking space or loading dock shall be converted to dining area.**
- c) The dining area shall be surrounded by a defining barrier not less than two (2) feet high such as landscaping, a fence or ropes and posts. If any portion of the dining area is within ten (10) feet of any area used by vehicles and less than two (2) feet above such area, the barrier shall be designed to protect the dining area unless the same is protected by trees or other means. Any immovable portion of the barrier, or any permanent roof, arbor, platform or similar structure shall be considered a site improvement for the purpose of Section 12-12.4, Administrative Procedures, requiring site plans proposing site improvements to be drawn by a licensed person. The placement of tables and chairs in the dining area and the provision of passages through the barrier shall not obstruct entry to or exit from any building. Folding chairs are prohibited. No advertising or product names are permitted on any tablecloths, chairs or umbrellas in the dining area.**
- d) No use of the dining area shall be permitted after 10pm or before 6:00 a.m. Sunday through Wednesday. Outdoor dining shall not be permitted after 11:59 pm or before 6:00 am Thursday through Saturday.**
- e) Convenient containers for trash and recyclables shall be provided. The operator of the dining area shall keep it clean, sanitary and free from litter.**
- f) With the permission of the Board of Health and/or the Fire Department as to the maximum number of people in the indoor and outdoor spaces, the restaurant may serve indoor and outdoor diners simultaneously.**

12-12.10 Specifically Prohibited Uses

In addition to the uses prohibited in Section 12-23.16, any use not specifically enumerated as expressly permitted herein is hereby prohibited including the following specific uses in all sub-districts unless otherwise indicated:

- a) Animal slaughter**

- b) Any business operation conducted outside the confines of a building, or any business operation which results in the storage or display of any article or merchandise in bulk outside the confines of a building such as bags of topsoil, mulch, firewood or storage associated with a lumber yard, auto sales and the like. Seasonal displays are permitted as well as sidewalk sales as regulated above.*
- c) Bail bonds agency*
- d) Bulk storage of flammable liquids except the sale of exchangeable propane tanks is permitted.*
- e) Vending machines unless operated within the confines of a principal building or unless permitted by subsection 12-25.2 of this chapter.*
- f) Convention centers*
- g) Dependent living facilities*
- h) Junk yards, dumps, and scrap material storage*
- i) Lumber yards, contractor storage or equipment*
- j) Manufacturing (other than Artisan Manufacturing as defined elsewhere in this section)*
- k) Marijuana dispensaries either for medicinal or recreational use*
- l) Motels, trailer camps or other storage or parking of trailers*
- m) Pawn shops*
- n) Automobile Fueling Stations and Public Garages except as permitted in the Downtown Corridor and Gateway Corridor sub-districts*
- o) Stone or monument works*
- p) Tattoo parlors*
- q) Vape shops*
- r) Warehouses*
- s) Drone landing pads or area*

12-12.11 Nuisances

No retail, restaurant, outdoor dining area, or office in any building shall use any noisemaking instruments such as phonographs, loudspeakers, amplifiers, radios, television sets or similar devices which are so situated as to be heard outside any building at a level exceeding 65 decibels during daytime and 50 decibels between 10:00 p.m. and 7:00 a.m. No smoke, dust, fumes or objectionable odor shall be emitted from any building. The display of merchandise on the exterior premises of any building is prohibited, except as to sidewalk sales as provided herein.

12-12.12 Lot Development

- a) Intent. Most downtowns are designed as a system of streets and blocks. Downtown Bernardsville generally follows this pattern, but some areas stretch along corridors such as Mine Brook Road and Claremont Road. To ensure connection between the public and private realm, it is important that lots and, subsequently, buildings should front streets and/or open spaces such as parks and plazas. It is equally important that such public streets and spaces be connected to each other to the extent possible to form a complete street and park network.*
- b) Lots shall front on a public street, Private Street built to public standard, or designated public open space.*

12-12.13 Placement of Buildings

- a) Intent. It is important that buildings and related landscaping, rather than parking, be the dominant characteristic in Downtown Bernardsville. This creates an environment more conducive to pedestrians. While building placement varies by sub-district, the intent is for new development to be built close to the street.*
- b) Front setbacks from a street shall be measured from the property line. Rear and side setbacks are measured at a right angle from the adjacent property line.*
- c) Additions to buildings are not required to meet the minimum building frontage standards as applicable by sub- district.*
- d) Attachments, as established in section 12-12.16, may encroach into setbacks as applicable by sub-district subject to the following maximums:*
 - 1. Awnings: 6 feet*
 - 2. Balconies: 6 feet*
 - 3. Bay Windows: 6 feet*
- e) Minor elements such as accessory utility structures, mechanical equipment, fences, walls, driveways, walkways, and uncovered stoops and porches may encroach into all setbacks but not across property lines.*

12-12.14 Building Height

- a) Intent. The height of buildings in Downtown Bernardsville is varied, which adds to the richness of its character. Additionally, the height of individual stories varies. For example, shopfronts close to sidewalk often feature taller ground level ceilings than the stories above. The first floor of residential-type buildings is typically raised above the level of the adjoining sidewalk. The intent is to be sensitive to the existing building and ceiling heights of the area, but to allow for additional height where appropriate due to location and/or unique features of the site.**
- b) Building height shall be measured in stories and feet. The measurement of building height in feet shall be made using average predevelopment grade. The average predevelopment grade shall be established at the minimum front yard setback line, measured at the endpoints of equal length segments composing that line with no segment longer than 20 feet. Building height from the average predevelopment grade will be measured to the bottom of the eave on a sloped roof or the highest point of the roof surface of a flat roof not including a parapet. The maximum exposed foundation along any portion of a building shall be no greater than 2-feet.**
- c) Any finished floor surface entirely above the established predevelopment grade shall be counted as a story, except that a basement shall be considered to be a story above grade where the finished surface of the floor above the basement is:**

 - 1. More than six (6) feet above the existing grade; or**
 - 2. More than six (6) feet above existing grade for more than fifty (50%) percent of the total building perimeter; or**
 - 3. More than twelve (12) feet above grade at any point.**
- d) Where a lot slopes down from the primary street a minimum of 10 feet vertically, one additional story is allowed beyond the maximum number of stories as applicable by sub-district. Such additional story shall be used only for underground or covered parking, storage or mechanical equipment.**
- e) Non-occupiable roof elements such as spires, cupolas, chimneys, cell antennas, and similar structures may exceed the maximum height requirements by no greater than 20%.**
- f) Stairways to the roofs, rooftop shade structures, and rooftop mechanical equipment including solar panels may not exceed the maximum height requirement by more than 10 feet and shall be set back from building facades a minimum of 10 feet. Rooftop structures shall be limited to 25% of the roof area. All roof structures, facilities and improvements shall have aesthetic quality consistent with the design standards applicable to the structure as a whole and shall be appropriately screened.**

- g) *Minimum story height requirements shall be measured from the top of the finished floor to the floor above.*
- h) *Minimum ground floor elevation requirements shall be measured from the top of the adjacent sidewalk.*
- i) *Fencing as required by building codes for terraced roofs is permitted but may not exceed the minimum height required by the building code.*

12-12.15 Building Articulation

- a) *Intent. Downtown Bernardsville, like many historic downtowns, was built incrementally over time. The result is a pattern of development where the articulation of buildings through recesses, projections, and attachments create visual interest. It is the intent to avoid the massive character of buildings with long, uninterrupted facades that do not contribute to a viable streetscape.*
- b) *Articulation requirements by sub- district shall be met in one or more of the following methods:*
 - 1) *Facade offset with a minimum depth of 2 feet that extends to within 2 feet of the full height of the facade.*
 - 2) *Facade projection or recession with a minimum depth of 4 inches and a minimum width of 1 foot that extends the full height of the first story of the facade.*
 - 3) *Variation in building or parapet height of a minimum 2 feet for single story buildings and 4 feet for buildings with 2 or more stories.*
 - 4) *The use of multiple roof forms to create the effect of different building components.*

12-12.16 Permitted Building Attachment Standards

- a) *Intent. In addition to the articulation of building facades, downtown buildings may feature a variety of attached elements that provide protection from the weather and extend informal occupiable space, while also helping to break down the perceived mass of the building.*
- b) *Building attachment requirements by sub- district shall be met in one or more of the following methods:*
 - 1. *Awnings/canopies shall have a minimum clear height above a sidewalk of 9 feet and a minimum depth of 5 feet.*
 - 2. *Balconies shall have a minimum clear height above a sidewalk of 9 feet and a minimum clear depth of 5 feet.*
 - 3. *Bay windows shall have a maximum projection of 5 feet from a facade.*

4. *Chimneys shall have a maximum projection of 3 feet from a facade.*
5. *Drive-through facilities visible from a street shall be recessed a minimum of 10 feet from street-facing facades. Vehicular circulation and stacking for drive-through facilities shall be designed in a manner that does not impede traffic flow on adjacent streets.*
6. *Porches shall have a minimum clear depth of 6 feet excluding steps.*
7. *Stoops shall have a minimum clear depth of 4 feet.*

