NEW MILFORD ZONING COMMISSION

ADOPTED DECEMBER, 1971

ZONING COMMISSION

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Amended as of: June 20, 2016

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CHAPTER 10
GENERAL PROVISIONS

Section 010-010 Statement of Intent and Purpose

The purpose of this Zoning Ordinance is to guide the growth and development of the Town of New Milford so as to promote beneficial and convenient relationships among residential, commercial, industrial and public areas within the town, considering the suitability of each area for such uses, as indicated by existing conditions, trends in population and mode of living and future needs for various types of development, and to achieve the purpose more particularly described as follows:

1. To provide adequate light, air and privacy.

2. To prevent the overcrowding of land and undue concentration of population.

3. To provide for the beneficial circulation of traffic throughout the town, having particular regard to the avoidance or lessening of congestion in the streets.

4. To secure safety from fire, panic, flood and other dangers.

5. To protect and conserve the existing or planned character of all parts of the town and thereby aid in maintaining their stability and value, and to encourage the orderly development of all parts of the town.

6. To provide a guide for public policy and action which will facilitate economical provisions of public development, investment and other economical activity relating to uses of land and buildings throughout the town.

7. To minimize conflicts among uses of land and buildings, and to bring about the gradual conformity of uses of land and buildings throughout the town to the Comprehensive Plan herein set forth.

Section 010-020 Establishment of Zoning Districts

The Town of New Milford, Connecticut, is divided into the following zones for the purpose of determining the appropriate use of land in accordance with the present and proposed use:

R-160	Residential Zone (*Effective: October 23, 1999*)
R-80	Residential Zone
R-60	Residential Zone
R-40	Residential Zone
R-20	Residential Zone
R-8	Residential Zone
R-8-2	Residential Two-Family Zone

R-5	Residential Zone
B-1	Restricted Business Zone
B-2	General Business Zone
B-3	Lake Business Zone
B-4	Business Zone (*Added Effective: June 26, 1987*)
MV	Motor Vehicle Junkyard District
I	Industrial Zone
Airport	Airport District
MR	Multiple-Residence District
VCD	Village Center District
TLD	Town Landmark District
GSD	Government Service District (*Effective: June 22, 1989*)
SCDD	Shopping Center Design District (*Deleted Effective: December 4, 1999*)
IC	Industrial/Commercial Zone (*Effective: December 23, 1996*)
RI	Restricted Industrial Zone (*Effective: September 18, 1999*)
RT7	Route 7 and 202 Curb Access and Management Overlay Zone
RT202	Route 202 Corridor District (*Effective: January 14, 2000*)
HRD	Housatonic River District
CLWD	Candlewood Lake Watershed District
PRD	Planned Residential Development
PDD	Planned Development District
AACZ	Active Adult Community Zone (*Effective: June 16, 2001*)
MPRDD#1	Major Planned Residential Development District #1 (*Effective: March 1, 2005*)
CCSD#1	Cluster Conservation Subdivision District #1 (*Effective: December 27, 2004*)
CCSD#2	Cluster Conservation Subdivision District #2 (*Effective: December 27, 2004*)
R-MH	Mobile Home District (*Effective: November 1, 2008*)
HRFZ	Housatonic Riverfront Zone (*Effective: September 1, 2009*)

Section 010-030 Official Zoning Map

The boundaries of zones are established as shown on the Zoning Map entitled "Zoning Map of the Town of New Milford, Connecticut" filed in the office of the Town Clerk. This map, together with all explanatory matter therein, is hereby adopted by reference and declared to be a part of these regulations.

Section 010-040 Zone Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

1. District boundary lines are intended to follow lot lines or centerlines of streets, rights-of-way and watercourses or be parallel or perpendicular thereto, unless such district boundary lines are fixed by dimensions as shown on the Zoning Map.

2. In un-subdivided property, or where a district boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on said map, shall be determined by the use of the map scale shown thereon.

3. Where district boundaries are so indicated that they approximately follow the edge of lakes, ponds, reservoirs or other bodies of water, the mean high-water lines thereof shall be construed to be the district boundaries, except that the regulations of the most restrictive district on the edge of such body of water shall apply to the area within the mean high-water line and body of water thereof.

4. All dimensions to or from the roads shown on the Zoning Map shall be taken from the edge of the right-of-way of such roads.

