

**TOWNSHIP OF MILLBURN**

**ORDINANCE 2735-26**

**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 Master Plan Reexamination and Update recommends the Township “review all of the nonresidential zones to determine which are most appropriate for medical office uses outside of the CMO zones;” and

**WHEREAS**, the Township seeks to clarify the nature of permitted medical office uses and associated regulations pertaining to permitted uses and parking requirements.

**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.]*

301.6: AMBULATORY SURGICAL FACILITY: Any distinct and independent entity that operates exclusively to provide surgical services to patients on an outpatient, prescheduled basis. Such facilities shall not provide overnight accommodations; all patients shall be discharged on the same calendar day as admission, and in no event later than midnight. Patient arrival by ambulance is permitted only in compliance with the definition of “Basic Life Support (BLS) – Non-Emergency” as set forth in N.J.A.C. § 10:50-1.2. Ambulatory surgical facilities do not include facilities licensed as hospitals under N.J.A.C. § 8:43G.

~~An out-patient health care facility, licensed by the State of New Jersey, which performs surgical procedures without an overnight stay, with such surgery generally requiring some form of anesthesia and with a post-surgery period of at least one hour. An ambulatory surgery facility shall not be considered to be an office or a medical office.~~

301.38. MEDICAL OFFICE: the office of a licensed medical or health care practitioner, or group of practitioners, providing diagnostic, therapeutic, preventive, osteopathic, chiropractic, optometric, dental, psychological, or other comparable professional health services to ambulatory patients on an outpatient basis only. Such facilities shall not provide inpatient care, shall not conduct any major surgical procedures, being those procedures which under New Jersey Department of Health regulations may only be performed in a licensed hospital or ambulatory surgical facility pursuant to N.J.A.C. 8:43G and

N.J.A.C. 8:43A, and shall not provide emergency or urgent care services requiring immediate medical intervention.

A Medical Office may also include in-house ancillary services that are clearly customary and incidental to the operation of a professional medical practice, and that are necessary to support patient care within the office. Such ancillary services shall be limited to diagnostic testing, laboratory services, imaging, physical therapy, occupational therapy, speech therapy, other comparable rehabilitative therapies, and medical counseling.

Except as otherwise expressly stated in the Development Regulations and Zoning Ordinance, medical practices subject to this definition shall also include those subject to licensure by the New Jersey Board of Medical Examiners pursuant to N.J.A.C. 13:35, but shall not include outpatient substance use disorder treatment facilities as defined under N.J.A.C. 10:161B-1.3.

~~health-care services to a person for the purpose of maintaining or restoring a person's physical or mental health, including but not limited to a physician, dentist, chiropractor, podiatrist, osteopath, acupuncturist, bodywork therapist, optometrist, orthotist, prosthetist, pharmacist, physician assistant, physician or surgeon, physical, occupational or speech therapist, psychologist, registered nurse, licensed practical nurse, a home health aide or nurse's aide, marriage or family therapist, massage therapist, advanced practice nurse, respiratory therapist, social worker, or somatic therapist. The term "licensed" is defined in the New Jersey Administrative Code. The medical office may include an accessory medical testing laboratory.~~

301.54. RETAIL SERVICES: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel, such as laundry, cleaning and garment services; photographic portrait studios; beauty and barber shops; massage and spa services; and shoe repair shops. Retail services shall not include establishments primarily engaged in the sale of products or merchandise, including food or drink, to the general public. Retail services shall not include those uses defined under "Medical Office" as defined in this ordinance.

301.66.1. URGENT CARE: An establishment that provides services available from entities or providers submitting claims for payment as a retail health clinic or facility, providing only limited preventative care, diagnostic care, and treatment, where patients receive services and depart from the facility on the same day.

## **Section 2: 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>Hospital, Ambulatory Surgical Facility, and Urgent Care</u>	*	100,000	100,000

### **Section 3: DRZ Section 607.2: Minimum Parking Requirements**

607.2 Minimum Parking Requirements. Minimum Parking Requirements. The number of parking spaces for each use shall be determined by the number of dwelling units, the amount of gross floor area as defined in this ordinance, or such other measure as noted. Where a particular function contains more than one use, the minimum parking requirements shall be the sum of the component parts. Where an expansion of an existing use takes place, the parking requirements for the entire use shall be met.

(a) Ambulatory surgery facility: One space per 150 square feet gross floor area or six (6) spaces per operating/procedure room, whichever is greater. Shared parking with other uses shall not be permitted.

(l) Medical-professional office: One space per 250 square feet gross floor area or four (4) spaces per exam room, whichever is greater. Shared parking with other uses shall not be permitted.

(ij) Urgent Care: One space per 200 square feet gross floor area or five (5) spaces per exam room, whichever is greater. Shared parking with other uses shall not be permitted.

*[Subsections b through ii remain unchanged.]*

### **Section 4: DRZ Section 606: Zone Requirements**

*[Sections 606.1 through 606.6 remain unchanged]*

606.6.1 Highway Business B-2A.

*[606.6.1.a remains unchanged]*

606.6.1.b. Permitted Principal Uses

1. Retail sales and retail services.
2. Offices, including co-working or shared work space, and financial institutions.
3. Medical offices, ambulatory surgical facilities, or urgent care.
4. Health and fitness facilities.
5. Showrooms.
6. Pet care and grooming.
7. Indoor commercial recreation.
8. Educational play centers.
9. Instructional schools and studios.
10. Art studios and galleries.