12-12.17 Building Transparency

- a) *Intent. Similar to articulation, the transparency of buildings, or the amount of windows and doors in Downtown Bernardsville, where fronting or visible from streets and public spaces, contributes to a pedestrian-friendly environment critical to the success of the downtown. It is the intent to ensure development enhances the streetscape through openings that provide unobstructed views into buildings and are blocked only by sightly merchandise seasonal displays rather than merchandise storage, which is otherwise prohibited, do not demean the look of the borough, and are placed appropriately based on location and use.*
- b) *Transparency shall be measured by dividing all the transparent surface areas of windows and including doors by the total facade area of a street-facing story.*
- c) *Storefronts which become vacant shall be cleaned of all trash and debris at the front display windows. The property owner or tenant shall install a temporary painted, or otherwise decorated screen that shall obscure all display windows upon the premises to prevent visual exposure of the areas behind the screen. The top of the screen shall be not less than six feet above the adjacent sidewalk area.*

12-12.18 Parking

- a) *Intent. The accommodation of parking within Downtown Bernardsville is necessary, but it is critical that downtown design not be controlled by parking. Downtown residents and patrons should be able to park once and visit multiple establishments. The intent should be to reduce unnecessary parking and encourage shared parking that is convenient throughout the Downtown District.*
- b) *Parking shall be required for new development or changes in use according to the table below:*

| <u>USE</u> | <u>REQUIRED PARKING</u> |
|--------------------------------|----------------------------|
| <i>Artisan Manufacturing</i> | <i>1 sp./1,000 sq. ft.</i> |
| <i>Auditorium, Theater:</i> | <i>1 sp./3 seats</i> |
| <i>Educational, Daycare:</i> | <i>1 sp./250 sq. ft.</i> |
| <i>Financial Institutions:</i> | <i>1 sp./300 sq. ft.</i> |

Hotels: *1 sp./room plus 1 sp./2 employees*

Institutional: *1 sp./250 sq. ft.*

**Institutional, Places of
Worship:** *1 sp./3 seats*

Offices: *1 sp./300 sq. ft.*

Personal Care Service: *1 sp./250 sq. ft.*

Recreational: *1 sp./250 sq. ft.*

Residential: *Per RSIS*

Restaurants: *1sp./3 seats for patrons and
1/employee on a maximum shift*

Retail: *1 sp./250 sq. ft.*

- c) *Parking setbacks are measured at right angles to the adjacent property line.*
- d) *Required parking, with the exception of required accessible spaces, may be located off-site, if located within 600 feet from the primary pedestrian entrance.*
- e) *A shared parking plan may be approved by the Planning Board or the Board of Adjustment, as applicable, for a mixed-use project when uses are located near one another and have different peak parking demands and operating hours, based upon a shared parking analysis prepared and presented by a qualified New Jersey licensed professional engineer.*
- f) *Cross access between adjacent parking areas is required when technically feasible.*
- g) *For parking lots or structures with a minimum of 50 spaces, a minimum of 2% of the spaces shall be reserved for electric vehicle charging stations.*

12-12.19 Downtown Zone Standards

Development regulations for each Downtown Subzone are hereby established as follows:

a) **Downtown Core Sub-district (D-C)**

- 1. *Description and Intent. The Downtown Core sub-district encompasses the heart of downtown Bernardsville. The district is centered around Olcott Square at the intersection of Mine Brook Road, Mt. Airy Road, Anderson Hill Road, and Morristown Road. The district features a variety of building types, but generally buildings are built close to the sidewalk with parking located behind. The intent is to preserve the historic character of the area and to ensure new development is compatible. The district also includes the area around Quimby Lane, an area the Borough envisions to be redeveloped with a mixture of uses and the character of a European village.*

2. *Permitted uses: Uses as permitted in § 12-12.6, § 12-12.8 and § 12-12.9.*
3. *Conditional uses: Conditional uses as permitted in § 12-12.7.*
4. *Prohibited uses: As regulated by §12-12.10.*
5. *Lot Coverage: Maximum 90%.*
6. *Building Setbacks*
 - i. *Front Yard.*
 - (a) *Non-residential and mixed use buildings: Minimum: 2 feet; Maximum 5 feet. For non-residential and mixed-use buildings, the area between the building façade and the sidewalk shall be hardscaped to match or complement the sidewalk*
 - (b) *Residential buildings: Minimum: 5 feet; Maximum 10 feet.*
 - ii. *Side Yard. Minimum: 0 feet/Minimum to adjacent residentially zoned property: 5 feet.*
 - iii. *Rear Yard. Minimum: 5 feet/Minimum to adjacent residentially zoned property: 20 feet.*
 - iv. *Distance between buildings on same lot: Minimum 10 feet.*
 - v. *Frontage buildout: Minimum 80% of the front façade shall extend along the street-front setback line.*
7. *Principal Building Height Requirements*
 - i. *Maximum Stories: 3 stories*
 - ii. *Feet to bottom of eave: Maximum 40*
 - iii. *Feet to top of parapet: Maximum 45 feet*
 - iv. *Story Height as measured floor to floor.*
 - (a) *Ground level non-residential uses: Minimum 15 feet/Maximum 21 feet*
 - (b) *Ground level residential: Minimum 10 feet*

(c) Upper level: Minimum 9 feet

10. Accessory Building Height Requirements

- i. Maximum Stories: 2*
- ii. Maximum Height: 30 feet*

11. Ground floor above sidewalk measured at doorway

- i. Non-residential uses: 4 inches to a maximum of 6 inches.*
- ii. Residential uses: Minimum 1.5 feet*

12. Building Articulation

- i. Flat façade – Primary Street: Maximum 25 feet*
- ii. Flat façade-Secondary Street: Maximum 50 feet*
- iii. Permitted attachments subject to § 12-12.16: awnings, canopies, balconies, bay windows, chimney, porches and stoops*

13. Required Building Transparency

- i. Primary Street Ground Level – Non-residential: Minimum 70%/Maximum 80%; Maximum sill height at window 2 ½ feet; For non-residential uses, located within a building designed to resemble a single-family residential building type with a porch frontage, required transparency may be reduced to 20%.*
- ii. Secondary Street Ground Level - Non-residential: Minimum 20%/Maximum 80%*
- iii. Primary Street Ground Level – Residential: Minimum 20%/Maximum 60%*
- iv. Secondary Street Ground Level – Residential: Minimum 15%/Maximum 60%*
- v. Upper Level: Minimum 15%/Maximum 50%*

14. Parking setbacks from property lines

- i. Primary Street: Behind the principal building*

- ii. *Secondary Street: Minimum 5 feet*
- iii. *Side: Minimum 5 feet*
- iv. *Rear: Minimum 5 feet*

15. Parking Access

- i. *Primary Street Number of Driveways: Maximum 1*
- ii. *Secondary Street Driveways: Maximum 2*
- iii. *Driveway Width: Maximum 24 feet*

16. Parking lot screening from public right of way: Minimum planting height 3 feet/Maximum planting height 4 feet; Parking lots with less than 5 spaces are exempt from this requirement.

17. Architecture

- i. *Permitted Foundation Materials: Brick masonry, stone masonry, cement-parged concrete block*
- ii. *Permitted Façade Materials: Brick masonry, stone masonry, stucco, wood siding/shingles for buildings designed to resemble a single-family residential building type only, fiber-cement siding/shingles to resemble a single-family residential building type only*
- iii. *Permitted Façade Accent Materials: Cast stone, wood, fiber-cement trim, siding, and panels, composite trim, siding, and panels, architectural metal*

18. Frontages

- i. *Permitted private frontages: Shopfront, stoop, forecourt, porch*
- ii. *Public frontages: Sidewalk and tree well*

19. Sidewalks - 8 foot sidewalk as measured from the top edge of the curb face shall be provided. Where the sidewalk along a property frontage is less than 8 feet, the front facade must be setback an additional distance to ensure a 10 foot minimum clear sidewalk width.

20. Signage as permitted pursuant to §12-23-15.

b) Downtown Corridor Sub-district (D-Co)

1. *Description and intent. The Downtown Corridor sub-district extends along Morristown Road east of the core and serves as a portion of the eastern gateway into Bernardsville. The area has a more auto-dependent character than other sub-districts. The intent is to limit the future expansion of this character while recognizing that the corridor will remain auto-oriented for the foreseeable future.*
2. *Permitted uses: Uses as permitted in § 12-12.6, § 12-12.8 and § 12-12.9.*
3. *Conditional uses: Conditional uses as permitted in § 12-12.7.*
4. *Prohibited uses: As regulated by § 12-12.10 and residential on a ground floor.*
5. *Lot Coverage: Maximum 80%.*
6. *Building Setbacks*
 - i. *Front Yard. Minimum: 5 feet; Maximum 75 feet.*
 - ii. *Side Yard. Minimum: 5 feet*
 - iii. *Rear Yard. Minimum: 20 feet*
 - iv. *Distance between buildings on same lot: Minimum 20 feet.*
 - v. *Frontage buildout: Minimum 60% of the front façade shall extend along the street-front setback line.*
7. *Principal Building Height Requirements*
 - i. *Maximum Stories: 2 ½ stories*
 - ii. *Feet to bottom of eave: Maximum 30 feet*
 - iii. *Feet to top of parapet: Maximum 35 feet*
 - iv. *Story Height as measured floor to floor*
 - (a) *Ground level: Minimum 13 feet*
 - (b) *Upper level: Minimum 9 feet*
10. *Accessory Building Height Requirements*

- i. *Maximum Stories: 2*
- ii. *Maximum Height: 30 feet*

11. Ground floor above sidewalk measured at doorway: 0 feet

12. Building Articulation

- i. *Flat façade – Primary Street: Maximum 50 feet*
- ii. *Flat façade-Secondary Street: Maximum 50 feet*
- iii. *Permitted Attachments subject to § 12-12.16: awnings, canopies, balconies, bay windows, drive-throughs for Pharmacies only, porches and stoops*

