

AMENDMENT TO ZONING ORDINANCE AND ZONING MAP
FOR NEW MILFORD BOROUGH,
SUSQUEHANNA COUNTY, PENNSYLVANIA

ORDINANCE NO: 157-6-7-12

BACKGROUND

WHEREAS, the Council of New Milford Borough has determined that certain uses currently requiring an Exception in need of a variance by the New Milford Borough Zoning Ordinance, as amended, should be modified so that such uses be classified as permitted uses; and

WHEREAS the Council of New Milford Borough on May 5, 2011 approved a Zoning Amendment rezoning certain property within the Borough from I-1 (Industrial) to D-1 (Redevelopment); and

WHEREAS, an appeal from the enactment of the aforesaid Zoning Amendment has been filed on procedural grounds, which has been found frivolous, by the Court of Common Pleas of Susquehanna County; and

WHEREAS, an appeal has been taken to the Commonwealth Court of Pennsylvania from the Court of Common Pleas decision; and

WHEREAS, the Council of New Milford Borough is of the opinion that the appeal is frivolous and is vigorously defending its enactment of the Zoning Amendment; and

WHEREAS, purely as a cautionary measure and without conceding that there is any merit in the aforementioned appeal, the Council of New Milford Borough has determined to reenact the aforesaid Zoning Amendment; and

WHEREAS, The Council of New Milford Borough has determined that an Amendment to the Zoning Map and Zoning Ordinance changing the I-1 (Industrial) Zoning District to a D-1 (Redevelopment) Zoning District and allowing multi-family dwellings in D-1 (Redevelopment) Zoning Districts as a permissive use rather than as an Exception in need of a variance will further the community development objectives stated at §1.400 of the Zoning Ordinance and in particular, will:

1. Stimulate economic growth within the community.
2. Protect health, safety and general welfare of present and future inhabitants.
3. Provide for a variety of dwellings and housing opportunities for a cross section of the population; and.

WHEREAS, the Council of New Milford Borough is authorized to amend the Zoning Ordinance from time to time pursuant to §7.700 of the Zoning Ordinance, as amended, and by §609 of the Pennsylvania Municipalities Planning Code (53 PS §10609);and

NOW, THEREFORE, be it enacted and ordained that the Zoning Ordinance for the Borough of New Milford is hereby amended as follows:

SECTION 1

Section 4.200 – Uses in Zoning Districts is amended and restated to permit Use Class 7 by right in the D-1 Zoning District and Schedule I is hereby amended as follows:

SCHEDULE I

Regulations Governing the use of Land

		USE CLASS	ZONING DISTRICT							
			R-1	C-1	I-1	D-1	X-1			
Permitted uses	1.	Residential	X			X	X	Permitted uses		
	2.	Light Commercial		X	X	X				
	3.	Heavy Commercial and Limited industrial			X					
	4.	General industrial			X					
	5.	Customary Accessory uses	X	X	X	X	X			
	7.	Apartments and Conversions				X				
	10.	Medical Services		X						
	11.	Office Services		X	X	X	X			
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	Special Exceptions	6.	Mobile Home Park			X				Special Exceptions
		7.	Apartments & Conversions	X	X				X	
8.		Related Residential uses	X	X		X	X			
9.		Appropriate Public Uses	X	X	X	X	X			

NOTE: "X" indicates that the Use Class is permitted in the Zoning District.

SECTION 2

Section 4.300 – Use Classes is amended to revise and restate Use Class 7 as follows:

Use Class 7

Apartments and Conversions. Includes the conversion of buildings or portions of building into dwellings; new multi-family dwelling structures.

