

**TOWNSHIP OF MILLBURN**

**ORDINANCE 2717-25**

**ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN**

**DEVELOPMENT REGULATIONS AND ZONING ORDINANCE**

**WHEREAS**, the 2018 Township of Millburn Master Plan Reexamination and Update Objective 1.01 proposes 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 Objective 6.01 proposes to “Require private development to incorporate sustainable design practices that control run-off, improve streetscapes, increase energy efficiency, and preserve open space and greenways;” 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 Master Plan Reexamination and Update recommends the Township “evaluate land use regulations to ensure compatibility with neighborhood context;” and

**WHEREAS**, the Master Plan Reexamination and Update recommends the Township “monitor...new construction in single-family zones to assess the need for zoning modifications to preserve neighborhood character;” and

**WHEREAS**, the Township seeks to provide for development and zoning regulations 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 609.1, Accessory Uses in Residential Districts is amended as follows:

609.1 Accessory Uses in Residential Districts

~~d. Air-conditioning units may be placed only in rear and side yards. If placed in a side yard, it shall be (a) screened from view from the street and adjoining properties by fencing or evergreen planting and (b) located a minimum of two times the required side yard setback from the nearest off-site principal building. If placed in a side or rear yard, it shall be located no more than five feet from the building being served.~~

d. Air Conditioning Units

1. Prohibited Locations:

a. Exterior rooftop installation of air-conditioning units is strictly prohibited.

2. Permitted Locations:

a. Air-conditioning units may only be installed in rear yards or side yards, subject to the requirements below.

3. Yard and Screening Requirements:

- a. Side Yard Screening: Units located in side yards must be fully screened from view from the street and adjoining properties by a solid fence or dense evergreen planting at least six (6) feet in height.
  - b. Minimum Setback from Property Line: Units must be located no closer than the required side yard setback for accessory structures from the property line.
  - c. Proximity to Building: Units must be located within five (5) feet of the building they serve.
4. Replacement Exemption
- a. The above requirements shall not apply to the in-kind replacement of an existing air-conditioning unit, provided the new unit:
    - i. Is installed in the exact same location as the existing unit; and
    - ii. Is not larger in size or height than the unit being replaced.
  - b. Any relocation, enlargement, or new installation shall be subject to full compliance with subsections (1) through (3) above.

~~g. When any accessory buildings, structures or uses are attached to the principal building, or located within four feet of the principal building, it shall be considered a part of such principal building and as such shall also comply with all bulk requirements applicable to the principal building. Decks and patios less than 18 inches above grade, and accessory buildings, structures or uses less than 100 square feet in size, are exempt from this provision and shall be considered accessory buildings, structures or uses, and subject to all accessory bulk requirements.~~

g. Classification and Regulation of Accessory Buildings, Structures, and Uses

1. Treatment as Part of Principal Building:

Any accessory building, structure, or use that is either:

- a. Physically attached to the principal building; or
- b. Any of the building, structure, or use is located within four (4) feet of the principal building;

shall be considered part of the principal building for zoning purposes. Such accessory improvements must comply with all bulk requirements applicable to the principal building, including, but not limited to, setbacks, lot coverage, and height restrictions.

2. Permitted Location:

The location of all accessory buildings, structures, and uses shall comply with the requirements of § 609.1.b.

3. Exemptions from Principal Building Standards:

The following accessory improvements are exempt from subsection (1) above and shall instead be treated as accessory buildings, structures, or uses—subject solely to the accessory bulk requirements:

- a. Decks or patios not exceeding eighteen (18) inches in height above finished grade; and

b. Accessory buildings, structures, or uses less than one hundred (100) square feet in area.

h. Accessory dwelling units shall be prohibited.

1. Prohibition: Accessory Dwelling Units (ADUs) are prohibited in all residential zoning districts.

2. Definition: For the purposes of this section, an Accessory Dwelling Unit (ADU) shall mean a self-contained residential dwelling unit that:

a. Includes permanent provisions for living, sleeping, eating, cooking, and sanitation;

b. Is located on the same lot as a lawfully established principal dwelling unit;

c. May be located within, attached to, or detached from the principal dwelling; and

d. Is subordinate in size, intensity, and function to the principal dwelling unit on the same lot.

3. Principal Use Determination

The establishment of an ADU on a lot containing a principally permitted residential dwelling use shall be considered to constitute the presence of two principal residential dwelling uses on a single lot. As provided in § DRZ-609.9 (Principal Use), only one principal use is permitted per lot in residential zoning districts, and multiple principal uses are not allowed. Therefore, ADUs are expressly prohibited.

**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 2717-25

ATTEST:

MILLBURN TOWNSHIP

\_\_\_\_\_  
Christine A. Gatti, RMC  
Township Clerk

By: \_\_\_\_\_  
Annette Romano, Mayor

*1<sup>st</sup> Reading and Introduction: 9/2/2025*  
*1<sup>st</sup> Publication: 9/11/2025*  
*Referral to Planning Board: 9/3/2025*  
*Notice to County Planning Board Prior to Adoption:*  
*Notice to Clerks of Adjoining Municipalities:*  
*Notice to Affected Property Owners: N/A*  
*2<sup>nd</sup> Reading: 10/7/2025*  
*Adoption: 10/7/2025*  
*2<sup>nd</sup> Publication: 10/16/2025*  
*Filing with County Planning Board: 10/8/2025*

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 7<sup>th</sup> day of October, 2025.

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Christine A. Gatti, RMC  
Township Clerk