11. Restaurants, fast-food restaurants, retail food establishments, brewpubs and eating and drinking places, provided the closest part of any structure so used, exclusive of parking and loading areas, is not less than 125 feet from the nearest lot line of a single-family dwelling in a residential district, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted.

12. Multifamily housing developments.

13. Any combination of the permitted principal uses.

*[Section 606.6.1.c through 606.6.1.g remain unchanged.]*

606.6.2. Highway Business B-2B.

*[Section 606.6.2.a remains unchanged.]*

b. Permitted Principal Uses.

1. Retail sales and retail services.

2. Offices, including co-working or shared work space, and financial institutions.

3. Medical offices, ambulatory surgical facilities, or urgent care.

4. Health and fitness facilities.

5. Showrooms.

6. Pet care and grooming.

7. Indoor commercial recreation.

8. Educational play centers.

9. Instructional schools and studios.

10. Art studios and galleries.

11. Restaurants, fast-food restaurants, retail food establishments, brewpubs and eating and drinking places, provided the closest part of any structure so used, exclusive of parking and loading areas, is not less than 125 feet from the nearest lot line of a single-family dwelling in a residential district, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted.

12. Multifamily housing developments.

13. Any combination of the permitted principal uses.

*[Section 606.6.2.c through 606.6.2.g remain unchanged.]*

606.6.3. Highway Business B-2C.

*[Section 606.6.3.a remains unchanged.]*

b. Permitted Principal Uses.

1. Retail sales and retail services.

2. Offices, including co-working or shared work space, and financial institutions.

3. Medical offices, ambulatory surgical facilities, or urgent care.

4. Health and fitness facilities.

5. Showrooms.

6. Pet care and grooming.

7. Indoor commercial recreation.

8. Educational play centers.
9. Instructional schools and studios.
10. Art studios and galleries.

11. Restaurants, fast-food restaurants, retail food establishments, brewpubs and eating and drinking places, provided the closest part of any structure so used, exclusive of parking and loading areas, is not less than 125 feet from the nearest lot line of a single-family dwelling in a residential district, except that no such requirement shall apply where said lot line is separated by a street or railroad right-of-way. Drive-up windows shall not be permitted.

12. Multifamily housing developments.
13. Any combination of the permitted principal uses.

*[Section 606.6.3.c through 606.6.3.g remain unchanged.]*

*[Sections 606.6.4 through 606.7 remain unchanged]*

Section 606.8. Office research OR-1, OR-2, OR-3

*[Section 606.8.a remains unchanged.]*

b. Permitted Principal Uses.

1. Offices, including medical offices, ambulatory surgical facilities, or urgent care, in the OR-1 and OR-2 Zone, and financial institutions.
2. Retail services, such as beauty salons and barber shops.
3. In addition in the OR-1 Zone, office-hotel complex, multifamily housing development in the area bounded by Block 5302, Lot 1, at the date of adoption of this ordinance.
4. In addition in the OR-3 Zone, Mixed-Use Development subject to the standards contained herein.

*[Section 606.8.c through 606.8.f remain unchanged.]*

Section 606.9. Commercial/Medical Office CMO

*[Section 606.9.a remains unchanged.]*

b. Principal Permitted Uses.

1. Offices.
2. Wholesale business, light assembly and manufacturing, scientific and other research facilities, warehouses, and offices operated in connection with the foregoing uses.
3. Medical offices.
4. Ambulatory surgical facilities or urgent care.
5. Health and fitness facilities.
6. Showrooms.
7. Pet care and grooming.

8. Indoor commercial recreation.
9. Educational play centers.
10. Instructional schools and studios.
11. Multifamily housing development.
12. Any combination of the permitted principal uses, except that multifamily housing developments shall not be combined with following permitted uses:

(a) Wholesale business, light assembly and manufacturing, scientific and other research facilities, warehouses, and offices operated in connection with the foregoing uses.

(b) Ambulatory surgical facilities.

(c) Urgent care.

*[606.10 through 606.12 remain unchanged.]*

Ordinance 2735-26

ATTEST:

MILLBURN TOWNSHIP

\_\_\_\_\_  
Christine A. Gatti, RMC  
Municipal Clerk

By: \_\_\_\_\_  
Frank Saccomandi, Mayor

*1<sup>st</sup> Reading and Introduction: 3/3/2026*  
*1<sup>st</sup> Posting: 3/5/2025*  
*Referral to Planning Board: 3/5/2026*  
*Notice to County Planning Board Prior to Adoption: 3/5/2026*  
*Notice to Clerks of Adjoining Municipalities: 3/5/2026*  
*Notice to Affected Property Owners: N/A*  
*2<sup>nd</sup> Reading: 4/7/2026*  
*Adoption: 4/7/2026*  
*2<sup>nd</sup> Posting: 4/9/2026*  
*Filing with County Planning Board: 4/9/2026*

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 7<sup>th</sup> day of April, 2026.

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Christine A. Gatti, RMC  
Municipal Clerk