

**TOWNSHIP OF MILLBURN
ORDINANCE NO. 2543-19
ORDINANCE AMENDING AND SUPPLEMENTING THE TOWNSHIP OF MILLBURN DEVELOPMENT
REGULATIONS AND ZONING ORDINANCE**

STATEMENT OF PURPOSE: the purpose of this Ordinance is to amend use definitions, site plan exemption, height and parking requirements of the zoning codes of the Township's business districts. These changes follow similar recommendations made in the 2018 Master Plan revision performed by the Millburn Township Planning Board.

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 6 "Zoning Provisions", Article 3 "Definitions" is hereby amended and supplemented by deleting existing text as per the ~~strike throughs~~ and adding new text as underlined below.**
- 301.7.1** **Art Gallery:** A building or space used for the display of art for the purpose of promoting and selling artworks.
- 301.7.2** **Art Studio:** A place of work for an artist, artisan, or craftsperson, including persons engaged in the application, teaching, or performance of fine arts such as, but not limited to, drawing, vocal or instrumental music, painting, sculpture, and writing.
- 301.18.1** **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.
- 301.25.1** **Health and Fitness Facility:** An establishment open to the public on a membership basis which provides facilities for personal training, aerobic exercise, running and jogging, weight training and strength conditioning, game courts, swimming facilities and exercise equipment and which may include accessory sauna/steam rooms, showers, lockers, spa treatments including massage, snack/juice bars and accessory retail sales of related sports apparel and equipment.
- 301.27.1** **Indoor Commercial Recreation Use:** An establishment where entertainment or recreation services are provided to the general public, and for which user fees are charged. Uses include, but are not limited to roller and ice skating rinks, indoor climbing gyms, gymnastics centers, bowling alleys, arcades, escape rooms, billiards and virtual experience centers.
- 301.27.2** **Instructional Schools and Studio:** Establishments which provide classes, instructions and workshops for dance, yoga, Pilates, personal training, culinary, creative arts and crafts, music, martial arts, academics and athletics.
- 301.43.1** **Pet Care and Grooming Facility:** An establishment that provides temporary boarding, training, grooming and care for dogs, cats or other domestic animals or household pets. This shall not include overnight boarding of pets, the breeding or sale of animals or veterinary services customarily offered at an animal clinic or hospital.

301.57.1

Showroom: An establishment offering household furnishings, fixtures or appliances to the general public and where sample products are displayed within a room or rooms on the premises. Such establishments may also offer remodeling, decorating or design services.

301.60

Site Plan Exempt:

- a. Site Plan approval shall not be required for single-family and two-family dwellings, unless such uses involve a home professional office.
- b. Building alterations and/or changes of use and/or changes of tenancy which do not involve ~~a change of use, additional~~ an increase in the required number of off-street parking spaces ~~change in number of tenants~~ or additional gross floor area – nonresidential shall be site plan exempt.
- c. Changes of use which require additional parking or which generate a vehicular traffic increase of more than 10% in excess of the previous user during any of the following time periods shall not be exempt: 24 hour daily traffic, A.M. Peak Street Hour of adjacent street traffic; P.M. Peak Street Hour of adjacent street traffic; or Saturday peak hour of generator. Parking requirements shall be based on the off-street parking standards set forth in this Ordinance. Estimates of the number of vehicular trips shall be determined by use of the data and the statistics relating to use-generated traffic by the Institute of Transportation Engineers “Trip Generation Manual” 5th Edition.
- ~~d. Changes of tenancy without a change of use shall be site plan exempt. Changes of tenancy shall be site plan exempt.~~
- ~~e.d.~~ The use and access, through, over and across lands located within the Township of Millburn in order to gain access to and from an existing or proposed nonresidential use located outside and beyond the borders and boundaries of the Township of Millburn shall not be exempt and shall require site plan review and approval consistent with the terms and standards of this Ordinance.

Section 2.

Article 6 “Zoning Provisions”, Section 606 “Zone Requirements” is hereby amended and supplemented by deleting existing text as per the ~~strike through~~ and adding new text as underlined below.

606.6

Highway Business B-2

b. Permitted Principal Uses

- 1. Retail sales and retail services
- 2. Office and financial institutions
- 3. Beauty and barber shops Medical offices
- 4. Health and fitness facilities
- 5. Laundry, cleaning and tailoring services Showrooms

- 6. ~~Photographic portrait studios~~ Pet care and grooming
- 7. ~~Shoe repair shops~~ Indoor commercial recreation
- 8. Educational play centers
- 9. Instructional schools and studios
- 10. Art studios and galleries

606.6.1 Neighborhood Business B-3

b. Permitted Principal Uses

- 1. Retail sales and retail services with food stores limited in size to 15,000 square feet and all other retail activities limited in size to 5,000 square feet.
- 2. Offices and financial institutions.
- 3. ~~Apartments over stores~~Residential, but not on ground floor
- 4. Showrooms
- 5. Educational play centers
- 6. Instructional schools and studios
- 7. Art studios and galleries.