13. Required Building Transparency

- i. *Primary Street Ground Level – Non-residential: Minimum 40%/Maximum 80%; For non-residential uses located within a building designed to resemble a single-family residential building type with a porch frontage, required transparency may be reduced to 20%.*
- ii. *Secondary Street Ground Level - Non-residential: Minimum 20%/Maximum 80%*
- iii. *Primary Street Ground Level – Residential: Minimum 20%/Maximum 60%*
- iv. *Secondary Street Ground Level – Residential: Minimum 15%/Maximum 60%*
- v. *Upper Level: Minimum 15%/Maximum 50%*

14. Parking setbacks from property lines

- i. *Primary Street: Minimum 5 feet; Surface parking is limited to one double-loaded aisle of parking between the building and the street.*
- ii. *Secondary Street: Minimum 5 feet*
- iii. *Side: Minimum 5 feet*
- iv. *Rear: Minimum 5 feet*

15. Parking Access

i. *Primary Street Number of Driveways: Maximum 2*

ii. *Secondary Street Driveways: Maximum 2*

iii. *Driveway Width: Maximum 24 feet*

16. *Parking lot screening from public right of way: Minimum planting height 3 feet/Maximum planting height 4 feet; Parking lots with less than 5 spaces are exempt from this requirement.*

17. *Architecture*

i. *Permitted Foundation Materials: Brick masonry, stone masonry, cement-parged concrete block*

ii. *Permitted Façade Materials: Brick masonry, stone masonry, stucco, wood siding/shingles for buildings designed to resemble a single-family residential building type only, fiber-cement siding/shingles to resemble a single-family residential building type only*

iii. *Permitted Façade Accent Materials: Cast stone, wood, fiber-cement trim, siding, and panels, composite trim, siding, and panels, architectural metal*

18. *Frontages*

i. *Permitted private frontages: Shopfront, stoop, porch*

ii. *Public frontages: Sidewalk and planter, sidewalk and planting strip*

19. *Sidewalks - 8 foot sidewalk as measured from the top edge of the curb face shall be provided. Where the sidewalk along a property frontage is less than 8 feet, the front facade must be setback an additional distance to ensure a 10 foot minimum clear sidewalk width.*

20. *Signage as permitted pursuant to §12-23.15*

c) *Downtown Gateway Sub-district (D-G)*

1. *Description and intent. The Downtown Gateway sub-district extends along Morristown Road near its intersection with Finley and east to the Borough limits near Madisonville Road. This area serves as the eastern gateway into Bernardsville. The area has a more auto-dependent character than other sub-districts. The intent is to encourage a slightly more intense development pattern in this area-in particular, office uses, but with an appropriate transition to surrounding residential areas.*

2. *Permitted uses: Uses as permitted in § 12-12.6, § 12-12.8 and § 12-12.9.*
3. *Conditional uses: Conditional uses as permitted in § 12-12.7.*
4. *Prohibited uses: As regulated by §12-12.10*
5. *Lot Coverage: Maximum 85%.*
6. *Building Setbacks*
 - i. *Front Yard. Minimum: 5 feet; Maximum 75 feet.*
 - ii. *Side Yard. Minimum: 5 feet*
 - iii. *Rear Yard. Minimum: 20 feet*
 - iv. *Distance between buildings on same lot: Minimum 20 feet.*
 - v. *Frontage buildout: Minimum 60% of the front façade shall extend along the street-front setback line.*
7. *Principal Building Height Requirements*
 - i. *Maximum Stories: 3 stories*
 - ii. *Feet to bottom of eave: Maximum 40 feet*
 - iii. *Feet to top of parapet: Maximum 45 feet*
 - iv. *Story Height as measured floor to floor*
 - (a) *Ground level – non-residential: Minimum 13 feet/Maximum 21 feet*
 - (b) *Ground level – residential: Minimum 10 feet*
 - (c) *Upper level: Minimum 9 feet*
10. *Accessory Building Height Requirements*
 - i. *Maximum Stories: 2*
 - ii. *Maximum Height: 30 feet*

11. Ground floor above sidewalk measured at doorway:

- i. Ground level – non-residential: Minimum 0 feet**
- ii. Residential uses – Minimum 1 ½ feet within 25 feet of front property line**

12. Building Articulation

- i. Flat façade – Primary Street: Maximum 50 feet**
- ii. Flat façade-Secondary Street: Maximum 50 feet**
- iii. Permitted Attachments subject to § 12-12.16: awnings, canopies, balconies, bay windows, drive-thru for Financial Institutions and Pharmacies only, porches and stoops**

13. Required Building Transparency

- i. Primary Street Ground Level – Non-residential: Minimum 60%/Maximum 80%**
- ii. Secondary Street Ground Level - Non-residential: Minimum 20%/Maximum 80%**
- iii. Primary Street Ground Level – Residential: Minimum 20%/Maximum 60%**
- iv. Secondary Street Ground Level – Residential: Minimum 15%/Maximum 60%**
- v. Upper Level: Minimum 15%/Maximum 50%**

14. Parking setbacks from property lines

- i. Primary Street: Minimum 5 feet; Surface parking is limited to one double-loaded aisle of parking between the building and the street.**
- ii. Secondary Street: Minimum 5 feet**
- iii. Side: Minimum 5 feet**
- iv. Rear: Minimum 5 feet**

15. Parking Access

- i. Primary Street Number of Driveways: Maximum 2**

ii. *Secondary Street Driveways: Maximum 2*

iii. *Driveway Width: Maximum 24 feet*

16. *Parking lot screening from public right of way: Minimum planting height 3 feet/Maximum planting height 4 feet; Parking lots with less than 5 spaces is exempt from this requirement.*

17. *Architecture*

i. *Permitted Foundation Materials: Brick masonry, stone masonry, cement-parged concrete block*

ii. *Permitted Façade Materials: Brick masonry, stone masonry, stucco, wood siding/shingles for buildings designed to resemble a single-family residential building type only, fiber-cement siding/shingles to resemble a single-family residential building type only*

iii. *Permitted Façade Accent Materials: Cast stone, wood, fiber-cement trim, siding, and panels, composite trim, siding, and panels, architectural metal*

18. *Frontages*

i. *Permitted private frontages: Shopfront, stoop, porch*

ii. *Public frontages: Sidewalk and planter, sidewalk and planting strip*

19. *Sidewalks - 8 foot sidewalk as measured from the top edge of the curb face shall be provided. Where the sidewalk along a property frontage is less than 8 feet, the front facade must be setback an additional distance to ensure a 10 foot minimum clear sidewalk width.*

20. *Signage as permitted pursuant to §12-23.15.*

d) *Downtown Claremont Road Sub-district (D-CI)*

1. *Description and intent. The Downtown Claremont Road sub-district contains a mixture of uses in a form that creates an appropriate transition between the core of downtown and the single-family neighborhoods to the north. New development in the area would ideally feature a mixture of uses and be compatible in scale and character with existing development.*

2. *Permitted uses: § 12-12.6, § 12-12.8 and § 12-12.9.*

3. *Conditional uses: Conditional uses as permitted in § 12-12.7.*

4. *Prohibited uses: As regulated by §12-12.10 including artisan manufacturing and public parking garages which are also prohibited.*
5. *Lot Coverage: Maximum 80%.*
6. *Building Setbacks*
 - i. *Front Yard. Minimum: 5 feet; Maximum 25 feet*
 - ii. *Side Yard. Minimum: 5 feet*
 - iii. *Rear Yard. Minimum: 5 feet//Minimum 20 feet to residentially used or zoned property*
 - iv. *Distance between buildings on same lot: Minimum 10 feet.*
 - v. *Frontage buildout: Minimum 70% of the front façade shall extend along the front setback line.*
7. *Principal Building Height Requirements*
 - i. *Maximum Stories: 2.5 stories*
 - ii. *Feet to bottom of eave: Maximum 30 feet*
 - iii. *Feet to top of parapet: Maximum 35 feet*
 - iv. *Story Height as measured floor to floor*
 - (a) *Ground level – non-residential: Minimum 11 feet/Maximum 16 feet*
 - (b) *Ground level – residential: Minimum 10 feet*
 - (c) *Upper level: Minimum 9 feet*
10. *Accessory Building Height Requirements*
 - i. *Maximum Stories: 2*
 - ii. *Maximum Height: 30 feet*
11. *Ground floor above sidewalk measured at doorway:*

- i. *Ground level – non-residential: Minimum 0 feet*
- ii. *Residential uses – Minimum 1 ½ feet*

12. Building Articulation

- i. *Flat façade – Primary Street: Maximum 35 feet*
- ii. *Flat façade-Secondary Street: Maximum 50 feet*
- iii. *Permitted Attachments subject to § 12-12.16: awnings, canopies, balconies, bay windows, chimneys, porches, and stoops*

13. Required Building Transparency

- i. *Primary Street Ground Level – Non-residential: Minimum 50%/Maximum 80%/Maximum 2 ½ feet sill height; For non-residential uses located within a building designed to resemble a single-family residential building type within a porch frontage, required transparency may be reduced to 20%.*
- ii. *Secondary Street Ground Level - Non-residential: Minimum 20%/Maximum 80%*
- iii. *Primary Street Ground Level – Residential: Minimum 20%/Maximum 60%*
- iv. *Secondary Street Ground Level – Residential: Minimum 15%/Maximum 60%*
- v. *Upper Level: Minimum 15%/Maximum 50%*

