

TOWNSHIP OF MILLBURN

ORDINANCE 2706-25

ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN

DEVELOPMENT REGULATIONS AND ZONING ORDINANCE

WHEREAS, as part of ordinances adopted in advancement of the Township’s affordable housing obligations, multifamily housing developments were permitted in various zoning districts throughout the Township; and

WHEREAS, Ordinance #2607-22, adopted on July 19, 2022, incorporated the term “multifamily housing development” into the Development Regulation and Zoning Ordinance, which did not previously exist; and

WHEREAS, the definition of multifamily housing development is unclear regarding the intended design and configuration of residential development; and

WHEREAS, the definition of apartment is similarly unclear; and

WHEREAS, the Master Plan Reexamination and Update seeks to “Protect the character of established residential neighborhoods and encourage land use and development at an appropriate scale and density;” and

WHEREAS, the Master Plan Reexamination and Update recommends the Township “promote clear, user friendly, and transparent application, review and public hearing processes for development proposals and applications;” and

WHEREAS, the Township seeks to provide for development and zoning definitions that are clear and facilitate efficient land use administration.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY, AS FOLLOWS (additions are underlined and deletions appear as strikethroughs):

Section 1: DRZ Section 301, Words and phrases defined.

[Definitions not enumerated in this Section remain unchanged.]

301.7. APARTMENT — ~~One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit.~~ One or more dwelling units, contained within a single building, with shared or common facilities such as entrances, interior hallways, stairways, laundry rooms. Apartments may also be contained in a single, mixed-use building.

301.14 DWELLING UNIT – A room or series of connected rooms containing living, kitchen, sleeping and private bath facilities for one family.

301.15. DWELLING, ATTACHED — ~~One dwelling unit in a building containing three or more dwelling units, with each dwelling unit extending from the ground to the roof~~ A series of at least three adjoining one-family dwelling units each of which is separated from the adjacent dwelling unit by a vertical wall extending from the foundation through the roof, structurally independent

of the corresponding wall of the adjoining unit, and having individual outside access and no interior rooms or hallways shared with other dwelling units. They shall have an unobstructed front and rear wall to be used for access, light and ventilation. Stacked townhomes are not permitted (i.e., two one-family dwelling units integrated into the footprint of a townhome).

301.18. DWELLING, TWO FAMILY – A building containing two dwelling units. Building access shall be configured such that buildings have the exterior appearance of a single family dwelling, with only one building entrance per façade and access to each dwelling unit provided either through direct entry at the ground floor or through common access via a shared foyer, stairwell, or similar entryway at the ground floor.

301.41. MULTIFAMILY HOUSING DEVELOPMENT — ~~Means a~~ A building containing three one or more dwelling units apartments occupied or intended to be occupied by persons living independently of each other, or a group of such buildings. Where a multifamily housing development only includes residential uses, at least three apartments shall be within any building. Where multifamily housing developments are incorporated into a building with another use or uses, less than three apartments shall be permitted within any building.

Section 2. Repealer. All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Severability. Each section, subsection, paragraph, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, preempted, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

Section 4. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

Section 5. Prior actions. All actions of the Township of Millburn taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

Section 6. Codification. This Ordinance may be renumbered for codification purposes.

Section 7. The Township Clerk is hereby authorized and directed to forward this ordinance to the Planning Board for its review and comment as authorized by the Law.

Section 8. The Township Clerk is hereby authorized and directed to provide such notice and publication of this matter so as to permit the conduct of all public hearings as are required by the Law.

Section 9. The Township Clerk is hereby authorized and directed to forward this ordinance to the Essex County Planning Board after final adoption, as provided by the Law.

Ordinance 2706-25

ATTEST:

MILLBURN TOWNSHIP

Christine A. Gatti, RMC
Township Clerk

By: _____
Annette Romano, Mayor

1st Reading and Introduction: 5/20/2025

1st Publication: 5/29/2025

Referral to Planning Board: 5/21/2025

Notice to County Planning Board Prior to Adoption: 5/21/2025

Notice to Clerks of Adjoining Municipalities: 5/21/2025

Notice to Affected Property Owners: N/A

2nd Reading: 6/17/2025

Adoption: 6/17/2025

2nd Publication: 6/26/2025

Filing with County Planning Board: 6/18/2025

CERTIFICATION

I, Christine A. Gatti, Clerk of the Township of Millburn, in the County of Essex, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted by the Township Committee at a regular meeting held on the 17th day of June, 2025.

Christine A. Gatti, RMC
Township Clerk