

**BOROUGH OF NEW MILFORD
BERGEN COUNTY, NEW JERSEY
ORDINANCE NO. 2018:13**

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

WHEREAS, the Borough Planner has recommended changes to Chapter XXX of the Revised General Ordinances of the Borough of New Milford based upon the updated Housing Element and Fair Share Plan adopted by the New Milford Planning Board on May 16, 2017; and

WHEREAS, he has additionally recommended changes to Chapter XXXII to address the remaining provisions of the settlement agreement entered into by the Borough of New Milford with New Milford Redevelopment Associates, LLC; 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” and Chapter XXXII, entitled “Affordable Housing” of the Revised General Ordinances of the Borough of New Milford as follows:

AMEND SECTION 30-25 AS FOLLOWS:

30-25 BUSINESS ZONES.

30-25.1 Use Regulations.

- a. Permitted principal uses:

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REPLACE SUBSECTION 11 WITH THE FOLLOWING:

11. Dwellings.

- a. Lots less than one acre in area. Dwellings shall only be permitted above the first floor, and shall only be permitted in a building containing one or more permitted nonresidential uses on the first floor. Permitted dwelling types are limited to studio, one-bedroom and two-bedroom units, except that three-bedroom units shall only be permitted if required for compliance with State affordable housing regulations.
- b. Lots one acre in area or larger. Dwellings may be permitted in a building containing one or more permitted nonresidential uses on the first floor or a residential only building. Permitted dwelling types are limited to studio, one-

bedroom and two-bedroom units, except that three-bedroom units shall be permitted as required for compliance with State affordable housing regulations.

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REPLACE SECTION 30-25.3 WITH THE FOLLOWING:

30-25.3 Affordable Housing.

- a. On lots one acre in area or larger, the maximum residential density shall be 14 dwelling units per acre when low- and moderate-income dwelling units are provided in accordance with this subsection. The minimum affordable housing set-aside shall be 20 percent of the dwelling units in the development, except that the minimum setaside shall be 15 percent where affordable rental units are provided. A minimum of 13 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.
- b. Affordable dwelling units shall comply with the applicable rules of the Council on Affordable Housing and any other relevant state regulations.
- c. All other affordable housing requirements of the Borough of New Milford, including development fees and inclusionary zoning requirements, shall apply to development in the Business zone.

ADD THE FOLLOWING NEW SECTION 32-3 TO CHAPTER XXXII AFFORDABLE HOUSING OF THE BOROUGH'S REVISED GENERAL ORDINANCES:

SECTION 32-3 INCLUSIONARY HOUSING REQUIREMENTS FOR REZONINGS AND VARIANCES.

Any residential development consisting of five or more dwelling units, at a density above six units per acre, that is permitted pursuant to a variance or rezoning shall produce low- and moderate-income housing on-site or elsewhere in the Borough or pay a fee in lieu of providing affordable units. The number of affordable units to be provided or in lieu payment shall be equal to 20 percent of the residential units in the development, or 15 percent for affordable rental units. The amount of the payment in lieu of providing housing shall be as determined by the appropriate rules of the New Jersey Council on Affordable Housing and any other relevant state regulations.