5. Measurements shown to the intersection of two (2) or more roads shall be deemed to be taken from the intersection of the centerlines of these roads.

6. The Zoning Commission shall make any interpretation of the Zoning Map as to zone boundaries or distances.

Section 010-050 Application of Zoning Regulations

The provisions of these regulations shall be held to be minimum requirements adopted for the promotion of the public health, safety, comfort, morals, convenience or general welfare.

1. No land shall be developed or used except in accordance with a permit from the Zoning Commission. A written application for a permit to develop in an existing zone, or to create and develop a zone governed by these regulations, shall be submitted to the Zoning Commission. Such application shall include a site plan, if required by these regulations. (*Effective: March 7, 1985*)

2. No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved to or maintained, nor shall any building, structure or land be used or be designed for any use, other than is permitted in the zone in which such building, structure or land is located.

3. The erection of a single-family dwelling in any residential zone shall not, however, be prohibited on a lot separately recorded by deed in the office of the Town Clerk prior to the effective date of these regulations, or any amendments thereto, which lot is smaller than required, provided further that all buildings are so designed and erected as to conform with the provisions of these regulations. If two (2) or more lots of record, one (1) or both of which fail to meet the requirements of these regulations with respect to lot area and/or average lot width, are in a single ownership at the time of the adoption of these regulations or at any time thereafter and such lots taken together would form one (1) or more lots, each

meeting the requirements of these regulations or any amendment thereto with regard to lot area and average lot width, such lot or lots must be joined and used in compliance with the lot area and average lot width requirement irrespective of subsequent change in ownership. (*Effective: August 1, 1977; Amended Effective: February 26, 2000*)

4. No building or other structure shall be hereafter erected or altered to a greater height, to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards or other open spaces, than herein required or in any other manner contrary to the provisions of these regulations. (*Effective: February 26, 2000*)

5. Except as hereinafter stated, it is not intended by these regulations to repeal, abrogate, annul or in any way impair, nullify, conflict or interfere with any easements, covenants or other agreements between parties; provided, however, that where this Chapter imposes a greater restriction upon the use of buildings or required larger yard, court or other open spaces than are imposed or required by existing provisions of law or ordinance or by such rules, regulations or permits or by such easements, covenants or agreements, the provisions of these regulations shall hereafter control.

Section 010-060 Rules of Interpretation of Language

In the construction of these regulations, the rules and definitions contained herein shall be observed and applied, except where the context clearly indicates otherwise:

1. Words used in the singular shall include the plural, and the plural the singular; and the words used in the present tense shall include the future.

2. The word “shall” is mandatory and not discretionary.

3. The word “may” is permissive.

4. The word “lot” shall include the words “piece” and “parcel.”

5. The words “zone”, “zoning district” and “district” have the same meaning.

6. The phrase “used for” shall include the phrase “arranged for”, “designed for”, “intended for”, “maintained for” and “occupied for”.

7. The phrase “these regulations” shall refer to the entire Zoning Regulations.

8. Uses of land, buildings or structures not clearly permitted in the various zoning districts are prohibited.

9. In residential zones, only one (1) principal building shall occupy a single zoning

lot.

Section 010-070 Performance Standards

The use of land, buildings and other structures, wherever located, shall be established and conducted so as to conform to the performance standards hereinafter specified. The performance standards establish certain nuisance factors, which, if committed or exceeded in the use of land, buildings and other structures, will be detrimental to the use, enjoyment and value of other land, buildings and structures, will be detrimental to the public health, safety and welfare and will be contrary to the Comprehensive Plan of Zoning. The Zoning Enforcement Officer is authorized to make surveys and take measurements to determine compliance. The performance standards hereinafter specified shall be of continuing application:

1. No dust, dirt, fly ash, smoke, gas or fumes shall be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on or the value and reasonable use of any other lot or to constitute a critical source of air pollution.

2. No use on any lot shall cause interference with radio and television reception on any other lot, and any use shall conform to the regulations of the Federal Communications Commission with regards to electromagnetic radiation and interference.

3. Smoke or other air contaminant shall not be discharged into the atmosphere for a period or periods aggregating more than three (3) minutes in any one (1) hour which is as dark or darker in shade than as designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or which is of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke designated as No. 2 on the Ringelmann Chart.