14. Parking setbacks from property lines

- i. *Primary Street: Behind the principal building*
- ii. *Secondary Street: Minimum 5 feet*
- iii. *Side: Minimum 5 feet*
- iv. *Rear: Minimum 5 feet*

15. Parking Access

- i. *Primary Street Number of Driveways: Maximum 1*
- ii. *Secondary Street Driveways: Maximum 1*

iii. *Driveway Width: Maximum 24 feet*

16. *Parking lot screening from public right of way: Minimum planting height 3 feet/Maximum planting height 4 feet; Parking lots with less than 5 spaces is exempt from this requirement.*

17. *Architecture*

i. *Permitted Foundation Materials: Brick masonry, stone masonry, cement-parged concrete block*

ii. *Permitted Façade Materials: Brick masonry, stone masonry, stucco, wood siding/shingles, fiber-cement siding/shingles*

iii. *Permitted Façade Accent Materials: Cast stone, wood, fiber-cement trim, siding, and panels, composite trim, siding, and panels, architectural metal*

18. *Frontages*

i. *Permitted private frontages: Shopfront, stoop, forecourt, porch*

ii. *Public frontages: Sidewalk and tree well, sidewalk and planting strip*

19. *Sidewalks – 5 foot sidewalk as measured from the top edge of the curb face shall be provided. Where the sidewalk along a property frontage is less than 5 feet, the front facade must be setback an additional distance to ensure a 7 foot minimum clear sidewalk width.*

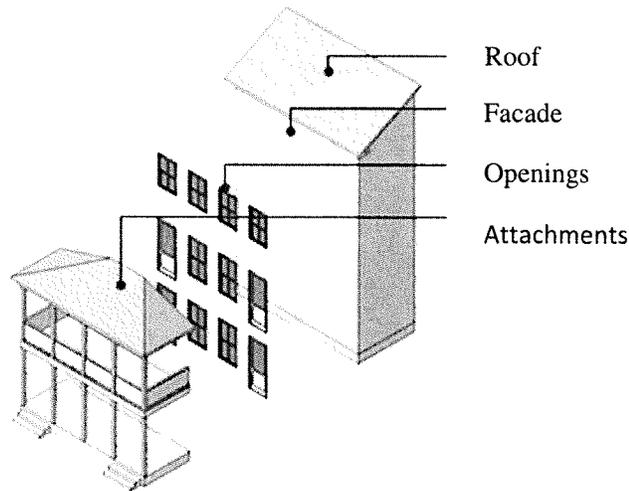
20. *Signage as permitted pursuant to §12-23.15.*

12-12.20 *Architectural Standards*

a) *Intent. The architecture of Downtown Bernardsville is varied. In the historic core, building design ranges from early 20th century, masonry and stucco “Main Street” shopfront buildings close to the sidewalk to older residential-type buildings, such as the Old Library, that feature shallow yards, porches, sloped roofs, and siding. These variations contribute to the unique village-like character of the Borough. The demolition of structures deemed historic is strongly discouraged. At a minimum, the exterior facades and features of buildings deemed historic should be preserved. The later architecture in downtown and along the corridors leading into downtown is more suburban in character and lacks the richness of downtown’s more historic buildings. The intent is for the design of new construction and additions to take cues from Downtown Bernardsville’s most iconic historic buildings.*

b) *General. The standards in this section apply to basic building components as depicted in Figure 1.*

Figure 1



- 1. Unless otherwise specified, the standards in this section apply to all facades that face a street or public open space and side facades for a minimum depth of 20 feet**
- 2. Buildings shall be generally oriented so that a primary entrance(s) faces the primary street or public open space.**
- 3. Building entrances (excluding service access or emergency egress) shall be defined by a roof covering or by being recessed.**
- 4. Buildings shall be generally built parallel to the street frontage. If the street frontage is not straight, facades shall be generally built tangent to the street frontage.**
- 5. Buildings shall have simple massing and details in order to clearly distinguish the main body of the building and the primary pedestrian entry.**
- 6. Street-facing facades shall be composed so that the rhythm of ground floor attachments and openings harmonizes with the rhythm of attachments and openings on upper stories.**
- 7. Buildings on corner lots, shall address both streets with openings or the following attachments: porches and bay windows. For the purpose of this standard, a lane or alley is not a street.**
- 8. Miscellaneous Guidelines. Buildings and related elements should be arranged in a manner to indicate the pattern of base, body or shaft, and cap.**

c) Facades

1. *Building facades shall be built of no more than two primary materials, excluding accent materials, and shall only change material along a horizontal line (with the heavier material below the lighter material), outside corners (where material wraps the corner a minimum of 2 feet), or inside corners. (see Section 12-12.26, Appendix 3 referencing illustrations)*
 2. *The following materials are prohibited:*
 - i. *Exterior Insulation Finish Systems (E.I.F.S)*
 - ii. *Faux brick, stone, or similar faux masonry panels*
 - iii. *Vinyl siding*
 3. *Building facades may include horizontal siding, vertical siding with flush joints, stucco, and medium-density overlay plywood (MDO) as an accent material in gables, dormers, and bay windows.*
 4. *Horizontal siding shall be lap, shiplap, drop, or shingle-style.*
 5. *Materials, other than masonry, shall be painted, stained, or have a factory-applied finish.*
 6. *Buildings shall be limited to two colors, excluding accent colors. Colors shall be earth tones from white through natural "red."*
 7. *Parking structure facades shall incorporate appropriate materials, openings, and detailing and be configured in a manner so as to resemble a building with active uses.*
 8. *Miscellaneous Guidelines. Natural materials are encouraged. Materials intended to represent natural materials should be minimized.*
- d) *Openings*
1. *Openings in walls with siding shall be trimmed with flat casing, a sloping sill, and drip cap at a minimum.*
 2. *Openings in masonry walls or walls with masonry veneer shall include brickmold casing.*
 3. *Openings in masonry walls or walls with masonry veneer other than stucco, shall have a precast lintel; masonry arch; or masonry header.*
 4. *Openings in Parking Structure facades may remain open without windows.*
 5. *With the exception of transoms and decorative windows, windows shall be square or vertically proportioned and rectangular in shape. The grouping of individual windows to*

create a horizontal banding effect is permitted as long as the width of the banding does not exceed 1/2 of the length of the facade.

6. *Adjacent windows shall be separated a minimum of 2 in.*
7. *Windows and doors shall have clear glass.*
8. *Window muntins, if included, shall be true divided lites or simulated divided lites fixed on the interior and exterior surfaces of the window and shall create panes of square or vertical proportion (as tall as wide or taller than wide).*
9. *Shutters, if included, shall be the same height as the window, and 1/2 the width of the window. Small windows may have one shutter that is the full width of the window. Shutters shall be operable or designed and installed as if they were operable including hardware.*

10. Miscellaneous Guidelines

- i. *Openings, including dormers, should be centered vertically with other openings or shall be centered with the wall between openings.*
- ii. *Openings above should be equal in size or smaller than openings below.*

e) Roofs

1. *Principal building sloped roofs shall be a symmetrical hip or gable and have a minimum pitch of 8:12.*
2. *Eaves shall be continuous or include appropriate eave returns, unless overhanging a balcony or porch.*

3. Miscellaneous Guidelines

- i. *The ridge of the primary building should generally be oriented either parallel to or perpendicular to the street.*
- ii. *All gable and hipped roofs of a building, excluding ancillary roofs, should generally have the same slope where visible from a street or open space.*

f) Attachments

Attachments shall comply with the following standards. Refer to Figure 3, Appendix A for examples:

1. *Awnings and canopies shall not be internally illuminated.*
2. *Balconies shall not be fully enclosed.*
3. *Bay windows shall have visible support, either by extending the bay to grade with a foundation or transferring the projection back to the wall with beams, brackets, or brick corbeling.*
4. *Chimneys shall extend to grade.*
5. *Drive-through facilities shall be designed to match the architecture of the principal building the facility is attached to.*
6. *Porches may be enclosed with glass or screens; however, glass enclosures are not permitted on porches that face a street or public open space.*
7. *Posts and columns shall be generally classically ordered and include a base or pedestal, shaft, and capital. The base of posts, columns, and pedestals shall generally align with the face of the foundation wall directly below. The outside face of porch beams shall generally align with the face of the top of the column.*
8. *The above standards shall not preclude the provision for outdoor dining.*
9. *Miscellaneous Guidelines*
 - i. *Porches should have square or vertically proportioned openings.*
 - ii. *Balcony, porch, and stoop railings between balusters should have both top and bottom rails.*

12-12.21 Landscaping and Screening

- a) *Intent. Downtown areas often feature more hardscaped areas than landscaped areas. Landscaping on private property in downtowns is generally used to screen equipment and refuse storage that detract from the streetscape and to soften the impact of paved areas in surface parking lots. It is the intent to provide standards that enhance the pedestrian experience. Refer to 12-23 Frontages for guidance on landscaping within the public right-of-way.*
- b) *There shall be planted 1 shade tree for every 6 vehicles and at least 65 percent of the required trees shall be provided within the interior of surface parking spaces. The ends of interior parking bays with a minimum of 12 spaces must be bordered with landscape islands. The ends of perimeter parking bays shall be bordered by landscape peninsulas. Each landscape island should contain a minimum of one 3 inch caliper shade tree and have sufficient space for tree growth and irrigation.*

