

**TOWNSHIP OF MILLBURN
ORDINANCE 2674-24
ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN
DEVELOPMENT REGULATIONS AND ZONING ORDINANCE**

WHEREAS, the official Zoning Map of the Township of Millburn (“the Township”), dated August 2020, designates various publicly owned properties throughout the Township as subject to the Public Zoning District; and

WHEREAS, various publicly owned properties and operations in the Township are located in residential and / or nonresidential zoning districts; and

WHEREAS, the Township seeks to continue public operations on properties not subject to the Public Zoning District; and

WHEREAS, the Township Committee adopted Ordinance 2646-23 on September 19, 2023, which incorporated maximum permitted stories in residential zoning districts; and

WHEREAS, such maximum permitted stories contemplate half-stories, which remain undefined by the Development Regulations and Zoning Ordinance; and

WHEREAS, the Section 607.3(e) of the Township’s Development Regulations and Zoning Ordinance requires at least one parking space be provided in a garage for each dwelling unit; and

WHEREAS, the various standards of the Township’s Development Regulations and Zoning Ordinance regulate a several types of garage structures; and

WHEREAS, the term garage is defined by the 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 “Evaluate as necessary the effectiveness of existing land use regulations to ensure that new residential development and additions to existing homes are compatible with the prevailing neighborhood context;” 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.]

301.7.3. BASEMENT: That portion of a building that is completely or partially below grade. To be considered a basement when partly below grade, the finished surface of the floor above shall be less

** 301.22, line 9, highlighted language “shall be included in the calculation” is a redundant clerical error and shall be removed. Jarrid Kantor, Millburn Township Attorney, advised on 6/10/2024 this was not a substantive revision and therefore could be deleted without further action by the Millburn Township Committee. Christine Gatti, RMC*

than six feet above average ground elevation. The average ground elevation shall be calculated by measuring the elevation at ten-foot intervals around the perimeter of the foundation.

301.22. FLOOR AREA RATIO RESIDENTIAL: The area on the first and second floors of a principal building computed by using the outside dimensions of the exterior walls of the building. The sum of the area of all floors of a building or structure compared to the total lot area. The area of all floors shall be computed by using the outside dimension of the exterior walls of the building or structure. Where cathedral, vaulted, or elevated ceiling space above a lower floor provides a floor-to-ceiling height equal or greater than 16 feet, the floor area of such space shall be doubled in calculation of the floor area. Such computation shall not including include basements nor floor area of that part of any room where the ceiling is less than seven feet and uninhabitable attics, compared to the total lot area. Such calculation shall include private garages, habitable attics and floors above garages shall be included in the calculation* if the habitable portion is more than 50% of the area of the floor immediately below. Habitable areas shall be areas having a ceiling height greater than six feet six inches. Deviation from this standard shall require variance relief under MLUL, N.J.S.A. 40:55D-70(d)(4).

301.23. GARAGE – A structure or a portion thereof used primarily to store automobiles vehicles, and other items associated with residential structures. A garage shall not include kitchen, sleeping, or private bath facilities.

301.23.1. GARAGE, ATTACHED: A private garage comprising a portion of the principal structure containing the dwelling unit served by the private garage, or a detached garage subject to treatment as an attached garage pursuant to DRZ §609.1.g.

301.23.2. GARAGE, DETACHED: An accessory structure or a portion thereof containing a private garage.

301.23.3. GARAGE, PRIVATE – A garage used for storage of automobiles by one dwelling unit. For a structure to be considered a private garage, the structure must a) be fully enclosed by walls, with vehicular access provided via an operable door; b) provide at least one parking space consistent with minimum dimensions as specified under DRZ §516.5.a; c) provide one additional foot of space to each the front and rear of the parking space(s) to provide clearance from the garage door and other appurtenances in the garage; and d) provide two additional feet to each the left and right of the space(s) to provide sufficient clearance for passenger ingress and egress from automobiles.

301.23.4. GARAGE, PARKING or STRUCTURED PARKING – A structure, or portion thereof, comprised of one or more levels or floors containing parking spaces, including underground parking and parking at grade within or below a building or structure. This does not include a surface parking lot.

301.47. PUBLIC PURPOSE USE – The use of land by a municipal, County, State, or Federal agency or authority. Any use that enables a public entity – a municipal, county or state government or agency there of – to carry out its functions to preserve or promote public health, safety and welfare and shall include, but not be limited to, public schools, public works and government buildings, and active or passive recreation areas. Agencies as used herein shall be deemed to include not-for-profit corporations under lease or contract with the municipality to perform services deemed to accomplish a public purpose.

301.61.2. SURFACE PARKING LOT: Any unsheltered, paved piece of land containing parking spaces. For the purpose of this definition, the use of solar panels to generate electricity while sheltering automobiles shall be permitted so long as the sides of the parking spaces are open to the elements.

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301.61. STORY: That portion of a building between a floor and the floor or roof above it, excluding basements as defined in Section 301.7.3.

301.61.1. STORY, HALF: That portion of any building or structure located under a pitched roof at the top of a building having a story height of seven feet or greater and having a gross floor area that is less than or equal to one half of the gross floor area of the floor below. For the topmost story, story height shall be measured from the top of the finished floor to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

Ordinance 2674-24

1st Reading and Introduction: 5/7/2024

1st Publication: 5/16/2024

Referral to Planning Board: 5/9/2024

Notice to County Planning Board Prior to Adoption: 5/8/2024

Notice to Clerks of Adjoining Municipalities: 5/8/2024

Notice to Affected Property Owners: N/A

Public Hearing: 6/4/2024

Adoption: 6/4/2024

2nd Publication: 6/13/2024

Filing with County Planning Board: 6/6/2024

ATTEST:

MILLBURN TOWNSHIP

Christine A. Gatti, Municipal Clerk

By: _____
Annette Romano, Mayor

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 June, 2024.

Christine A. Gatti, RMC
Municipal Clerk

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