

TOWNSHIP OF MILLBURN

ORDINANCE 2679-24

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

WHEREAS, the Master Plan Reexamination and Update, adopted December 19, 2018, identifies flooding as a major concern in the Township; and

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.

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.]

301.22.1. FLOOR AREA RATIO – NONRESIDENTIAL AND MULTIFAMILY - 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. For any basement floor or portions thereof that meet the definition of Gross Leasable Area pursuant to Section 301.25, such floor area shall be included in the floor area ratio calculation. Deviation from this standard shall require variance relief under MLUL, N.J.S.A. 40:55D-70(d)(4).

301.44.1. PREVAILING FRONT YARD SETBACK – The prevailing front yard setback shall be the average front yard setback measured in feet, calculated using the front yard setbacks of the six nearest principal structures on the same side of street, three on either side of the lot in question, and within the same ~~block~~ and zoning district. For corner lots, the average front yard setback shall be calculated using the front yard setbacks of the three nearest principal structures on each street, and the prevailing front yard setback along each street shall be calculated separately. Principal structures subject to the calculation that have a front yard setback of more than twice or less than half of the average front yard setback of other adjacent properties should be disregarded. Expansions or modifications to existing principal structures, whose existing front yard setback is greater than the permitted maximum front yard setback, shall not require variance relief of the maximum front yard setback pursuant to N.J.S.A. 40-55D.70.c so long as the distance of the closest point of the building to the front property line is not made greater than the existing nonconforming condition.

301.57.2. SHOPPING CENTER – A group of multiple commercial uses developed on the same property that are integrated in site design through elements such as common site access, circulation, and parking areas, such as in strip malls, indoor shopping mall developments, and

regional shopping facilities. Shopping centers commonly contain retail sale and retail service uses but may contain other commercial uses. Shopping centers contain two commercial uses with a minimum total gross floor area of 25,000 square feet or at least three commercial uses.

301.69. YARD, FRONT: The area extending across the full width of a lot between the street line and the ~~nearest point of the building to the street~~, extending to the side lot lines from such point in lines parallel or concentric to the street line. For corner lots, there shall be two front yards. The division line for the two front yards shall be a line from the intersection or radius point (if applicable) of the front yard setback lines to the point of intersection (of tangents) of the street lines.

301.70. YARD, REAR: The area extending across the full width of a lot between the rear lot line and the ~~nearest point of the principal building to the rear lot line~~, extending to the side lot lines from such point in lines parallel or concentric to the street line. See "Corner Lots" and "Rear Yard-Unoccupied" definition.

301.71. YARD, SIDE: The area lying between each side lot line and the ~~nearest point of the principal building to each side lot line~~, excluding front and rear yards. For single-family dwellings in the R-3 through R-6 Districts, certain side yard standards relate to the height of building segments. For the purpose of this provision, the height of a building segment shall be the vertical distance from the average ground elevation to the highest portion of the building which lies between the minimum setback for building segments up to 18 feet in height, as regulated in this ordinance. The average ground elevation shall be calculated by measuring the ground elevation at ten-foot intervals around the perimeter of the foundation of the portion of the building which lies in closest proximity to the side lot line.

Section 2: DRZ Section 606.2.e.1: Residential R-3, R-4, R-5, R-6 – Area and Setback Requirements, Minimums

1. Minimums

	R-3	R-4	R-5	R-6
(a) Lot area-square feet	29,000	20,000	14,500	6,000
(b) Lot width-feet	115	100	75	60
(c) Lot depth-feet	175	150	125	90
(d) Front setback*	100% of Prevailing Front Yard Setback			

(e) Side yard setback standard

1) Side yard setback standards in the R-5 and R-6 Districts:

	R-5	R-6
(a) Minimum setback for building to 18 feet in height-feet	12	8
(b) Additional minimum setback, added to paragraph e1 above, for each foot in height of any building segment over 18 feet in height which lies between the setback standard set forth in paragraph e1 above and the setback standard set forth in 3 below-feet	0.33	0.3
(c) Minimum setback for building segments 32 feet in height-feet	16	12

2) Side yard setback standard in the R-3 and R-4 Districts:

- (a) In the R-3 District, the minimum side yard setback shall be 15 feet for one-story buildings up to 18 feet in height. The minimum side yard setback for a second story, or any building greater than 18 feet in height shall be 25 feet.
- (b) In the R-4 District, the minimum side yard setback shall be 15 feet for one-story buildings up to 18 feet in height. The minimum side yard setback for a second story, or any building greater than 18 feet in height shall be 22 feet.
- (c) In the R-3 and R-4 Districts, where a garage vehicular entrance faces a side property line, the minimum side yard setback to the garage shall be 28 feet to accommodate a minimum 23-foot vehicle back-up distance and a minimum 5-foot pavement setback to the side property line.
- (f) Side setback-combined 35% of lot width
- (g) Rear yard-unoccupied 25% of lot area
- (h) Rear setback 20% of lot depth

NOTES:

* Where no prevailing front yard setback can be established due to less than two qualifying properties being available for comparison, a minimum front yard setback

of 40 feet shall apply. A variance shall not be required for existing nonconforming front yard setbacks when a roof (and supporting columns) is added to an existing front stairs or stoop. The roof shall not exceed four feet in depth and extend more than six feet from the stoop on any side.

Section 3: DRZ 606.3.e.1: Residential R-7 – Area and Setback Requirements, Minimums

1. Minimums

	One-Family	Two-Family
(a) Lot area-square feet	4,000	5,000
(b) Lot width-feet	40	50
(c) Front setback*	75% of Prevailing Front Yard Setback, but no less than 5 feet.	
(d) Side setback-feet		
(1) For building up to 18 feet in height	4	6
(2) Additional setback in feet for each foot in height of any building segment over 18 feet in height which lies between the setback standard set forth in paragraph (d)(1) above and the setback standard set forth in paragraph (d)(3) below	0.25	0.25
(3) Setback in feet for segments 32 feet in height	8	10
(e) Side setback-combined	30% of lot width	
(f) Rear setback-depth-feet	Greater of 20 feet or 20% of lot depth	
(g) Rear yard-unoccupied	25% lot area	

NOTE:

* A variance shall not be required for existing nonconforming front yard setbacks when a roof (and supporting columns) is added to an existing front stairs or stoop. The roof shall not exceed four feet in depth and extend more than six feet from the stoop on any side.

Section 4: DRZ Section 607.1 : Minimum Loading Requirements

[Standards from this Section not enumerated below remain unchanged.]

607.1 Minimum Loading Requirements. Adequate off-street loading and maneuvering space shall be provided for every use based on the following schedule. Those uses not listed shall provide sufficient space as determined under site plan review.

Minimum Loading Requirements			
	Gross floor area at which first loading space is required	Gross floor area at which second loading space is required	No. additional square feet for each additional loading space
<u>Retail Store Sale, Retail Service, and Shopping Center</u>	*	20,000	20,000

Ordinance 2679-24

ATTEST:

MILLBURN TOWNSHIP

Christine A. Gatti, RMC
Township Clerk

By: _____
Annette Romano, Mayor

1st Reading and Introduction: 6/4/2024
1st Publication: 6/13/2024
Referral to Planning Board: 6/5/2024
Notice to County Planning Board Prior to Adoption: 6/5/2024
Notice to Clerks of Adjoining Municipalities: 6/5/2024
Notice to Affected Property Owners: N/A
2nd Reading: 7/16/2024
Adoption: 7/16/2024
2nd Publication: 7/25/2024
Filing with County Planning Board: 7/19/2024

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 16th day of July, 2024.

Christine A. Gatti, RMC
Township Clerk