

**ORDINANCE NO. 2014:13**

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 30-2 ENTITLED “DEFINITIONS AND WORD USAGE,” SECTION 30-23 ENTITLED “RESIDENTIAL C/MULTIFAMILY ZONE,” AND SECTION 30-24A ENTITLED “RESIDENTIAL E/MULTI-FAMILY TOWNHOME (MFTH) ZONE” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD.**

**WHEREAS**, Section 30-2 entitled “Definitions and Word Usage,” Section 30-23 entitled “Residential C/Multifamily Zone,” and Section 30-24A entitled “Residential E/Multi-family Townhome (MFTH) Zone” provide various standards permitting and regulating development in New Milford; and

**WHEREAS**, the Mayor and Council of the Borough of New Milford are desirous of amending these sections,

**BE IT ORDAINED**, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF NEW MILFORD AS FOLLOWS:

*Add the following definitions to Section 30-2.1:*

**30-2 DEFINITIONS AND WORD USAGE.**

**30-2.1 Definitions.**

*Dwelling unit* shall mean a building or portion thereof used for living purposes by one family and having sleeping, eating, cooking and sanitary facilities for its exclusive use.

*Multifamily dwelling* shall mean a building containing three or more dwelling units occupied or intended to be occupied by persons living independently of each other, or a group of such buildings.

*Multifamily dwelling, low-rise* shall mean a multifamily dwelling one to two and one-half stories in height.

*Multifamily dwelling, mid-rise* shall mean a multifamily dwelling three to five and one-half stories in height.

*Tract* shall mean one or more lots that are the subject of a development application and that are developed or planned to be developed in a comprehensive manner.

*Vertical element in facade design* shall mean any architectural feature utilized to break the plane in a building facade, such as a bay window, box bay window, columns, horizontal offset or variation in materials.

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*Delete the following definitions from Section 30-2.1:*

**30-2 DEFINITIONS AND WORD USAGE.**

**30-2.1 Definitions.**

Garden apartments

Multifamily dwelling house

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*Delete existing Section 30-23 and replace with the following:*

**30-23 RESIDENTIAL C/MULTIFAMILY ZONE.**

**30-23.1 Use Regulations.**

- a. Permitted principal uses:
  1. Low-rise multifamily dwellings.
  2. Mid-rise multifamily dwellings.
- b. Permitted conditional uses, subject to the requirements of Section 30-21.8:
  1. Public, private and parochial schools.
  2. Houses of worship.
- c. Permitted accessory uses:
  1. Signs.
    - (a) One sign identifying the development located at the entrance to such development. Such a sign shall have a maximum of two sign faces each not to exceed 25 square feet per side, and shall not exceed six feet in height, inclusive of a base or other supporting structure.
    - (b) In a development with frontage on more than one street, additional development identification signs that comply with the regulations of Subsection 30-23.1c1(a) shall be permitted. The total number of development identification signs shall not exceed one sign for every five acres of tract area.
    - (c) One sign identifying the location of a sales or leasing office shall be permitted. Such a sign shall have a maximum of two sign faces each not to exceed nine square feet per side, and shall not exceed six feet in height, inclusive of a base or other supporting structure. In a development with a tract area greater than 10 acres, a maximum of two additional signs identifying the location of a sales or leasing office that comply with the requirements of this subsection shall be permitted.
    - (d) Other signs shall be provided as otherwise regulated in Borough ordinances.
  2. Recreational uses such as, but not limited to, common open spaces, walking paths, gazebos, swimming pools, putting greens, and tennis, shuffleboard and bocci courts.
  3. Fences and walls.
  4. Administration, maintenance, storage and utility buildings, including leasing and management offices.

5. Clubhouses.
6. Off-street parking, including parking structures and parking areas within residential buildings.

### **30-23.2 Bulk Regulations.**

a. Low-rise multifamily dwellings:

1. Minimum lot area: two acres.
2. Minimum front yard: 30 feet. The minimum front yard shall be provided along all public streets.
3. Minimum side yard: 20 feet.
4. Minimum rear yard: 20 feet.
5. Minimum space between buildings: 20 feet.
6. Maximum density: 16 dwelling units per acre, except that the maximum permitted density shall be increased when the requirements for the provision of affordable dwelling units in Section 30.23.3 are met.
7. Maximum building coverage: 50%.
8. Maximum impervious coverage: 75%.
9. Maximum principal building height: two and one-half stories/35 feet of habitable space. Flat roofs are specifically prohibited, except where necessary to permit mechanical equipment or other appurtenances as primary roof structures except for parking garages which are shielded from public view by other structures.
10. Maximum accessory building height: one story/15 feet.

b. Mid-rise multifamily dwellings:

1. Minimum lot area: two acres. However, a minimum tract area of 25 acres shall be required to permit buildings three stories or greater in height.
2. Minimum front yard: 25 feet. The minimum front yard shall be provided along all public streets. A clubhouse, leasing office, or recreation building may be located within a front yard, but shall be set back at least 10 feet from a street.
3. Minimum side yard: 25 feet for buildings up to 40 feet in height, 50 feet for buildings over 40 feet in height.
4. Minimum rear yard: 50 feet.
5. Minimum setback from any lot developed with a single-family dwelling: 65 feet from a building facade less than 100 feet in length, 85 feet from a building facade 100 feet or greater in length.

