

**TOWNSHIP OF MILLBURN
ORDINANCE 2657-24
ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN
DEVELOPMENT REGULATIONS AND ZONING ORDINANCE**

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; and

WHEREAS, the Development Regulations and Zoning Ordinance are limited in the extent of uses that are explicitly prohibited within the Township.

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.

301.7.3. BOARDING HOUSE – Any building in which three or more persons not related in direct line by blood or marriage to the owner or operator of such business are lodged and served with meals from one kitchen by the owner or operator for a valuable consideration.

301.11.1. CHECK-CASHING SHOP – A person or entity that for compensation engages, in whole or in part, in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This does not include a state or federally chartered bank, savings association, credit union, or industrial loan company; nor does it include a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cashes checks or issues money orders for a minimum flat fee not exceeding two dollars (\$2) as a service to its customers that is incidental to its main purpose or business.

301.43.0.1. PAWN SHOP – A business establishment in which money is lent at interest on pledged personal property.

301.56.1. ROOMING HOUSE – A building in which lodgers rent one or more rooms without cooking or kitchen facilities for one or more nights, and sometimes for extended periods of time.

301.57.1. SEXUALLY ORIENTED BUSINESS – A commercial establishment which as one of its principal business purposes offers for sale, rental, or display any of the following: books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides or other visual representations that depict or describe a specified sexual activity or specified anatomical area; or still or motion picture machines, projectors or other image-producing devices which show images to one person per machine at any one time, and where the images so displayed are characterized by the depiction of a specified sexual activity or

specified anatomical area; or instruments, devices, or paraphernalia which are designed for use in connection with a specified sexual activity; OR

A commercial establishment which regularly features live performances characterized by the exposure of a specified anatomical area or by a specified sexual activity, or which regularly shows films, motion pictures, video cassettes, slides, or other photographic representations which depict or describe a specified sexual activity or specified anatomical area.

As pertaining to the determination of a sexually oriented business:

a) Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

b) Specified anatomical area means less than completely and opaquely covered human genitals, pubic region, buttock or female; or human male genitals in a discernibly turgid state, even if covered.

c) Specified sexual activities means the fondling or other erotic touching of covered or uncovered human genitals, pubic region; or buttock or female breast; or any actual or simulated act of human masturbation, sexual intercourse or deviant sexual intercourse.

301.60.1. SLAUGHTER HOUSE – means any land, building, place or establishment in which animals are slaughtered, eviscerated, or dressed.

301.60.2. SMOKE SHOP – shall mean any premises dedicated as a principal business to display, sale, distribution, delivery, offering, furnishing, or marketing of tobacco, tobacco products, electronic smoking devices, or tobacco paraphernalia, including providing an area for smoking tobacco products, but excluding any grocery store, supermarket, convenience store or similar retail use that sells tobacco products, shall not be included within the definition of smoke shop. An area for smoking shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter of substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic device.

301.64.1. TATTOO PARLOR – An establishment where tattooing, body piercing, and non-medical body modification services are offered.

Section 2: DRZ Section 604: Prohibited Uses

- a. All classes of ~~cannibas~~ cannabis establishments or ~~cannibas~~ cannabis distributors or ~~cannibas~~ cannabis delivery services as said terms are defined in Section 3 of P.L. 2021, c. 16, but not the delivery of ~~cannibas~~ cannabis items and related supplies by a delivery service, are prohibited.
- b. ~~All uses not expressly permitted in this ordinance are prohibited.~~ Check-cashing shops.
- c. Pawn shops.
- d. Rooming and boarding houses.
- e. Sexually oriented businesses.
- f. Slaughter houses.
- g. Smoke shops.
- h. Tattoo parlors, including body piercing establishments.
- i. The retail or wholesale sale of weapons or firearms, as the same are defined in N.J.S.A. 2C:39-1, including shooting ranges.
- j. All uses not expressly permitted in this ordinance are prohibited.

Ordinance 2657-24

1st Reading and Introduction: 1/16/2024

1st Publication: 1/25/2024

Referral to Planning Board: 1/17/2024

Notice to County Planning Board Prior to Adoption: 1/18/2024

Notice to Clerks of Adjoining Municipalities: 1/18/2024

Notice to Affected Property Owners: N/A

Public Hearing: 2/6/2024

Adoption: 2/6/2024

2nd Publication: 2/15/2024

Filing with County Planning Board: 2/9/2024

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 6th day of February, 2024.

Christine A. Gatti, RMC
Municipal Clerk