606.7 Central Business B-4

b. Permitted Principal Uses

- 1. Retail sales and Retail Services
- 2. Financial institutions
- 3. ~~Apartments over stores~~Residential, but not on ground floor
- 4. Offices, but not on the street floor level. For the purposes of this restriction, travel agencies, opticians, local newspaper offices substantially servicing Township residents, and real estate sales offices shall not be considered offices and are permitted to locate on the street level floor. *[Ord. 11-93, 15-95, 16-97, 2149-98]*
- 5. ~~Physical Fitness Studios [Ord. 2471-16]~~Showrooms
- 6. Educational play centers
- 7. Instructional schools and studios
- 8. Art studios and galleries

- e. Area and Setback Requirements
 - 1. Min. side setback none, or 10 ft. to district line
 - 2. Max. building coverage 100%
 - 3. Max. lot coverage 100%
 - 4. Max. building height ~~28~~ 40 ft., ~~2~~ 3 stories

606.9

Commercial /Medical Office CMO

- b. Permitted Principal 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
 - 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

607.2

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 designed 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. **[Ord. No. 2471-16]**

- a. Ambulatory surgery facility
1 space/100 sq.ft.gross floor area **[Ord. 20-95]**
- b. Assembly operations
1 space/800 sq. ft. gross floor area
- c. Auto sales
1 space/300 sq. ft. show room area & sales office
- d. House of Worship **[Ord. 24174-13]**

1 space per 3 seats within the sanctuary or worship hall or 5 spaces per 1,000 square feet of gross floor area, whichever is greater.

e. Residential

~~1 space/dwelling unit less than 700 sq. ft. in gross floor area;~~

~~1.5 spaces/dwelling unit 700-1,000 sq. ft. in gross floor area; and~~

~~2.0 spaces/dwelling unit over 1,000 sq. ft. in gross floor area. In accordance with New Jersey State Residential Site Improvement Standards (RSIS).~~

f. Office and financial institutions

1 space/250 sq. ft. gross floor area, but no less than .8 of a parking space for each employee or independent contractor on site at any one time. **[Ord. 12-87]**

g. Finishing operations

1 space/800 sq. ft. gross floor area

h. Hospital

1.5 spaces/bed

i. Hotel

1.6 spaces per guest room (this requirement also satisfies the parking needs for all accessory uses and employees.)

j. Industrial

1 space/800 sq. ft. gross floor area

k. Manufacturing

1 space/800 sq. ft. gross floor area

l. Medical-professional

1 space/150 sq. ft. gross floor area

m. Offices

Same as 607.2f.

n. Receiving

1 space/1,000 sq. ft. gross floor area

o. Research

1 space/1,000 sq. ft. gross floor area

p. Restaurant

1 space/3 seats

q. Retail Stores and Shopping Centers

The following minimum parking requirements are not to be applied incrementally, but shall be met as to each applicable classification based upon the following:

1. Up to 25,000 square feet gross floor area
1 space/200 sq. ft. gross floor area
2. 25,000 to 399,999 square feet gross leasable area
4.0 spaces/1,000 sq. ft. GLA up to a maximum 10% GLA in restaurants and/or fast food restaurants;
4.25 spaces/1,000 sq. ft. GLA with more than 10% GLA in restaurants and/or fast food restaurants
3. 400,000 to 599,999 square feet gross leasable area
4.25 spaces/1,000 sq. ft. GLA up to a maximum 10% GLA in restaurants and/or fast food restaurants;

- 4.5 spaces/1,000 sq. ft. GLA with more than 10% GLA in restaurants and/or fast food restaurants **[Ord. 7-91]**
- 4. 600,000 to 1,349,999 square feet gross leasable area **[Ord. 2510-18]**
 - 4.5 spaces/1,000 sq. ft. GLA up to a maximum 10% GLA in restaurants and/or fast food restaurants;
 - 4.75 spaces/1,000 sq. ft. GLA up to a maximum 10% GLA in restaurants and/or fast food restaurants.
- 5. 1,350,000 or more square feet gross leasable area **[Ord. 2510-18]**
 - 4.25 spaces/1,000 sq. ft. GLA up to a maximum 10% GLA in restaurants and/or fast food restaurants;
 - 4.5 spaces/1,000 sq. ft. GLA with more than 10% GLA in restaurants and/or fast food restaurants **[Ord. 2358-10]**
- r. Shipping
 - 1 space/5,000 sq. ft. gross floor area
- s. Storage areas
 - 1 space/5,000 sq. ft. gross floor area
- t. Theater
 - 1 space/3 seats
- u. Utilities
 - 1 space
- v. Veterinarian hospital
 - 6 spaces/exam. room or doctor, whichever is greater
- w. Warehouse
 - 1 space/5,000 sq. ft. gross floor area
- x. Restaurant, Fast Food
 - 1 space/35 sq. ft. gross floor area **[Ord. 9-87]**
- y. Supermarket, Convenience Store
 - 6 spaces/1,000 sq. ft. gross floor area **[Ord. 6-96] [Ord. 2302-07]**
- z. Public and private schools **[Ord. 2417-13]**
 - 2 spaces per classroom for grades K-8 and 3 spaces per classroom for grades 9-12.
- aa. Places of Assembly **[Ord. 2417-13]**
 - 1 space per 3 seats or 5 spaces per 1,000 square feet of gross floor area, whichever is greater.
- bb. Art studios and galleries
 - 1 space/800 sq. ft. of gross floor area
- cc. Educational play centers
 - 1 space/200 sq. ft. of gross floor area
- dd. Health and fitness facilities
 - 1 space/200 sq. ft. of gross floor area
- ee. Indoor commercial recreation
 - 1 space/200 sq. ft. of gross floor area
- ff. Instructional schools and studios
 - 1 space/100 sq. ft. of gross floor area
- gg. Pet care and grooming
 - 1 space/200 sq. ft. of gross floor area

- hh. Retail Sales/Services
1 space/200 sq. ft. of gross floor area
- ii. Showrooms
1 space/500 sq. ft. of gross floor area

Section 3. 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 of clause of this Ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality or any other part of portion of this Ordinance.
- c. This Ordinance shall be so construed as not to conflict with any provisions 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 4. This Ordinance may be renumbered for purposes of codification.

Section 5. This Ordinance shall take effect after final passage and publication as provided by law.

1st Reading and Introduction: 9/3/2019