

**BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2017:01**

**AN ORDINANCE TO AMEND CHAPTER XXX ENTITLED “LAND USE
REGULATIONS” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH
OF NEW MILFORD**

WHEREAS, the Borough of New Milford has entered into a settlement agreement to resolve the settling of the lawsuits entitled In the Matter of the Application of the Borough of New Milford, Docket No. BER-5681-15, New Milford Redevelopment Associates, LLC v. Borough of New Milford et al, Docket No. BER-L-9726-13, and New Milford Redevelopment Associates, LLC v. Zoning Board of Adjustment of the Borough of New Milford, Docket No. BER-L-5465-14; and

WHEREAS, the settlement agreement envisions that the Mayor and Council of the Borough of New Milford will amend Chapter XXX, entitled “Land Use Regulations,” of the Revised General Ordinances of the Borough of New Milford to create a new Mixed Use Planned Unit Development Zone; and

WHEREAS, the Mixed Use Planned Unit Development Zone will provide a mixture of residential, commercial, and recreational uses in locations compatible with the historical uses of those locations and the surrounding uses, meeting unmet needs within the Borough for low and moderate income housing and public recreational facilities, and maintaining the balance of diverse uses within the Borough; and

WHEREAS, the Mayor and Council of the Borough of New Milford believe the recommended changes are in the best interest of the residents of New Milford.

NOW THEREFORE BE IT ORDAINED, the Mayor and Council of the Borough of New Milford hereby amend Chapter XXX, entitled “Land Use Regulations”, of the Revised General Ordinances of the Borough of New Milford as follows:

1. Section 30-20.4 is hereby amended to read as follows:

For the purpose of this article, the Borough is divided into eight (8) classes of zones:

- a. Residential A Zones.
- b. Residential B Zones.
- c. Residential C/ Multifamily Zones.
- d. Residential D/Townhouse Zones.
- e. Residential E/Multi-Family Townhome Zones.
- f. Business Zones.

- g. Office/Service Zones.
- h. Light Industrial Park Zones.
- i. Mixed Use Planned Unit Development Zones.

2. Section 30-20.5 is hereby amended to include Block 1309, Lot 1.02 and Block 501, Lots 9 and 10 in the Mixed Use Planned Unit Development Zone.

3. Section 30-31 is hereby amended to read as follows:

30-31 MIXED USE PLANNED UNIT DEVELOPMENT (MUPUD) ZONES.

30-31.1 Purpose.

The purpose of this district is for a mixture of residential, commercial, and recreational uses.

These districts are primarily intended for the conduct of commerce, general business and the sale of commodities, and all such uses shall be permitted subject to the restrictions, if any, relating to that business provided for herein.

30-31.2 Inclusion of Certain Lands in District

The following lands and premises known and designated as Block 1309, Lot 1.02 and Block 501, Lots 9 and 10 as shown on the current assessment map of the Borough of New Milford be and the same are located and included in the MUPUD Zone and are subject to all the terms, conditions, regulations, restrictions and requirements which apply to the MUPUD Zone.

30-31.3 Permitted Uses

- a. The MUPUD Zone is divided in three areas as shown on the supplemental zoning map. The designation of the areas on the map shall prevail over the description of areas contained in this section, which is for informational purposes only. The areas shall be designated as follows:
 - 1. Area A – Approximately 4.15 acres at the south side of Block 1309, Lot 1.02 adjacent to John D. Cecchino Drive.
 - 2. Area B – Approximately 9.5 acres at the north side of Block 1309, Lot 1.02 adjacent to Main Street.
 - 3. Area C – Block 501, Lots 9 and 10.
- b. The following uses shall be permitted in the MUPUD Zone
 - 1. Area A – Public recreation, including playing fields, grandstands, concession stands, and public parking, restrooms, storage sheds and any structure or use customary to playing fields.

2. Area B – A bank, a supermarket (which may include, among other things, an area of tables and seats where patrons may consume hot and cold food purchased on site), and parking.
3. Area C – Up to 135 multifamily housing units, which may in the form of townhouses, garden apartments, or mid-rise multifamily structures, and up to 12,500 square of floor area for the conduct of commerce, general business and the sale of commodities and services (including but not limited to supermarket and banking uses), and parking.

30-31.4 Permitted Accessory Uses

- a. Signs.
- b. Fences and walls.
- c. Off-street parking.
- d. Stormwater management and flood control structures.
- e. Public sewer facilities.
- f. Other customary accessory uses, buildings, and structures which are clearly incidental to the principal use and building.

