

TOWNSHIP OF MILLBURN

ORDINANCE NO. 2633-23

ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN DEVELOPMENT

REGULATIONS AND ZONING ORDINANCE

WHEREAS, the Township of Millburn (“the Township”) executed a Settlement Agreement with Fair Share Housing Center on August 17, 2021 that determines the municipality’s affordable housing obligation and the preliminary compliance plan for how the obligation will be addressed; and

WHEREAS, the Settlement Agreement called for the Township to satisfy a portion of Millburn’s unmet need obligation by permitting residential development in locations and at densities identified in the Settlement Agreement; and

WHEREAS, the Township Committee and the Township desire to adopt a Zoning Ordinance implementing these terms and conditions of the Settlement Agreement.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Millburn, in the County of Essex and State of New Jersey as follows:

Section 1: Zone Boundaries. The following standards shall govern development on Block 5304, Lot 1 as a zoning overlay. Development may use the standards contained herein or those contained in the underlying Conservation-Recreation (C) zone presently governing development of Block 5304, Lot 1.

Section 2: Development Regulations

606.4.5 Residential Multi-Family Affordable Housing RMF – AH5.

- a. Purpose. To provide for potential future development of the Canoe Brook Country Club or portions thereof for residential development.
- b. Permitted Principal Uses
 1. Apartments
- c. Permitted Accessory Uses
 1. Parking and loading areas
 2. Sustainable building and site design features, such as but not limited to roof-mounted solar energy generating facilities, green roof, electric vehicle supply equipment, and stormwater retention systems.
 3. Indoor and outdoor residential amenity space, except for rooftop decks and other rooftop amenities.
 4. Any other use which is subordinate and customarily incidental to multifamily housing developments, and the use of which is limited building occupants and management.
- d. Area and Setback Regulations.
 1. Minimum tract area: 100 acres.
 2. Minimum front setback: 10% lot depth.
 3. Minimum side setback: 10% lot width.
 4. Minimum rear setback: 20% of lot depth.
 5. Minimum distance between principal buildings: 40 feet.

6. Maximum building coverage: 30%
 7. Maximum lot coverage: 60%
 8. Maximum building height: 40 feet / 3 stories.
 9. No parking between the street line and the building.
 10. Accessory Structures.
 - a) Minimum Side and Rear Yard Setback: 10 feet.
 - b) Distance from principal buildings: 20 feet.
 - c) Maximum Height: 18 feet.
- e. Development Yield:
1. Maximum development yield for multifamily housing development shall not exceed a density of 8 dwelling units per acre.
 2. Each apartment building shall not exceed 50,000 square feet of floor area.
 3. All residential developments shall include an on-site affordable housing set-aside of 20% of the total number of units. The affordable housing units shall comply with the Township's affordable housing regulations and the Uniform Housing Affordability Control Rules (N.J.A.C. 5:80-26.1), which shall control in the case of any conflicts with this ordinance, as well as the NJ Fair Housing Act (N.J.S.A. 52:27D-301 et seq). Compliance shall include but is not limited to the following: required bedroom and income distribution, with the sole exception that thirteen percent (13%) of the affordable units within each bedroom distribution shall be required to be for very low income households earning thirty percent (30%) or less of median income pursuant to the Fair Housing Act, affordability controls of at least thirty (30) years, phasing in compliance with N.J.A.C. 5:93-5.6(d), and affirmative marketing including posting of all affordable units on the New Jersey Housing Resource Center website in accordance with P.L. 2020, c. 51. Additionally, the affordable units shall be integrated with the market-rate units. In buildings with multiple dwelling units, the affordable units shall be generally distributed within each building with market units and the affordable units shall not be concentrated in separate building(s) or in separate area(s) or floor(s) from the market-rate units. The residents of the affordable units shall have full and equal access to all of the entryways, amenities, common areas, and recreation areas and facilities as the residents of the market-rate units.
 4. No more than 50% of units may be age-restricted as to both market-rate and affordable housing units.
- f. Other Provisions.
1. Private outdoor residential amenity space shall be provided at a rate of 100 square feet per unit.
 2. No basement apartment dwelling units shall be permitted.
 3. Dwelling units shall not be utilized for short term rentals pursuant to Section 606.2c3.

Ordinance 2633-23

ATTEST:

MILLBURN TOWNSHIP

Christine A. Gatti, RMC
Municipal Clerk

By: _____
Sanjeev Vinayak, Deputy Mayor

1st Reading and Introduction: 2/7/2023
1st Publication: 2/16/2023
Referral to Planning Board: 2/10/2023
Notice to County Planning Board Prior to Adoption: 2/10/2023
Notice to Clerks of Adjoining Municipalities: 2/10/2023
Notice to Affected Property Owners: 2/17/2023
2nd Reading: 3/7/2023
Adoption: 3/7/2023
2nd Publication: 3/16/2023
Filing with County Planning Board: 3/10/2023

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 7th day of March, 2023.

Christine A. Gatti, RMC
Township Clerk