- c) *Required parking lot screening must be a minimum of 3 feet in height as measured from the adjacent finished surface of the parking area. Parking lot screening, at a minimum, must consist of:*
 - 1. *a compact hedge of evergreen shrubs, at least 2 feet tall at planting, spaced to ensure closure into a solid hedge at maturity and canopy trees at a maximum of 30 feet on center;*
 - 2. *an architecturally compatible opaque wall or fence;*
 - 3. *a seat wall at seating height; or*
 - 4. *a combination of the above.*
- d) *Retaining walls shall be constructed of or clad in brick, stone, or stucco.*
- e) *Decorative walls and fences shall be of a material similar to the facade material of the principal building on the lot.*
- f) *All dumpsters, trash receptacles, and refuse storage containers shall be located within an enclosure providing screening, unless located adjacent to a loading dock at the rear of the building. Enclosure shall meet one of the following standards:*
 - 1. *A decorative masonry wall with a minimum height of 6 feet on three sides and a gate on the fourth side. The gate shall be constructed with an opaque, non-masonry material. The construction materials of the wall shall match materials used on the principal building located on the same lot.; or*
 - 2. *Medium-sized evergreen shrubs shall be arranged, planted a maximum of 6 feet on-center, around the perimeter of the pad area except the side where access is located. This landscaping requirement does not apply when the enclosure is an architectural extension of a principal building.*
- g) *When technically feasible, outdoor equipment shall be placed underground. All proposed ground-mounted equipment (i.e., transformers, air conditioner units, etc.) within view from a street shall be screened by evergreen shrubs. Medium-sized evergreen shrubs shall be arranged around the boundary of the equipment and planted a maximum of 4 feet on-center. Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening. In no case shall mechanical equipment be allowed along street frontage(s).*
- h) *Plant materials should be native, drought-tolerant species. Invasive plant species are prohibited.*
- i) *Where possible, provision shall be made for snow removal within the parking areas so as to minimize damage to landscaped areas.*

12-12.22 Stormwater Management

Stormwater management shall be provided in accordance with Chapter 22, Stormwater Regulations.

12-12.23 Sustainability

Sustainable techniques and practices such as, but not limited to, recycling, green roofs, and solar power, are encouraged to be included in development proposals.

12-12.24 Frontages

- a) Intent. The design of frontages, or the interface of building fronts and the public right-of-way, is an important consideration. This section focuses on the pedestrian area between the travelway and private property. The intent is to promote an environment at street level that is attractive and comfortable for pedestrians.*
- b) Public Frontage Guidelines. Public frontages include the area within the public right-of-way. For development and redevelopment that requires improvements to the public right-of-way, the following standards should guide the design of frontages as suggested by sub-district (see Section 12-12.26, Appendix 3 referencing illustrations). Actual design may vary depending on the width or condition of the sidewalk and whether an owner or developer is required to improve the sidewalk along the frontage of the development.*
 - 1. Sidewalk and Tree Grate. The Sidewalk-Tree Grate public frontage maximizes the walkable zone and pedestrian amenity zone by maximizing paved area and including street trees in tree grates. The clear walkable zone should be a minimum of 5 feet wide. Trees should be placed a maximum of 40 feet on center within 5 foot tree grates that include sufficient planting area for tree roots below grade.*
 - 2. Sidewalk and Planter. The Sidewalk-Tree Planter public frontage attempts to balance walkability with streetscaping. Street trees are located in planters that can aid in stormwater infiltration as well as provide additional area for tree growth and supplemental plantings. The clear walkable zone should be a minimum of 5 feet wide. Trees should be placed a maximum of 40 feet on center within 5 foot by 8 foot minimum planters. Supplemental plantings in planter may include grasses, low shrubs, perennials, and groundcovers.*
 - 3. Sidewalk and Planting Strip. The Sidewalk-Planting Strip public frontage maximizes the planting area for street trees. It should be used in areas where pedestrian activity is anticipated to be the lightest. The clear walkable zone should be a minimum of 5 feet wide. Trees should be placed a maximum of 40 feet on center within a minimum 5 foot wide planting strip.*

- c) **Private Frontages.** *Private frontages include the area between the public right-of-way and the building face. The following standards should guide the design of frontages as required by sub-district (see Section 12-12.26, Appendix 3 referencing illustrations).*
1. **Shopfront.** *The shopfront features buildings close to the sidewalk, shopfront windows, at street level, and most often active uses on the ground floor.*
 2. **Forecourt.** *The forecourt is similar to the Shopfront in that buildings are typically built close to the sidewalk, but recesses are permitted to accommodate elements such as outdoor dining or small courtyards.*
 3. **Stoop.** *The stoop is common on residential- type buildings built close to the sidewalk. It is shallow, covered, and typically raised above the sidewalk.*
 4. **Porch.** *The porch is common on residential- type buildings that have a shallow yard between the building and sidewalk. Porches are deep enough to function as a covered outdoor extension of the building.*
 5. **Parking.** *The parking frontage acknowledges that certain areas may require parking between the building and the street. Such parking is typically limited and is screened from the sidewalk by a year- round landscaped buffer.*
 6. **Yard.** *The yard is simply a deeper lawn between the face of the building and the sidewalk. The lawn typically contains turf grass but may include landscaping and trees.*

12-12.25 Lighting

- a) **Intent.** *Standards for lighting in Downtown Bernardsville are necessary to prevent misdirected or excessive artificial light, caused by inappropriate or misaligned light fixtures that produce glare, light trespass (nuisance light) and/or unnecessary sky glow; and also, that such regulation is necessary to discourage the waste of electricity and to improve or maintain nighttime public safety, utility and security.*
- b) **Security Lighting.** *Where used for security purposes or to illuminate walkways, roadways and parking lots, only shielded light fixtures shall be used.*
- c) **Commercial Lighting.** *Where used for commercial purposes such as in merchandise display areas, work areas, platforms, signs, architectural, landscape or sports or recreational facilities, all light fixtures shall be equipped with automatic timing devices and comply with the following:*
 1. *Light fixtures used to illuminate flags, statues or any other objects mounted on a pole, pedestal or platform, shall use a narrow cone beam of light that will not extend beyond the illuminated object.*

2. *Other upward directed architectural, landscape or decorative direct light emissions shall have at least ninety (90) percent of their total distribution pattern within the profile of the illuminated structure.*
 3. *Externally illuminated signs including commercial building identification or other similar illuminated signs, shall comply with the following:*
 - i. *Top mounted light fixtures shall be shielded and are preferred.*
 - ii. *When top mounted light fixtures are not feasible, illumination from other positioned light fixtures shall be restricted to the sign area. Visors or other directional control devices shall be used to keep spill light to an absolute minimum.*
 4. *All other outdoor lighting shall use shielded light fixtures.*
- d) *Floodlight type fixtures, once properly installed, shall be permanently affixed in the approved position.*
 - e) *Foundations supporting lighting poles not installed four (4) feet behind the curb, shall not be less than 24 inches above ground.*
 - f) *When fifty percent or more of existing outdoor light fixtures are being replaced or modified, then all lighting must be made to conform to the provisions of this section.*
 - g) *Light Trespass (Nuisance Light). All light fixtures, except street lighting, shall be designed, installed and maintained to prevent light trespass, as specified below:*
 1. *At a height of five (5) feet above the property line of subject property, illuminations from light fixtures shall not exceed 0.1 foot-candles in a vertical plane on residentially zoned property.*
 2. *Outdoor light fixtures properly installed and thereafter maintained, shall be directed so that there will not be any objectionable direct glare source visible above a height of five feet from any property or public roadway.*
 - h) *Light fixtures near adjacent property may require special shielding devices to prevent light trespass.*

Note: Illustrations for the application of the regulations set forth herein are illustrated in Attachment 3 entitled: "Bernardsville Zoning District Guidebook."

Section 8. § 1-3.2 Gross Floor Area (GFA) is hereby defined as

GROSS FLOOR AREA (GFA): the sum of the area of all floors of buildings or structures compared to the total area of land as measured from exterior walls.

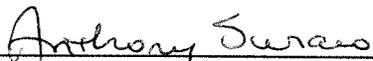
Section 9. Any or all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

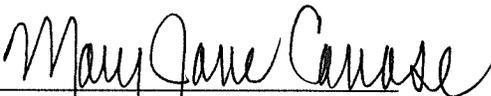
Section 10. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 11. This ordinance shall become effective immediately upon final passage and publication as required by law.

