

**TOWNSHIP OF MILLBURN
ORDINANCE 2634-23
AN ORDINANCE TO AMEND AND SUPPLEMENT THE DEVELOPMENT REGULATIONS AND
ZONING ORDINANCES OF THE TOWNSHIP OF MILLBURN, CHAPTER 6, SUBSECTION 609,
ENTITLED “SUPPLEMENTARY REGULATIONS”**

***STATEMENT OF PURPOSE:** the purpose of this ordinance is to amend the Township of Millburn’s zoning code to include a prohibition of rooftop decks, platforms, terraces and similar features on the roof of a building for use as a common amenity space. Such spaces are not characteristic in the Township. This supplementary regulation would apply to multifamily, mixed-use, and non-residential buildings.*

WHEREAS, the Township Committee of the Township of Millburn wishes to revise the zoning ordinances of the Township to prohibit the use of rooftop deck amenities as a common amenity space for building occupants of multifamily and non-residential buildings and;

WHEREAS, Goal #1 of the 2018 Master Plan Reexamination and Update for the Township of Millburn, seeks to “Encourage appropriate land uses that promote the character of the Township as a small suburb of the highest quality.”

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:

Section 1. Article 6 “Zoning Provisions”, Subsection 609 “Supplementary Regulations” is hereby amended and supplemented by deleting existing text as per the ~~strike throughs~~ and adding new text as underlined below
609 Supplementary regulations

609.13 Prohibition of roof-top amenity space. In order to protect the health, safety, welfare and residential character of the Township, the placement of any decks, platforms, terraces or similar features on the roof of a multifamily, mixed-use or non-residential building, for use as an amenity space for building occupants and/or guests, shall be prohibited. For purpose of this section, a roof shall mean the exterior covering of a building that bridges the space between exterior walls. Interior, open-air courtyard areas that are completely screened by exterior building walls shall not be considered roof-top amenity spaces.

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ATTEST:

MILLBURN TOWNSHIP

Christine A. Gatti, Municipal Clerk

By: _____
Maggee Miggins, Mayor

1st Reading and Introduction: 3/7/2023
1st Publication: 3/16/2023
Referral to Planning Board: 3/10/2023
Notice to County Planning Board Prior to Adoption: 3/10/2023
Notice to Clerks of Adjoining Municipalities: 3/10/2023
Notice to Affected Property Owners: N/A
2nd Reading: 4/4/2023
Adoption: 4/4/2023
2nd Publication: 4/13/2023
Filing with County Planning Board: 4/6/2023

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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 4th day of April, 2023.

Christine A. Gatti, RMC
Municipal Clerk