

TOWNSHIP OF MILLBURN

ORDINANCE 2736-26

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

WHEREAS, the Township Committee has adopted a Master Plan Reexamination and Update on December 19, 2018, which establishes goals and objectives to guide future land use, development, and redevelopment within the Township; and

WHEREAS, Objective 1.01 of 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 clear zoning definitions are essential to ensure consistent interpretation and application of permitted and conditional uses; and

WHEREAS, Objective 1.02 calls for the Township to “promote the appropriate mix of development in Downtown and other commercial areas,” including diverse retail, restaurant, and cultural uses such as brewpubs, galleries, museums, and instructional studios that enhance the Township’s commercial vitality; and

WHEREAS, Objective 3.01 recognizes the importance of supporting the Township’s “educational and cultural needs” through institutions such as the Paper Mill Playhouse, Cora Hartshorn Arboretum, Greenwood Gardens, and other cultural or arts-related uses, which are clarified and supported through these new and updated zoning definitions; and

WHEREAS, Objective 4.01 of the Master Plan calls for “promoting opportunities for high quality retail and commercial activity in all business districts,” which is furthered by the addition of modern commercial and service-related definitions such as co-working space, light assembly and manufacturing, and wholesale business; and

WHEREAS, Objective 4.03 encourages “new commercial development or redevelopment of existing properties where appropriate,” which relies on up-to-date and internally consistent land use terminology; and

WHEREAS, Goal 6 of the Master Plan seeks to “develop and implement strategies to address town-wide sustainability and resiliency,” including Objective 6.01 to “require private development to incorporate sustainable design practices that control run-off, improve streetscapes, increase energy efficiency, and preserve open space and greenways,” and Objective 6.11 to “adopt green building ordinances,” which are advanced by the addition of new definitions such as *Sustainable Building and Site Design Feature* and *Residential Amenity Space*; and

WHEREAS, the Township also recognizes the need to improve clarity and transparency in the development review process, consistent with the Master Plan recommendation to “promote clear, user-friendly, and transparent application, review, and public hearing processes for development proposals and applications”; and

WHEREAS, the Township Committee finds that the addition and modernization of definitions within §301 will enhance consistency among zoning districts, facilitate accurate interpretation of permitted, conditional, and accessory uses, and support implementation of the Master Plan’s goals and objectives;

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 3, Definitions, § DRZ 301, Words and Phrases Defined, is hereby amended as follows:

301.7.5. BREWPUB — An establishment operating under a Restricted Brewery License as defined by the New Jersey Division of Alcoholic Beverage Control (N.J.S.A. 33:1-10(1)(b)), which permits the manufacture of malt alcoholic beverages in limited quantities for consumption primarily on the premises of a restaurant holding a Plenary Retail Consumption License under the same ownership. The brewpub shall operate in conjunction with a bona fide restaurant that is regularly and principally used for the service of meals to the public, with full kitchen and dining facilities, and the brewery and restaurant premises shall be immediately adjoining. Limited retail sale of such beverages for off-premises consumption in sealed containers may be permitted as authorized by state law. All brewpubs shall be subject to applicable federal, state, and municipal approvals.

301.13.1. CO-WORKING OR SHARED WORK SPACE — A commercial office environment providing work areas, desks, and meeting rooms that are made available to individuals or businesses on a membership, rental, or short-term basis, and which may include shared amenities such as conference rooms, lounges, or break areas. Ancillary business support services may be provided.

301.13.2. CULTURAL CENTER — A facility used for the presentation, performance, or instruction of cultural, artistic, or educational activities including but not limited to music, dance, drama, visual arts, and community events. A cultural center may include auditoriums, studios, classrooms, galleries, and meeting spaces accessory to the principal use.

301.13.43. DECK — Any horizontal accessory structure, not covered by any type of roof, serving as a floor which covers, partially or fully, any portion of the lot area.

301.13.4. DRIVE-UP OR DRIVE-THROUGH WINDOW — A facility or portion of a building designed or intended to allow customers to receive products or services while remaining in motor vehicles, typically through a service window, lane, or kiosk.

301.18.42. EDUCATIONAL PLAY CENTER — A multipurpose children's activity space devoted to learning, recreation and entertainment, which may offer classes and organized events such as birthday parties, and which may include accessory retail sales.

301.27.3. LEASING, SALES OR MANAGEMENT OFFICE — A nonresidential area within a residential or mixed-use development used for leasing, sales, or property management operations directly associated with that development.

301.27.4. LIGHT ASSEMBLY OR MANUFACTURING — The fabrication, assembly, or packaging of products from previously prepared materials, typically involving processes that do not emit significant noise, vibration, smoke, dust, odor, or glare, and that are compatible with adjoining non-industrial uses. Examples include electronic assembly, printing, or production of small components.

301.35.1. MAINTENANCE, TRASH, AND RECYCLING AREA — A designated portion of a site or building used for maintenance operations or the temporary storage and collection of refuse and recyclable materials, provided such area is enclosed and screened from public view and designed in accordance with §516.7, Refuse and Recycling Areas.

301.40.1. MIXED-USE DEVELOPMENT — A tract of land or building that integrates two or more principal uses—typically residential, commercial, office, cultural, or institutional—designed and developed as a coordinated project with shared vehicular access, parking, and pedestrian connections. Each use shall be permitted as a principal use within the district or overlay zone in which the mixed-use development is located.

301.41.1. MUSEUM — A building or portion thereof, open to the public, used for the exhibition and preservation of objects of educational, scientific, historic, cultural, or artistic interest. A museum may include accessory retail sales, cafés, classrooms, and offices customarily incidental to the principal use.

