

**BOROUGH OF NEW MILFORD
ORDINANCE 2018:15**

AN ORDINANCE TO AMEND CHAPTER XXIX, ENTITLED “STORMWATER CONTROL” AND CHAPTER XXX, ENTITLED “LAND USE REGULATIONS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD

WHEREAS, the Planning Board, in consultation with the Borough Planner and Borough Engineer have made a recommendation for changes to both Chapter XXIX, entitled “Stormwater Control” and Chapter XXX, entitled “Land Use Regulations,” and

WHEREAS, the Mayor and Council of the Borough of New Milford have reviewed the recommendations from the Planning Board and made further modifications in consultation with the Borough Planner.

NOW, THEREFORE, BE IT ORDAINED that the following sections of Chapter XXIX, entitled “Stormwater Control” and Chapter XXX, entitled “Land Use Regulations” be amended or added as follows:

Add the following new section 29-4

29-4 ZERO INCREASE IN STORMWATER RUNOFF

29-4.1 Scope and Purpose.

- a. *Purpose.* It is the purpose of this section to establish minimum stormwater management requirements and controls for all applications for a new construction, enlargement or addition to an existing structure not defined in subsection 29-1.2. c.
- b. *Applicability.* This section shall be applicable to all applications for building permits for the construction of a new structure, enlargement or addition to an existing structure in which the completed development shall result in increase of impervious area of three hundred (300 sq. ft.) square feet or more.

29-4.2 Provisions.

- a. All applications for a building permit for properties to which this article applies shall contain a plan or certification providing for a zero increase in stormwater runoff for the completed project.
- b. The Borough Engineer shall review each application for a building permit for properties to which this article applies and approve same as providing for a zero increase in stormwater runoff for the completed project.

c. No building permit shall be issued for any project to which this article applies when, in the opinion of the Borough Engineer, the applicant fails to provide for a zero increase in stormwater runoff.

d. At the time of the application for a building permit for any project to which this article applies, the applicant shall deposit \$1,000 in escrow to cover or defray the cost of the Borough Engineer's review of the application relative to stormwater runoff and/or other site-work related items.

29-4.3 Design Guidelines.

An application for a building permit for any project to which this article applies, shall include an underground seepage pit or similar system designed to adequately handle stormwater runoff generated on impervious areas discharged into the system. The following are minimum requirements for the seepage pit or similar system design:

a. The seepage pit shall be designed to retain at least 10-year, 60 minute duration storm runoff generated on the additional impervious area.

b. If the area larger than the additional impervious surface is discharged into the seepage pit, the seepage pit shall be designed to retain the runoff generated on the total area connected to the seepage pit.

c. The seepage pit invert shall be, at a minimum, 2 feet above seasonal high water table

d. The soil shall be sufficiently permeable to drain the pit within a 24-hour period.

e. The seepage pits should be inspected once a year and cleaned as necessary.

29-4. 4 Severability.

If any sentence, section, clause or other portion of this article or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this article.

29-4.5 Repealer.

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Amend or add the following definitions to Section 30-2.1:

30-2 DEFINITIONS AND WORD USAGE.

30-2.1 Definitions.

Basement shall mean a story in a building having a floor below the finished grade at any point on the periphery of the building and having a structural ceiling level at least three feet above the average finished grade along any side of the building. See also “cellar” and “story.”

Building coverage shall mean the percentage of the lot area covered by buildings or other structures, including residences, garages, sheds, porches, cabanas and all buildings or structures with roofed areas, but shall exclude open decks. Building coverage shall be computed by using the outside building dimensions projected on a horizontal plane, including but not limited to cantilevers, roof overhangs, bay windows or other parts of the building.

Cellar shall mean a space in a building with a structural ceiling level less than four feet above the average finished grade along any side of the building facing a street.

Grade plane shall mean a reference plane representing the average elevation of the finished ground adjoining the building at all exterior walls. The grade plane shall be calculated by averaging the ground elevation at the primary building corners and the midpoint of the primary exterior walls. The existing grade shall not be altered by more than two feet.

Impervious lot coverage shall mean the percentage of the lot area covered by principal and accessory buildings, structures and uses, including but not limited to decks, driveways, patios, walkways, parking areas, garages, pools and all areas covered by any materials other than vegetation or soil.

Story shall mean that part of any building, exclusive of cellars but inclusive of basements, comprised between the level of one finished floor and the next higher finished floor, or, if there be no higher finished floor, then that part of the building comprised between the level of the highest finished floor and the top of the roof.

Story, half shall mean any space partially within the roof framing where the clear height of not more than 50% of such space between the top of the floor beams and the structural ceiling level is seven feet six inches or more.

Amend existing Section 30-21.4c and Sections 30-21.5a3 and c3 as follows:

30-21 RESIDENTIAL A ZONES.

30-21.4 Area Requirements.

