

ORDINANCE NO. 2026:18

AN ORDINANCE TO AMEND CHAPTER XXX OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NEW MILFORD ENTITLED "LAND USE REGULATIONS" THEREBY AMENDING SUBSECTION 30-28.8 ENTITLED "NONCONFORMING BUILDINGS AND USES"

WHEREAS, the members of the Mayor and Council of the Borough of New Milford have been advised by the Planning Board that the current ordinance does not adequately address the needs of the Borough; and

WHEREAS, the Mayor and Council of the Borough of New Milford wish to amend Chapter XXX, Section 30-28, to address this concern.

NOW THEREFORE BE IT ORDAINED, the Mayor and Council of the Borough of New Milford Chapter XXX, Section 30-28, is hereby amended as follows:

ARTICLE IV ZONING REGULATIONS

30-28 MISCELLANEOUS.

Section 30-28.8 a. 3. be revised as follows:

30-28.8 Nonconforming Buildings and Uses.

a. General.

3. A nonconforming use shall not be enlarged unless Board of Adjustment approval is obtained or the use is changed to a conforming use. However, where a building complies with the use requirements of this chapter but is nonconforming solely because of height, area, or yard regulations, the use may be enlarged provided such enlargement does not further violate height, area, volume, or yard regulations. The applicant bears the burden of proving the legitimacy of the preexisting nonconforming or previously approved condition. Structural alterations to such a building shall not, in any case, exceed 50% of its assessed value.

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