301.42. OFFICE — A place for conducting the affairs of a business, profession other than those covered by Section 301.38, service, industry or government, co-working or shared work space and generally furnished with desks, tables, files and communication equipment, but where no retail sales or retail services are offered, and no manufacturing, assembling, or fabricating takes place.

301.47.1. RADIO ANTENNA OR SATELLITE RECEIVING STATION, RESIDENTIAL — A structure, device, or combination thereof designed to transmit or receive radiofrequency or electromagnetic signals, including amateur radio antennas and over-the-air satellite reception devices, subject to applicable federal regulations. This definition applies to residential or accessory-scale equipment and shall not include wireless telecommunications facilities as defined elsewhere in this ordinance.

301.47.2. RADIO ANTENNA OR SATELLITE RECEIVING STATION, NON-RESIDENTIAL

A structure, device, or system of devices used to transmit or receive radiofrequency, microwave, or electromagnetic signals in connection with a commercial, institutional, industrial, or business operation, but not including (1) amateur radio antennas, (2) over-the-air reception devices regulated under the FCC OTARD rule, or (3) wireless telecommunications facilities as defined in this ordinance. A commercial antenna may include building-mounted or ground-mounted satellite dishes, microwave relay dishes, point-to-point antennas, or similar equipment customarily accessory to a permitted nonresidential use.

301.49. RECYCLING AREA — ~~The space allocated for collection and storage of source-separated recyclable materials.~~

301.49. REFUSE OR SOLID WASTE ENCLOSURE — A structure or area designed for the collection and temporary storage of solid waste, recycling materials, or refuse containers, enclosed by walls or fencing and screened from public view.

301.49.1. RESIDENTIAL AMENITY SPACE — Indoor or outdoor common areas reserved for the recreational, social or leisure use of residents of a multifamily or mixed-use development. Typical examples include lounges, fitness rooms, courtyards and play areas. Rooftop gardens or decks may only be permitted where specifically authorized by ordinance, and are not considered automatically allowed as part of this definition.

301.56.2. SCIENTIFIC OR RESEARCH FACILITY — A building or group of buildings devoted to research, experimentation, product development, or testing in such fields as chemistry, biology, physics, engineering, or technology, but not including the mass production or sale of goods on the premises.

301.61.2. SUSTAINABLE BUILDING AND SITE DESIGN FEATURE — A structural, landscape, or site improvement designed to reduce energy or water consumption, improve environmental performance, or promote sustainable development consistent with the standards set forth in §531, Sustainable Building and Design Standards. Such features may include, but are not limited to, solar-energy-generating facilities, green roofs, rain gardens, bioswales, permeable paving systems, electric vehicle supply equipment, reflective roofing, or the use of recycled or locally sourced building materials.

301.67.1. WAREHOUSE — A building or portion thereof used primarily for the storage and distribution of goods and materials, but not for retail sales to the general public.

301.67.2. WHOLESALE BUSINESS — A business primarily engaged in the sale of goods or commodities to retailers, industrial, commercial, institutional, or professional users, rather than to the general public, and where inventory may be stored on site for distribution.

Section 2. Article 6, Zoning Provisions, § DRZ 607.2, Minimum Parking Requirements, is hereby amended as follows:

(jj) Brewpub: One space per three (3) seats.

(kk) Museum: One space per eight hundred (800) square feet of gross floor area, or one space per three (3) seats where fixed seating is provided, whichever is greater.

(ll) Cultural Center: One space per eight hundred (800) square feet of gross floor area, or one space per three (3) seats where fixed seating is provided, whichever is greater.

(mm) Co-working or Shared Work Space: One space per two hundred fifty (250) square feet of gross floor area.

(nn) Light Assembly or Manufacturing: One space per eight hundred (800) square feet of gross floor area.

(oo) Wholesale Business: One space per one thousand (1,000) square feet of gross floor area.

Repealer. All ordinances or parts of ordinances contrary to or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 3. Severability. Each section, subsection, paragraph, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase. If any portion of this Ordinance, or its application to any person or circumstances, shall be adjudged or otherwise determined to be invalid, unconstitutional, preempted, void, or ineffective for any clause or reason, such determination shall not affect the remaining provisions of this Ordinance, and the application of such remaining provisions shall not be affected thereby and shall remain in full force and effect, and to this end, the provisions of this Ordinance are severable.

Section 4. Effective Date. This Ordinance shall take effect immediately upon final passage and publication according to law.

Section 5. Prior actions. All actions of the Township of Millburn taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

Section 6. Codification. This Ordinance may be renumbered for codification purposes.

Section 7. The Township Clerk is hereby authorized and directed to forward this ordinance to the Planning Board for its review and comment as authorized by the Law.

Section 8. The Township Clerk is hereby authorized and directed to provide such notice and publication of this matter so as to permit the conduct of all public hearings as are required by the Law.

Section 9. The Township Clerk is hereby authorized and directed to forward this ordinance to the Essex County Planning Board after final adoption, as provided by the Law.

Ordinance 2736-26

ATTEST:

MILLBURN TOWNSHIP

Christine A. Gatti, RMC
Municipal Clerk

By: _____
Frank Saccomandi, Mayor

1st Reading and Introduction: 3/3/2026
1st Posting: 3/11/2025
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
2nd Reading: 4/7/2026
Adoption: 4/7/2026
2nd 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 7th day of April, 2026.

Christine A. Gatti, RMC
Municipal Clerk