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

ATTEST:


Anthony Suriano, Borough Clerk

By: 
Mary Jane Canose, Mayor

1st Reading and Introduction: September 28, 2020

1st Publication: October 1, 2020

Referral to Planning Board: September 29, 2020

Notice to County Planning Board Prior to Adoption: September 29, 2020

Notice to Clerks of Adjoining Municipalities (if required): September 29, 2020

Notice to Affected Property Owners (if required):

2nd Reading:

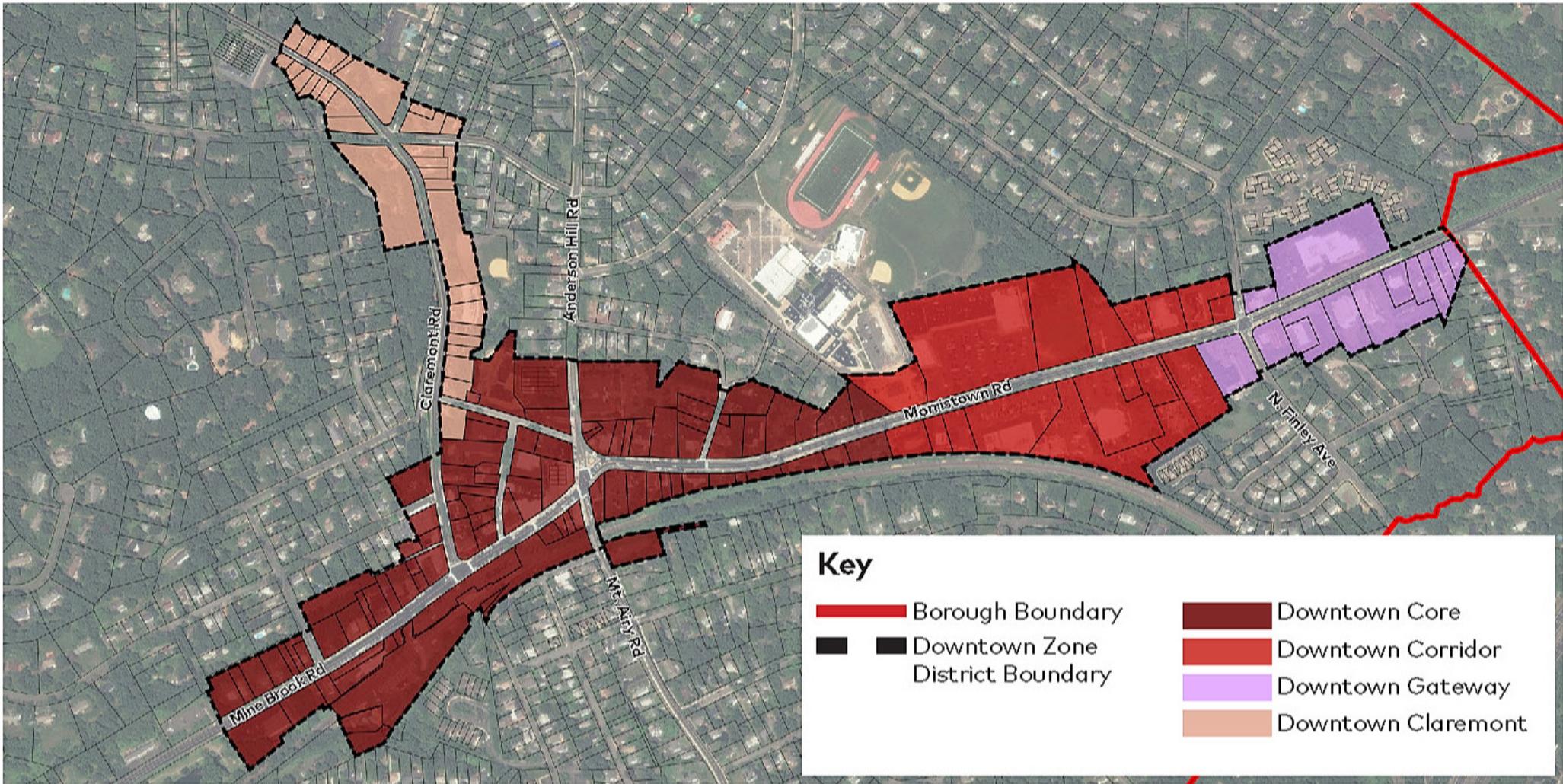
Adoption of Ordinance: October 13, 2020

2nd Publication: October 16, 2020

Filing with County Planning Board October 15, 2020



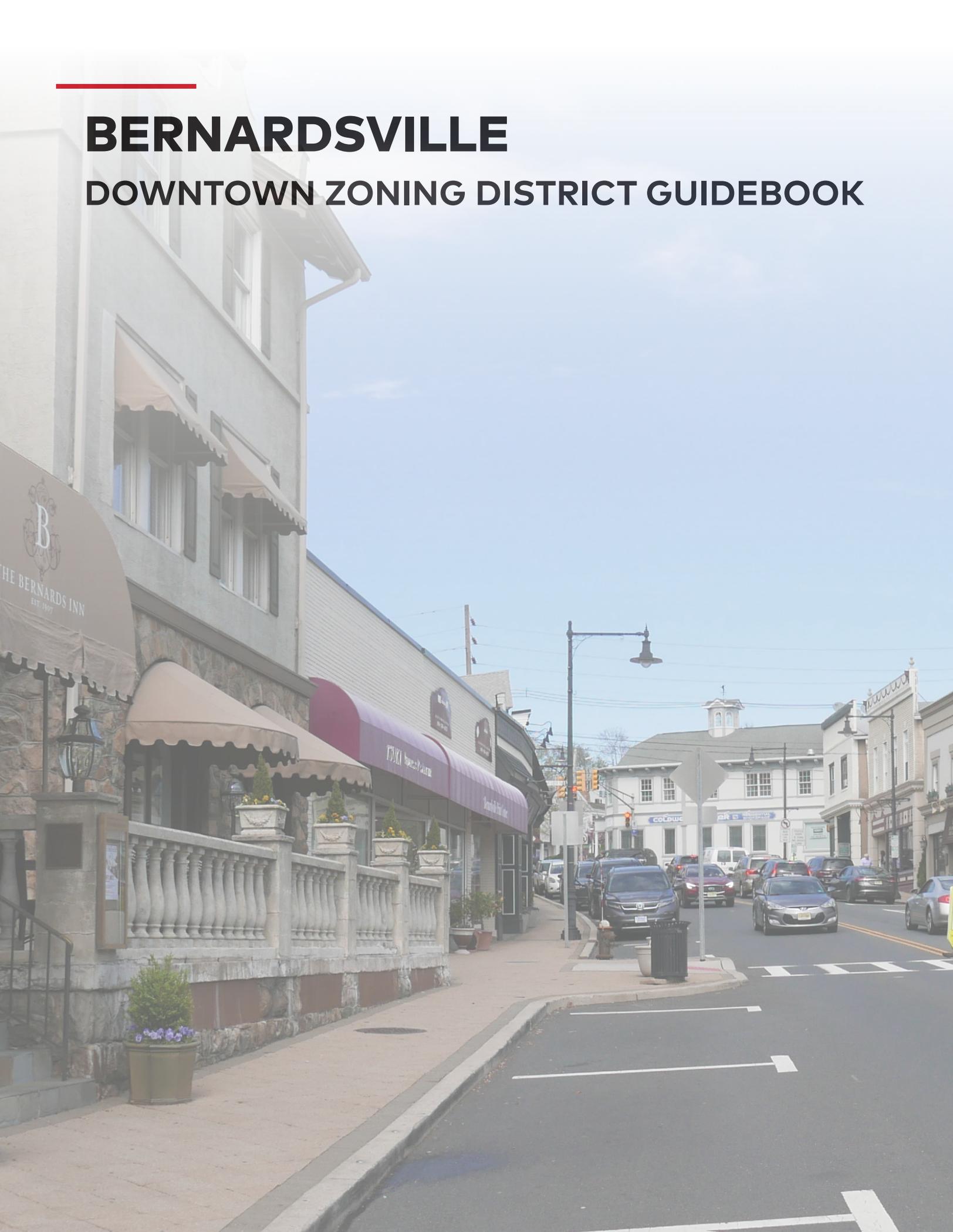
Downtown Zone District Boundary Map



Downtown Sub-district Map

BERNARDSVILLE

DOWNTOWN ZONING DISTRICT GUIDEBOOK





BERNARDSVILLE

DOWNTOWN ZONING DISTRICT GUIDEBOOK

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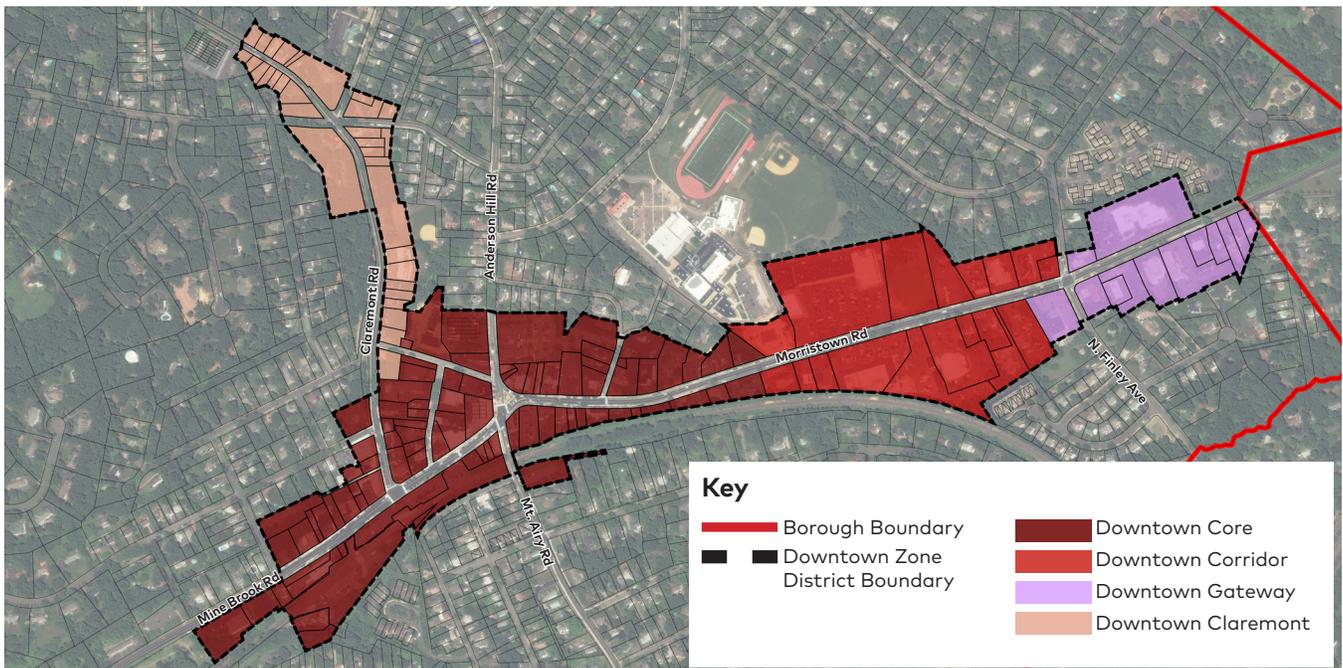


Introduction

The purpose of this Guidebook is to provide imagery that supplement the Downtown District ordinance, which has been applied to properties according to the maps below. This Guidebook includes photos that illustrate many of the design standards and guidelines in the Downtown District. The intent of these graphics is to guide property owners, developers, and designers as well as the review bodies charged with the review and approval of proposed development.