6. Minimum space between buildings: 25 feet from end to end, 50 feet at any other location.
7. Maximum density: 24 dwelling units per acre, except that the maximum permitted density shall be increased when the requirements for the provision of affordable dwelling units in Section 30.23.3 are met.
8. Maximum building coverage: 40%.
9. Maximum impervious coverage: 65%.
10. Maximum principal building height: three and one-half stories/48 feet of habitable space. Flat roofs are specifically prohibited, except where necessary to permit mechanical equipment or other appurtenances as primary roof structures except for parking garages which are shielded from public view by other structures.
  - (a) An additional one story, not to exceed 10 feet in height, shall be permitted for a building that is located around the perimeter of a parking garage and is designed to screen it from view.
  - (b) An additional two stories, not to exceed 20 feet in height, shall be permitted for a building that is setback 150 feet or more from the boundary of the R-A zone.
11. Maximum accessory building height: one story/15 feet, except that the height limit may be increased to 30 feet for a recreation or clubhouse building that has a peaked roof.
12. Maximum length of a facade without a vertical element in facade design: 75 feet.

### **30-23.3 Affordable Housing.**

- a. All development in the R-C district that results in a net increase in the number of dwelling units shall be required to provide a set aside of affordable dwelling units.
- b. The maximum residential density shall be increased to 25 units per acre for low-rise multifamily dwellings and 38 units per acre for mid-rise multifamily dwellings, with a minimum affordable housing set-aside of 10 percent of the net increase in dwelling units in the development, unless a greater amount is required by state regulations at the time site plan approval is granted. A minimum of 10 percent of the affordable units shall be affordable to households earning 30 percent or less of the area median income for the Council on Affordable Housing region. Affordable housing units shall not be required to be provided on tax map lots that are less than 40,000 square feet in area, but the developer shall post a contribution to the Borough's affordable housing trust fund in lieu of providing affordable housing on site. The developer shall demonstrate to the Planning Board that the affordable housing obligation shall not be shifted to the municipality.
- c. Affordable dwelling units shall comply with the applicable rules of the Council on Affordable Housing.

### **30-23.4 Other Regulations.**

- a. Parking.

1. All parking shall be confined to the areas specifically designated on the site plan for that purpose. Parking may be provided in surface parking lots, within residential structures and within garages.
2. Parking shall be provided in accordance with the requirements of the New Jersey Residential Site Improvement Standards at N.J.A.C. 5:21, as amended, which are as follows for low-rise and mid-rise multifamily dwellings:

Studio/one-bedroom unit: 1.8 spaces per unit  
Two-bedroom unit: 2.0 spaces per unit  
Three-bedroom unit: 2.1 spaces per unit

The above requirements include provisions for guest parking (0.5 spaces per dwelling unit).

3. No outdoor surface parking area shall be permitted closer to a building than 10 feet. Parking areas may be constructed in the rear and side yards but in no event closer than 10 feet to a side or rear lot line. No parking areas shall be constructed within a front yard setback area.
  4. Exposed parking areas underneath buildings are prohibited. Below-building parking within the building footprint shall only be permitted when such parking is screened by permitted uses or by architectural detailing. The architectural detailing for parking areas shall use a similar or complimentary type and quality of materials as the remainder of the building.
  5. Parking garages shall be fully surrounded by a residential building, other than an access point to the garage through the residential building
  6. Parking garages within or surrounded by a building shall comply with the yard requirements for principal buildings.
- b. Street trees, landscaping and buffering.

All areas of a multifamily dwelling development not used for the construction of buildings, roads, accessways, parking areas or sidewalks shall be fully landscaped. Street trees shall be provided along all public streets, with a maximum distance between trees of 40 feet on center. Buffer areas with a minimum depth of 15 feet shall be provided along all boundaries of the R-A zone.

- c. Recreation.

Adequate and sufficient open space shall be provided, consisting of at least 15 percent of the tract area. Recreation facilities shall be provided to serve the residents of a mid-rise multifamily dwelling development. A clubhouse and a swimming pool shall be provided for any mid-rise multifamily dwelling development that exceeds 750 dwelling units on a tract. The clubhouse shall be equipped with a permanent standby generator capable of powering the entire building in the event of a power outage.

- d. Utilities.

All telephone, electric transmission and service lines, cable television and all other utility wiring whatsoever shall be placed underground. Any satellite dishes shall be screened so as not to be visible from the ground.

- e. Sidewalks.

1. Concrete sidewalks a minimum of four feet in width, constructed in accordance with the Borough Engineer's specifications, shall be provided:
    - (a) To and from buildings and parking areas.
    - (b) To and from buildings and roads and accessways.
    - (c) To each entrance in each building.
  2. No sidewalks, with the exception of those leading to and from building entrances and exits, shall be placed closer to a building than ten feet.
- f. All trash and recycling facilities shall be appropriately screened from view.
- g. Additional standards for low-rise multifamily dwellings.
1. Each dwelling unit shall contain separate bedroom, separate bathroom, separate living room and separate kitchen facilities, which kitchen facilities shall be located separate and apart from other rooms. A bedroom shall be construed as any separate room other than a dining room, living room, kitchen or bathroom.
  2. A maximum of 16 dwelling units shall be permitted in a single low-rise multifamily dwelling.
  3. The maximum length of a low-rise multifamily dwelling shall not exceed 160 feet in its longest dimension.
  4. Laundry facilities and storage space shall be provided for residents.
- h. Additional standards for mid-rise multifamily dwellings.
1. An environmental impact statement shall be required as part of the application for site plan approval.
  2. The use of green building techniques and other environmental sustainability measures is encouraged.

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*Delete existing Section 30-24A.7 and replace with the following:*

**30-24A RESIDENTIAL E/MULTI-FAMILY TOWNHOME (MFTH) ZONE.**

**30-24A.7 Bulk Regulations.**

- k. The land area for any townhome development shall not be less than three-quarter (0.75) acres.

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All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause

or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

This Ordinance shall take effect upon passage and publication as provided by Law.

**BE IT FURTHER ORDAINED** that a copy of this ordinance be forwarded to the Planning Board.