

**TOWNSHIP OF MILLBURN  
ORDINANCE NO. 2491-17  
ORDINANCE AMENDING AND SUPPLEMENTING ARTICLE 6 “ZONING PROVISIONS” OF THE  
MILLBURN TOWNSHIP DEVELOPMENT REGULATIONS AND ZONING ORDINANCE**

**WHEREAS**, in recent years, a number of single family and two family structures in the R-7 zone have been demolished and subsequently redeveloped for two-family dwellings that are much bulkier and also out of scale and character with the larger R-7 zone neighborhood; and

**WHEREAS**, the Township of Millburn is seeking to better regulate the bulk and intensity of two-family home construction in the R-7 zone such that all future development is more contextual with the established development pattern.

**THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MILLBURN, IN THE COUNTY OF ESSEX AND THE STATE OF NEW JERSEY, as follows:**

Section 1. Article 6 “Zoning Provisions”, Section 606.3 “Residential R-7” is hereby amended and supplemented to read as follows:

**606.3 Residential R-7**

a. Purpose

To provide a residential area for small one- and two- family dwellings.

b. Permitted Principal Uses

1. Single-family dwellings
2. Two-family dwellings

c. Accessory Uses

Same as Section 606.2c.

d. Conditional Uses

Same as Section 606.2d.

e. Area and Setback Requirements

<b>1. Minimums</b>	<b>One-Family</b>	<b>Two-Family</b>
(a) Lot area-sq. ft.	4,000	5,000
(b) Lot width-ft.	40	50
(c) Front setback-ft*	24	24
(d) Side setback-ft.		
(1) For buildings 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-ft.	Greater of 20ft. or 20% of lot depth	
(g)	Rear yard-unoccupied	25% of total lot area	

<b>2.</b>	<b>Maximums [Ord. 2313-08]</b>	<b>One-Family</b>	<b>Two-Family</b>
(a)	Building coverage	25%	25%
(b)	Lot coverage	45%	45%
(c)	Building height-ft.	32	32
(d)	Floor area ratio	38%	38%
<b>3.</b>	<b>Accessory Uses</b>	<b>One-Family</b>	<b>Two-Family</b>
	Side and rear setback	12 ft., 3 ft. for detached garages	

**NOTE:**

\*Front setbacks shall also be based on the average established setback for the dwellings located within 500 feet on the same side of the street, or to the nearest intersecting street, end of street or district boundary line, whichever is the lesser. If no established setback exists or if the area has no development, the front setback minimum shall be as shown above. The approving authority shall have the authority to grant flexibility in front setbacks based on the preservation of natural features. Adequate consideration shall be given to impact on adjoining properties. 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 4 feet in depth and extend more than 6 feet from the stoop on any side. **[Ord. 2241-04]**

**Section 2. Conflicts and Severability**

If any portion or clause of this Ordinance is declared invalid or for any reason whatsoever, same shall not affect the validity or constitutionality or any other part or portion of this ordinance.

- a. Conflicts. All other Ordinances, parts of Ordinances, or other local requirements that are inconsistent or in conflict with this Ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this Ordinance apply.
- b. Severability.
  - 1. This Ordinance shall be so construed as not to conflict with any provision of New Jersey law.

Notwithstanding that any provision of this Ordinance may be held invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be in full force and effect.

- 2. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

**Section 3.** This Ordinance may be renumbered for purposes of codification.

**Section 4.** This Ordinance shall take effect after final passage and publication as provided by law.

*1<sup>st</sup> Reading and Introduction: 11/13/2017*

*1<sup>st</sup> Publication: 11/23/2017*