Downtown Zone District Boundary Map



Downtown Sub-district Map

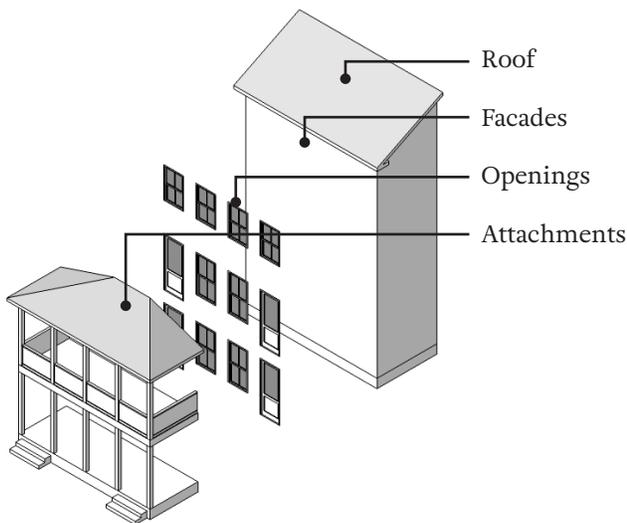
Architecture

Intent Statement

The architecture of Downtown Bernardsville is varied. In the historic core, building design ranges from early 20th century, masonry and stucco “Main Street” shopfront buildings close to the sidewalk, such as the Mastro Shoes building, to older residential-type buildings, such as the Old Library, that feature shallow yards, porches, sloped roofs, and siding. These variations contribute to the unique village-like character of the Borough. The demolition of structures deemed historic is strongly discouraged. At a minimum, the exterior facades and features of buildings deemed historic should be preserved. The later architecture in downtown and along the corridors leading into downtown is more suburban in character and lacks the richness of downtown’s more historic buildings. The intent is for the design of new construction and additions to take cues from Downtown Bernardsville’s most iconic historic buildings.

BUILDING COMPONENTS DIAGRAM

The Architectural standards in the Downtown District apply to the basic building components as depicted below.



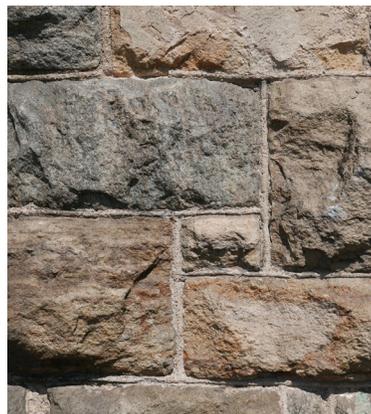
REPRESENTATIVE ARCHITECTURE FROM BERNARDSVILLE



Good architectural examples from Downtown Bernardsville include (clockwise from top left): The Station (above, top); the Old Library (above, middle); Rudolph’s Steakhouse (above); Mastro Shoes (opposite, top); and the Bernards Inn (opposite, bottom).



ARCHITECTURAL DETAILS



Architectural projections, recesses, and variations in parapet height are used to articulate this building facade, while windows include brick mould and appropriate headers/lintels and sills typical of masonry construction (top, right). Primary materials in facades change along a horizontal line (top, right). Openings in facades are aligned with or centered between openings above or below (above, right). Materials such as stucco or stone veneer are preferred (above, middle). Windows in walls with siding are to be trimmed, shutters sized to fit their opening, and include shutter hardware to appear as if they are operable (above, left) Parking structures facing streets and open spaces are to be designed to resemble buildings with active uses.

ARCHITECTURAL DETAILS (CONTINUED)



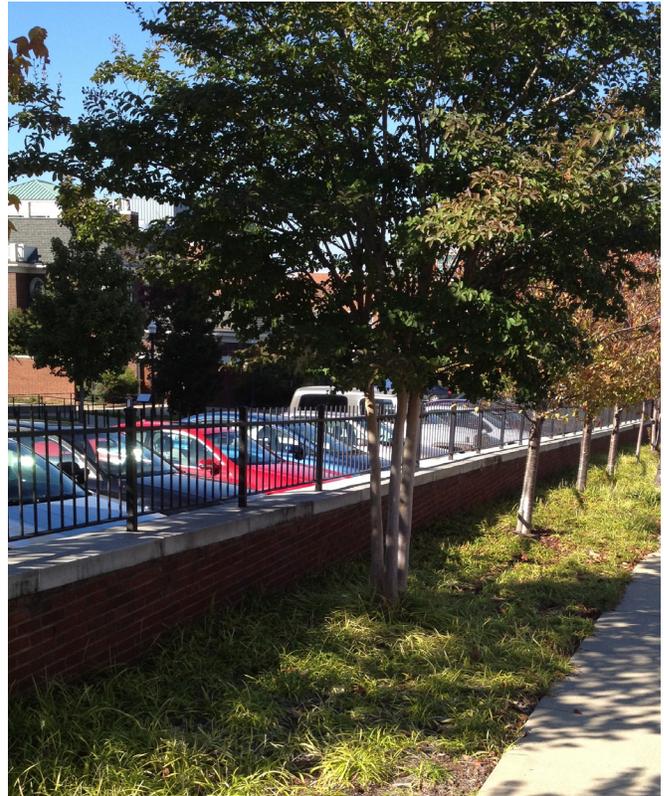
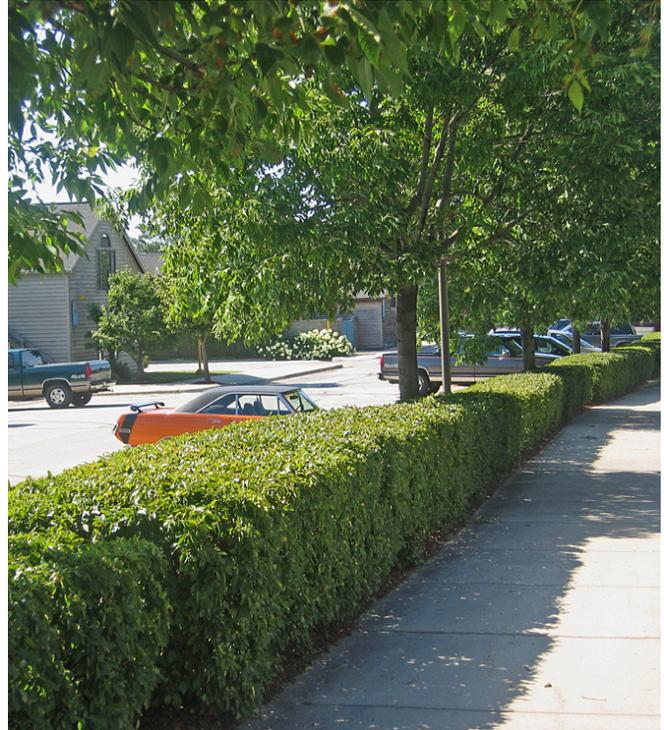
Parapets are an extension of the front facade of buildings with flat roofs (top, left). Roof slopes on the old Library are symmetrical (middle, left). Awnings over storefronts are illuminated from above (top, right). Bay windows extend to grade or have visible support from the adjacent wall (above, left). Classically-ordered columns include base, body, and shaft and the shaft aligns with the face of the beam above (above, middle). Columns on Rudolph's form square or vertically proportioned openings (above, right).

Landscaping and Screening

Intent Statement

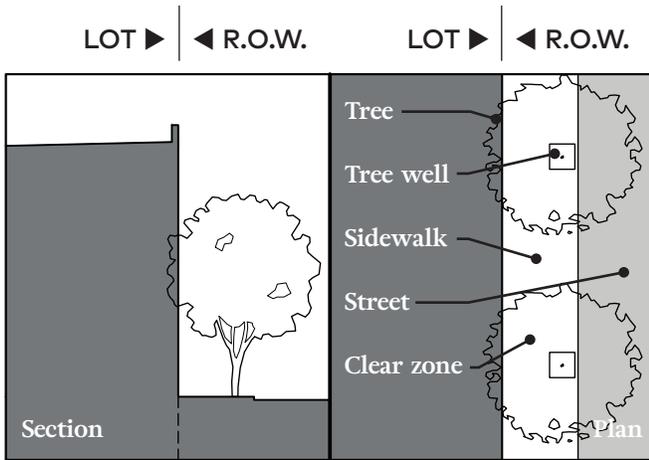
Downtown areas often feature more hardscaped areas than landscaped areas. Landscaping on private property in downtowns is generally used to screen equipment and refuse storage that detract from the streetscape and to soften the impact of paved areas in surface parking lots. It is the intent to provide standards that enhance the pedestrian experience.

