CHAPTER 180
SPECIAL PERMITS

Section 180-010 Purpose

In accordance with the procedures, standards and conditions hereinafter specified, the Commission may approve a special permit in a district where such uses are listed. All requirements of this section are in addition to other requirements applicable to the district in which the special permit is to be located.

Uses permitted as special permit uses subject to the approval of the Commission are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards of this section. Special permit uses that may be permitted in a district are unusual cases that, under favorable circumstances, will be appropriate, harmonious and desirable uses in the district, but that possess such special characteristics that each use should be considered as an individual case.

Section 180-020 Uses Requiring Special Permits

In addition to those uses permitted by special permit listed under any other Article of these regulations, any use meeting any of the following thresholds will require a special permit:

Threshold (size of structure)

	Land Use	(square feet)
A.	Industrial	45,000
B.	General Office	20,000
C.	Business	25,000
D.	Restaurant	4,500
E.	All proposed uses which will generate over five hundred (500) vehicle trips per day (*Amended Effective: January 14, 2000*)	

The Trip Multiplier Table attached as Appendix A to these regulations, prepared by the Institute of Transportation Engineers, as the same may be amended, shall be used to determine the projected average daily trips generated by a proposed use. (*Effective: March 11, 1996*)

Section 180-030 Special Permit Application Requirements

An application for a special permit shall be submitted in writing to the Commission and shall also be accompanied by the following:

1 Site plan, in accordance with the provisions of Chapter 175.

2. Traffic impact analysis, prepared by a recognized traffic engineer, indicating the expected average daily vehicular trips, peak hour volumes and volume/capacity ratios, access conditions to the lot, distribution of traffic, types of vehicles

expected and the effect upon the level of service of the streets providing access to the lot.

3. The Commission, upon written request by the applicant, may by resolution waive the required submission of that part of the information specified under Subsection 1 and/or 2 if the Commission finds that the information is not necessary to decide on the application. (*Effective: April 6, 1990*)

Section 180-040 Standards for Review of Special Permit Application

The proposed use and the proposed buildings and structures shall conform to the following standards:

1. Character. The location, type, character and extent of the use of any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or impair the value thereof.

2. Neighborhood. The site plan and architectural plans shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community. To this end, the site plan shall include architectural design data, identification of texture, color and type of building materials to be used.

3. Lot size. In addition to the requirements of Chapter 20, the lot on which the use is to be established shall be of sufficient size and adequate dimension to permit conduct of the use and provision of buildings, other structures and facilities in such a manner that will not be detrimental to the neighborhood or adjacent property.

4. Traffic. Where it is projected that the additional traffic resulting from the project will reduce the level of service to D or below, the Commission shall not approve the project unless and until provision has been made for the improvement of said condition. In all traffic analysis reports, use of a volume/capacity ratio of one and zero hundredth (1.00) to represent either level of service C or E is acceptable as long as the selected base is used consistently and clearly indicated.

5. Off-street parking and loading. Off-street parking and loading spaces shall be of adequate size for the particular use and shall be screened from abutting residential use.

6. Landscaping. Landscaping and buffers shall be provided and maintained so as to provide an adequate visual screen between the proposed use and abutting residential uses.

Section 180-050 Procedure for Approval of Special Permit

The Commission shall hold a public hearing on the application and shall decide thereon, giving notice of its decision as required by the provisions of Section 8-3c of the General Statutes. The applicant may consent in writing to an extension of the time for public hearing and action on the application.

After the public hearing, the Commission may approve a special permit if it shall find that the proposed use and the proposed buildings and structures will conform to the Zoning Regulations and the standards herein specified. All special permits may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

Section 180-060 Public Hearing Notice Requirements

Any application involving a public hearing would require the petitioner, at his expense, to send notice of the same, via certified mail, return receipt requested, to all owners of record of any abutting properties and also those properties that lie opposite the parcel across any street or thoroughfare, at least fifteen (15) days prior to the date of the public hearing. In the event the abutting property is a condominium, the applicant need only notify the condominium association. On the day of the public hearing, a copy of the notice sent, along with the return receipts, shall be presented to the Commission to show compliance. An honest effort to reach the owner of record at his last known address would be accepted with postal regulations governing. The property shall also be placarded with a sign of three feet by four feet (3' x 4') minimum, set back no more than ten feet (10') from the front lot line or on the front face of any building or structure that is closer to the front lot line. Said sign shall be visible to the public and composed of letters with minimum height of four inches (4"). The message shall read: "A public hearing dealing with these premises is to be held in the New Milford Town Hall at (time) on (day), (month, day, year), dealing with an application for..... etc." Said sign shall be in place at least fifteen (15) days prior to the public hearing and removed immediately after the public hearing is closed. The wording of the required sign may be changed at the discretion of the Zoning Commission to suit the circumstances involved.

Section 180-070 Performance Bond Requirements

Performance bond. Upon the approval of any application for a special permit, the applicant shall post any performance bonds required by the Commission in form and amount satisfactory to it, as surety for the compliance with all conditions and safeguards imposed by the Commission and providing that, in case of default, the Commission may promptly take any and all steps necessary to guarantee the compliance with said approval and enforcement of these regulations.
(*Amended Effective: May 19, 2001*)