- c. *Maximum Building and Impervious Coverage Requirements.* Within the Residential A and Residential B Zones, maximum building coverage requirements shall be as follows:
1. Maximum building coverage: 20 percent.
 2. Maximum total impervious coverage: 40 percent.

30-21.5 Yards.

- a. Front Yards:
 - 3. Where there is no existing building in the block, the minimum front yard setback shall be 30 feet from the front lot line.
 - c. Side Yards:
 - 3. An accessory building on a corner lot shall be set back a distance equal to the average setback line of the buildings situated on the side street. Where there is no established setback line, the accessory building shall be set back a minimum of 30 feet from the street line.
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Add the following new Section 30-28.1g:

30-28.1 Off-Street Parking.

- g. The following standards shall apply to all one- and two-family dwellings:
 - 1. Vehicle parking shall only be permitted on portions of a lot that are paved, and shall not be permitted on lawns or landscaped areas. If additional parking area is required, it must be paved to match existing parking areas or driveways on the same property.
 - 2. Vehicle parking shall not be permitted in any front yard other than in a paved driveway that traverses the front yard.
 - 3. The maximum area of a front yard covered by impervious surfaces shall be 30 percent.
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Add the following new Section 30-28.15e:

30-28.15 Projections Into Required Yards: General Exceptions.

- e. An unenclosed small porch, or covered platform, may project a maximum distance of four feet into a required front yard setback. The maximum width of the porch or platform shall be 20 percent of the width of the front façade, but not less than six feet.
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Add the following new Section 30-28.18:

30-28.18 Lighting.

- a. *Uses other than one- and two-family homes.* In connection with every site plan application, the applicant shall submit plans for all proposed exterior lighting. These plans shall include the location, type of lighting fixture (luminair), geometry of light

(photometric diagram) and intensity in foot candles (photometric performance data). In addition, the following design standards shall be followed:

1. The style of the lighting fixture, mounting and hardware shall be consistent with the architectural style of the principal building. Subject to review and approval by the municipal agency.
2. The maximum height of freestanding lights shall be no greater than the principal building, but in any case shall not exceed 20 feet.
3. Outdoor lighting fixtures used to illuminate architectural and landscape features shall use a narrow cone of light for the purpose of confining the light to the object.
4. All lighting fixtures must have zero uplight (no light beyond nadir) and qualify as a Nighttime Friendly™ product or be consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight and protecting the night sky. Spotlight-type fixtures attached to buildings are not permitted.
5. Where lighting along a property line will be visible from adjacent residential uses, the lights shall be shielded and light shall not exceed beyond the boundary of the property it serves.
6. Lighting should be located along streets, parking areas, at intersections and where various types of circulation systems merge, intersect or split.
7. Pathways, sidewalks and trails should be illuminated where feasible but are not required to be illuminated.
8. Stairways and sloping or rising paths and building entrances and exits require illumination.
9. Lighting should be provided where buildings are set back or offset.
10. Lighting shall not be permitted which requires flashing, intermittent illumination or simulates the effect of motion.
11. Uplighting for principal structure façade shall be permitted but shall not spill on to adjacent structures or properties, and shall be extinguished no later than 10:00 pm.
12. The following intensity in foot candles should be provided:
 - (a) Parking lots: an average of 0.5 footcandle throughout
 - i. 15:1 uniformity ratio
 - (b) Intersections: three foot candles
 - i. 6:1 uniformity ratio
 - (c) Maximum at property lines: 0.5 footcandle.
 - (d) In residential areas: average of 0.6 footcandle.
 - (e) Where none of the prescriptive illumination levels meets the requirements of the intended use, it is recommended that the IESNA Lighting Handbook or a

particular IESNA Recommended Practice (RP) or IESNA Design Guide (DG) standard be consulted and the referenced section be provided with the lighting plan of record for consideration by the municipal agency.

- b. *One- and two-family homes.* The following standards shall apply to all one- and two-family homes:
1. The style of the lighting fixture, mounting and hardware shall be consistent with the architectural style of the principal building. Subject to review and approval by the municipal agency.
 2. High mast lighting is not permitted.
 3. Free standing lighting shall not exceed 8 feet above grade.
 4. Outdoor lighting fixtures used to illuminate architectural and landscape features shall use a narrow cone of light for the purpose of confining the light to the object.
 5. All lighting fixtures must have zero uplight (no light beyond nadir) and qualify as a Nighttime Friendly™ product or be consistent with the LEED® and Green Globes™ criteria for eliminating wasteful uplight and protecting the night sky. Spotlight-type fixtures attached to buildings are not permitted.
 6. Where lighting along a property lines will be visible from adjacent residential uses, the lights shall be shielded and light shall not exceed beyond the boundary of the property it serves.
 7. Lighting shall not be permitted which requires flashing, intermittent illumination or simulates the effect of motion.
 8. Uplighting for home façade shall be permitted but shall be shielded, shall not exceed beyond the boundary of the property, shall not spill on to adjacent structures, and shall be extinguished no later than 12:00 midnight.