LANDSCAPING AND SCREENING CONCEPTS

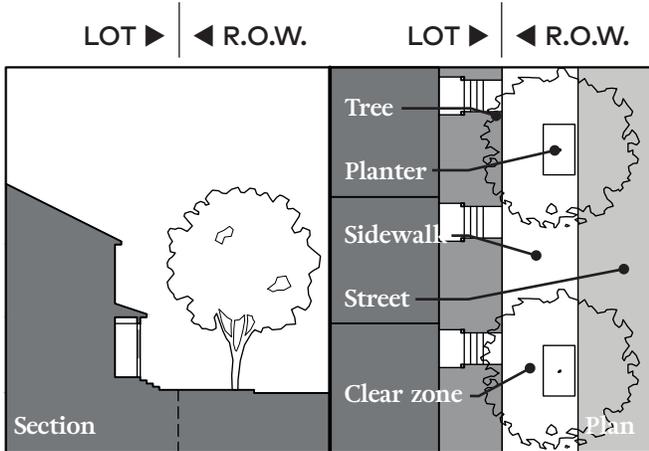


An example of parking lot screening using an evergreen hedge and canopy trees (top, right). Landscaped islands help to break up large amounts of surface parking and provide some protection from the elements (top, left). Above-ground equipment and refuse storage must be screened from surrounding views by a year-round evergreen hedge (bottom, left) or wall. An example of parking lot screening using a combination of landscaping and a low wall (bottom, right).

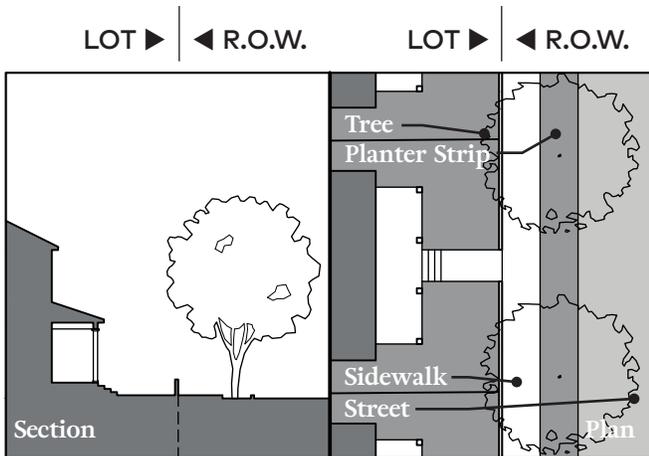
PUBLIC FRONTAGES



Sidewalk-Tree Grate Public Frontage

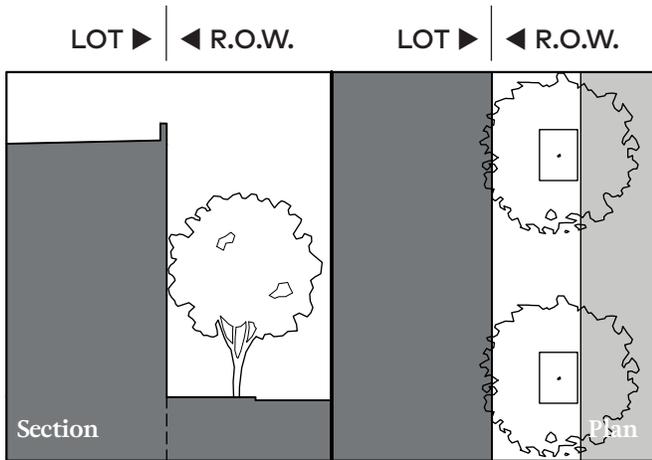


Sidewalk-Tree Planter Public Frontage

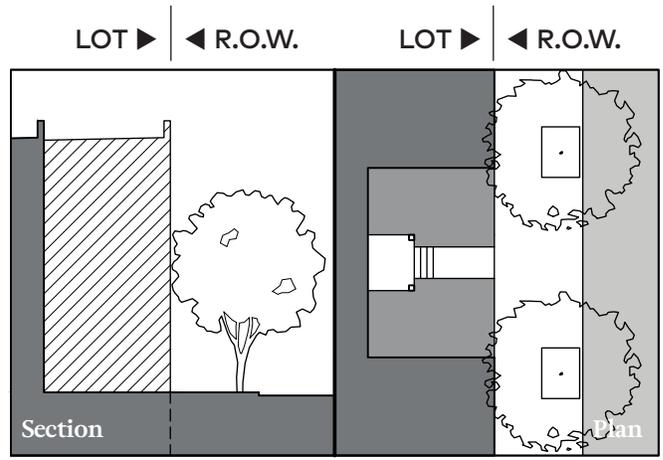


Sidewalk-Planting Strip Public Frontage

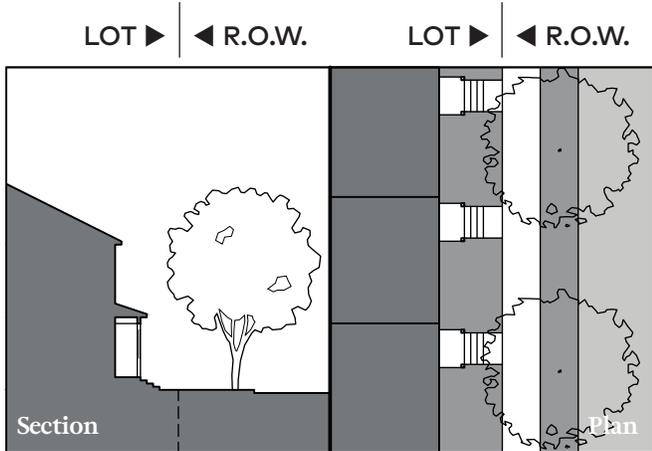
PRIVATE FRONTAGES



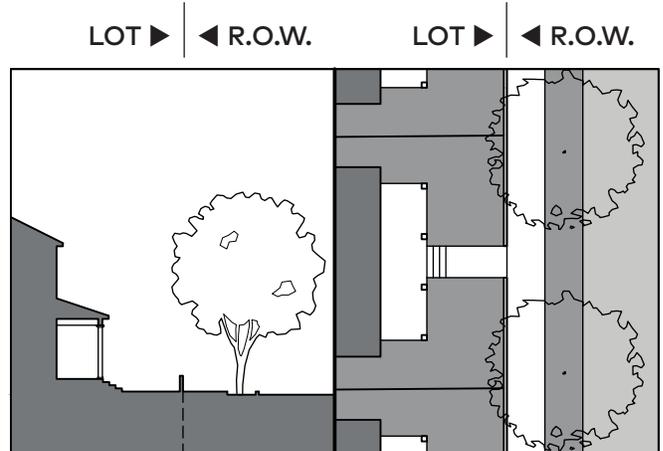
Shopfront Private Frontage



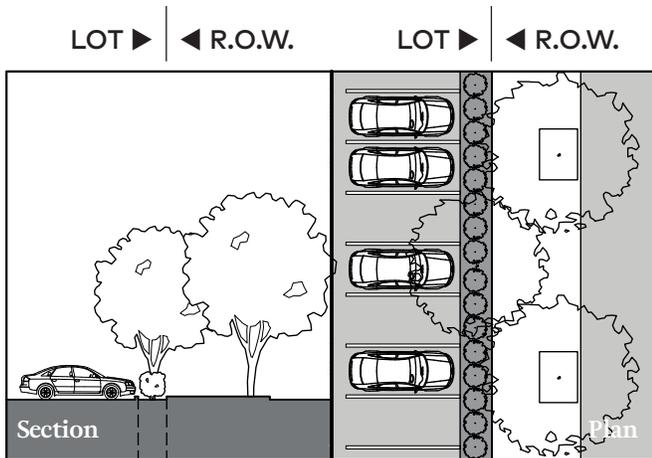
Forecourt Private Frontage



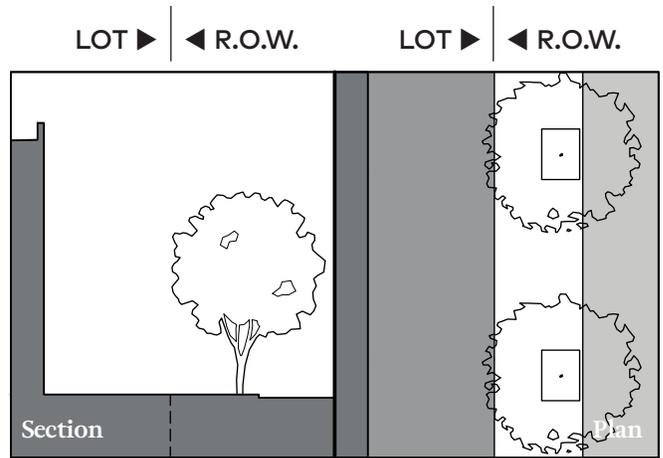
Stoop Private Frontage



Porch Private Frontage



Parking Private Frontage



Yard Private Frontage

Image Credits

- p. 9, top, right: <https://leodesignnyc.com/blogs/journal/a-nine-month-facelift>
- p. 11, top: https://www.cityofchicago.org/dam/city/depts/cdot/Streetscape_Design_Guidelines.pdf
- p. 11, bottom: <http://online.encodeplus.com/regs/overlandpark-ks/acc/doc-view.aspx?tocid=022.020>

