

**TOWNSHIP OF MILLBURN  
ORDINANCE NO. 2510-18  
AN ORDINANCE OF THE TOWNSHIP OF MILLBURN, COUNTY OF ESSEX,  
STATE OF NEW JERSEY,  
AMENDING AND SUPPLEMENTING ARTICLE 6 “ZONING PROVISIONS” OF THE  
MILLBURN TOWNSHIP DEVELOPMENT REGULATIONS AND ZONING ORDINANCE**

**WHEREAS**, the Township of Millburn is desirous of implementing certain modifications relative to regional shopping center use within the Regional Business B-1 Zone as follows: to allow for the installation of a limited number of permanent vendor displays; to allow under certain conditions for the outdoor display of for sale merchandise; and to change the parking requirement to reflect current industry standards for retail stores and shopping centers.

**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 606.5 “Regional Business B-1” is hereby amended and supplemented by adding the following as underlined below:**

f. Permanent Vendor Displays

1. Permanent vendor displays consisting of fixed, unmovable installations used for the sale of goods or services, including specialty foods and beverages, and attended to by an on-site sales person(s), shall be permitted within the common area of a regional shopping facility provided, however, that any equipment proposed to be used for cooking or warming of food in ovens other than a microwave shall be in compliance with applicable health and safety codes and shall be subject to the approval of the Township’s Construction Official.
2. The total number of permanent vendor displays shall not exceed five (5) and no individual permanent vendor display shall exceed three-hundred (300) square feet in area.
3. Permanent vendor display installations shall be located adjacent to escalator stairs, ramps or other locations that shall not impede or restrict safe pedestrian passage through the common area of a regional shopping facility. The installation of any permanent vendor display shall require a sub-code UCC permit as well as any other permit required to comply with applicable health and safety codes and shall be subject to the approval of the Township’s Construction Official.
4. Temporary and/or non-permanent vendor displays consisting of non-fixed, movable installations used for the sale of goods and services, including freestanding kiosks, carts or retail mobile units with or without wheels, and attended to by an on-site sales person(s), shall be prohibited.
5. Planning Board approval shall not be required in connection with the installation of any permanent vendor display provided it is in compliance with all of the standards established herein.

g. Outdoor Display of For Sale Merchandise

1. Outdoor display of for sale merchandise shall be restricted to a patio area connected to a home furnishing establishment having a minimum of 30,000 square feet of gross leasable area (GLA).
2. No storage of merchandise or inventory shall be permitted within the outdoor display patio and only merchandise intended for outdoor use shall be displayed. The display of merchandise within the outdoor patio area during non- operating hours when the home furnishing establishment is closed for business shall not be deemed as storage.
3. The outdoor display patio shall be limited to no more than 700 square feet in size.
4. Access to the outdoor display patio shall be from the interior of the home furnishing establishment only.
5. The outdoor display patio shall not interfere with pedestrian or vehicular access to or from a regional shopping facility and shall not be located adjacent to any building entrance that is directly accessed from a parking structure.
6. Planning Board approval shall not be required in connection with any outdoor display patio provided it is in compliance with all of the standards established herein.

**Section 2. Article 6 “Zoning Provisions”, Section 607.2 “Minimum Parking Requirements” is hereby amended and supplemented as follows (strike-throughs are deletions and underlines are additions)**

q. Retail Stores and Shopping Centers

1-3. No change

4. 600,000 to ~~1,399,999~~ 1,349,999 square feet gross leasable area

4.5 spaces/1,000 square feet GLA up to a maximum 10% GLA in restaurants and/or fast food restaurants;

4.75 spaces/1,000 square feet GLA with more than 10% GLA in restaurants and/or fast food restaurants

5. ~~1,400,000~~ 1,350,000 or more square feet gross leasable area

4.25 spaces/1,000 square feet GLA up to a maximum 10% GLA in restaurants and/or fast food restaurants;

4.5 spaces/1,000 square feet GLA up to a maximum 10% GLA in restaurants and/or fast food restaurants

**Section 2. Conflicts and Severability**

- 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. If any portion or clause of this Ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality or any other part or portion of this Ordinance.
- c. This Ordinance shall be so construed as not to conflict with any provision of New Jersey law.
- d. 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.

ATTEST:

MILLBURN TOWNSHIP

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

By: \_\_\_\_\_  
Cheryl H. Burstein, Mayor

Introduced: July 17, 2018  
Published: July 26, 2018  
Public Hearing/Adopted:  
Published:

CERTIFICATION

I, CHRISTINE A. GATTI, Clerk of the Township of Millburn, in the County of Essex, New Jersey, do hereby certify that the foregoing is a true and correct copy of an ordinance duly adopted by the Township Committee of said Township at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**IN WITNESS WHEREOF** I have hereunto set my hand and affixed the seal of said Township this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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