New multi-family dwellings in zoning districts that allow Apartments and Conversions as permitted uses, as set forth in § 4.200 of this Ordinance, are subject to the following regulations:

A. The following dimensions shall apply to multi-family dwellings:

TYPE OF REGULATIONS	LIMITED APARTMENTS OR ROW HOUSES	GARDEN APARTMENTS	MID-RISE APARTMENTS
<u>Minimum Lot Size</u>			
Area (Sq. Ft.)*	7,500	12,000	12,000
Width (Ft.)	75	100	80
Depth (Ft.)	100	120	100
* See Note on Schedule II			
<u>Lot Area Per Dwelling Unit</u>			
Square Feet	2,500	2,000	400
<u>Minimum Yards</u>			
Front Yard (Ft.)	25	25	10
Rear Yard (Ft.)	30	30	10
Each unattached Side Yard (Ft.)	10	15	0
<u>Maximum Height</u>			
Number of Stories	2.5	3	3
Feet	35	35	35
<u>Maximum Building Coverage (%)</u>			
	60	50	60

B. All conversion units shall have adequate light, air, heating and plumbing facilities and shall have at least 3,000 square feet of lot area and 600 square feet of floor area for each dwelling unit, but no converted building shall have more than a total of four dwelling units. All multi-family dwellings shall be served with public water and public sewage disposal facilities.

C. Multi-family dwellings shall comply with the parking regulations provided at §5.500 of this Ordinance.

D. Mid-rise apartments shall only be located in a D-1 district and may include within the structure, but limited to not more than 10% of the total floor area, retail business establishments, or customer service establishments as set forth in Use Class 2, or office service as set forth in Use Class 11.

SECTION 3

Section 5.500 – Off-Street Parking and Loading is amended to revise and restate the number of parking spaces for multi-family dwelling units – non elderly and multi-family dwelling units – elderly/handicapped, as follows:

Type of Use	Provide Parking Spaces in Ratio of One Space to Each:
13. Multi-family dwelling units – non elderly	1 dwelling unit
14. Multi-family dwelling units – elderly/handicapped	1 dwelling unit

SECTION 4

The Zoning District and Zoning Map is amended to rezone the following properties from I-1 (Industrial) to D-1 (Redevelopment): A 1.78 acre tract, more or less, currently owned by the Susquehanna County Housing Development Corporation, bounded on the east by Scott Young and Jeffrey Herbert, bounded on the west by Church Street, bounded on the south by Maple Street and bounded on the north by Susquehanna Street, recorded and more particularly described in Susquehanna County Instrument Number 201102328, a .99 acre tract, more or less, currently owned by the Susquehanna County Housing Development Corporation, bounded on the north by Susquehanna Street, bounded on the south by Maple Street and Smith Creek, bounded on the East by Scott Young and bounded on the west by Susquehanna County Housing Development Corporation, recorded and more particularly described in Susquehanna County Instrument Number 201200625, a .79 acre tract, more or less, currently owned by Jeffrey Herbert, bounded on the east by I-81, bounded on the west by the Susquehanna County Housing Development Corporation, bounded on the south by Maple Street and bounded on the north by Scott Young, recorded and more particularly described in Susquehanna County Deed Book 577, page 818, a 1.0 acre tract, more or less, currently owned by Scott Young, bounded on the east by I-81, bounded on the west by the Susquehanna County Housing Development Corporation, bounded on the south by Jeffrey Herbert and bounded on the north by Susquehanna Street, recorded and more particularly described in Susquehanna County Deed Book 544, page 150.

SECTION 5

Repealer. All Ordinances or parts of Ordinances which are inconsistent with the terms hereof are hereby repealed.

SECTION 6

Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent

jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part other than that part specifically declared invalid.

Enacted and ordained this 7th day of June, 2012.

Attest:

Amy Hine
Amy Hine, Secretary
New Milford Borough

By: Teri M. Gulick
Teri Gulick, Council President
New Milford Borough

Read and approved by me this 7th day of June, 2012.

By: Joe Taylor
Joe Taylor, Mayor
New Milford Borough

CERTIFICATE

I, the undersigned, Secretary of the Borough of New Milford, Susquehanna County, Pennsylvania (the "Borough"), certify that the foregoing is a true and correct copy of an amendment to an Ordinance of the Council of the Borough which was duly adopted by affirmative vote of a majority of the members of the Council at a meeting duly held on June 7, 2012; and that said amendment to the Ordinance remains in effect, unaltered and unamended, as of the date of this Certificate.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough, this 7th day of June, 2012.


Secretary

(SEAL)