30-31.5 Development Standards for Area B

Minimum Lot Area: 4.0 acres

Minimum Lot Frontage: 200 feet

Minimum Front Yard Setback: 50 feet

Minimum Side Yard Setback: 30 feet

Minimum Rear Yard Setback: 20feet

Maximum Building Coverage: 20%

Maximum Impervious Coverage: 85%

Maximum Building Height: 2 stories / 50 feet

Parking: 1 space per 200 square feet of floor area

30-31.6 Development Standards for Area C

Minimum Lot Area: 4.0 acres

Minimum Lot Frontage: 200 feet

Minimum Front Yard Setback: 50 feet

Minimum Side Yard Setback: 20 feet

Minimum Rear Yard Setback: 35 feet

Maximum Building Coverage: 30%

Maximum Impervious Coverage: 80%

Maximum Building Height: 4 stories / 50 feet

Maximum Gross Residential Density: 35 units/acre

Maximum Number of Residential Units: 135 units

Maximum Floor Area for Nonresidential Uses: 12,500 square feet, limited to the first floor.

Residential Parking: per RSIS

Nonresidential Parking: 1 space per 200 square feet of floor area.

30-31.7 Development standards applicable to both Areas B and C.

a. 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.

b. Sidewalks.

1. Concrete sidewalks a minimum of 4 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 access ways.
 - (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 10 feet.

30-31.8 Affordable Housing

- a. The residential development in Area C shall include housing affordable to low and moderate income households. Twenty percent of the units must be reserved for, and affordable to, low or moderate income households. Of these, at least half must be reserved for, and affordable to, low income households. The developer may designate that the low and moderate income units will be rental units. If the developer designates

that the low and moderate income units are rental units, at least 26 percent of the low income units must be reserved for, and affordable to, very low income households. Low and moderate income units designated as rental units shall be maintained as rental units for a period of at least 30 years.

- b. Low and moderate income housing units shall be governed by the standards set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:89-26.1 et seq.
- c. Nonresidential development in the MUPUD Zone shall be exempt from any municipal development fee or fee in lieu of construction of low and moderate income housing.
- d. The construction of low and moderate income housing shall be phased with the construction of market-priced housing, as follows:

Minimum Percentage of Low and Moderate Income Units Completed	Percentage of Market Housing Units Completed
0	25
10	25 + 1
50	50
75	75
100	90

- e. For purposes of the schedule set forth in Paragraph d. above, a newly constructed unit shall be considered complete when the certificate of occupancy is issued.

30-31.9 Signage

In addition to any other signage permitted by ordinance, a pylon sign shall be permitted in Area B facing Madison Avenue, which may be 22 feet high and 14 feet wide, with a total signage area of no more than 210 square feet.

30-31.10 PUD requirements

- a. No development shall be permitted in the MUPUD zone except pursuant to a General Development Plan granted by the Planning Board. The General Development Plan may include either Areas A and B, Area C, or Areas A, B, and C.
- b. A general development plan shall include the following:
 - 1. A general land use plan at a scale specified by ordinance indicating the tract area and general locations of the land uses to be included in the planned development. The total number of dwelling units and amount of nonresidential floor area to be provided and proposed land area to be devoted to residential and nonresidential use shall be set forth. In addition, the proposed types of nonresidential uses to be included in the planned development shall be set forth, and the land area to be occupied by each proposed use shall be estimated. The density and intensity of use of the entire planned development shall be set forth, and a residential density and a nonresidential floor area ratio shall be provided;

2. A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access.
3. An open space plan showing the proposed land area and general location of any land area to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of such recreational lands;
4. A utility plan indicating the need for and showing the proposed location of sewage and water lines, any drainage facilities necessitated by the physical characteristics of the site, and proposed methods for handling solid waste disposal;
5. A storm water management plan setting forth the proposed method of controlling and managing storm water on the site;
6. A housing plan outlining the number of housing units to be provided and the extent to which any housing obligation assigned to the municipality pursuant to PL. 1985, c. 222 (C. 52:27D-301 et al.) will be fulfilled by the development;
7. A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety; and
8. A municipal development agreement, which shall mean a written agreement between a municipality and a developer relating to the planned development.

BE IT FURTHER ORDAINED that this ordinance shall become effective upon passage and publication in accordance with law and that the remainder of this ordinance remains unchanged.