4. Offensive odors, measured at two hundred (200) feet from the nearest exterior wall of the building involved, shall not exceed the standards established as a guide by Table III (Odor Thresholds) in Chapter Five of Air Pollution Abatement Manual, copyright 1951, by the Manufacturing Chemists Assoc., Inc., Washington, D.C. Should this permitted use adjoin a residential use, there shall be no offensive odors noticeable at the boundaries of said permitted use.

5. Glare and heat. No light shall be transmitted outside the lot where it originates so as to endanger the public health or safety, including the public safety on any street or highway, or to impair the value and reasonable use of any other lot.

6. No vibration noticeable shall exceed the standards developed by the United States Bureau of Mines, Bulletin 442, or any revision thereof. Should this permitted use adjoin a residential use, there shall be no vibrations and/or excessive noise noticeable at the boundaries of said permitted use.

7. The developer shall demonstrate that any additional traffic generated will be readily absorbed into the existing road network presently available to the site. If this is not feasible, then a plan of road improvements, to the requirements of the Department of Public Works, Town of New Milford, shall accompany such application.

8. Refuse and pollution. No refuse or other waste materials shall be dumped on any lot except with the approval of the Director of Health of the Town of New Milford. No refuse or other waste materials and no liquids shall be dumped on any lot or dumped or discharged into any river, stream, watercourse, storm drain, pond, lake or swamp so as to constitute a source of water pollution. This regulation, however, shall not be so interpreted as to interfere with standard farm procedures. (*Effective: June 26, 1987*)

CHAPTER 15
DEFINITIONS

Section 015-010 Definitions

Accessory Use or Accessory Building: A use or building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main use or building.

Adult-Oriented Establishment: Shall include without limitation, "adult bookstores', "adult motion picture theaters", "adult mini-motion picture theaters" and commercial establishments containing one or more "adult amusement machines". "Adult-oriented Establishment" further means any premises to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms studios, compartments or stalls separate from the common areas of the premises for the purpose of viewing adult-oriented motion pictures, or any premises wherein an entertainer provides adult entertainment to a member of the public, patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An "adult-oriented establishment" further includes, without limitation, any adult entertainment studio or any premises that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance, encounter studio, sensitivity studio, modeling studio, or any other term of like import. (*Effective: November 20, 1999*)

Adult bookstore: An establishment having any portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specific anatomical areas", as defined below provided that this definition shall not apply to any establishment in which such materials constitute less than ten (10%) percent of the value of the inventory of said establishment and in which the display of such materials does not permit the viewing of "specified sexual activities" or "specified anatomical areas" within the establishment. (*Effective: November 20, 1999*)

Adult Amusement Machine: Any amusement machine that is regularly used for resenting distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities and specified anatomical areas, as defined below, for observation by patrons therein. (*Effective: November 20, 1999*)

Adult Entertainment: Any exhibition of any adult-oriented motion pictures, live performance, display or dance of any type, removal of articles of clothing or appearing unclothed, pantomime, modeling, or any other personal services offered customers, which has as a significant or substantial portion of such performance or any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas". (*Effective: November 20, 1999*)

Adult Motion Picture Theater: An enclosed building or portion of building with a

capacity of fifty (50) or more persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein. (*Effective: November 20, 1999*)

Adult Mini-Motion Picture Theater: An enclosed building or portion of building with a capacity of less than fifty (50) persons regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined below, for observation by patrons therein. (*Effective: November 20, 1999*)

Amusement Machine: Any machine which upon the payment of a charge or upon insertion of a coin, slug, token, plate or disk, may be operated by the public for use as a game, entertainment or amusement, whether or not registering a score and whether or not electronically operated. (*Effective: November 20, 1999*)

Affordable Housing: Housing for which persons and families pay a specified amount as defined by state statute, or as amended. (*Effective: October 21, 2000*)

Affordable Housing Development: As defined by state statute. (*Effective: October 21, 2000*)

Bed and Breakfast Inn: An establishment, which provides temporary travelers' accommodations and breakfast in a single-family residence for a fee. (*Effective: October 31, 1991; Amended Effective: June 19, 1995*)

Boardinghouse: A dwelling occupied by three (3) or less persons, while lodged with or without meals, in which there are provided such services as are incidental to its use as residence for the occupants and for which compensation is paid either directly or indirectly. Only one (1) kitchen and dining room may be provided. The boardinghouse shall be deemed to include the term "tourist home". (*Effective: March 7, 1985*)

Buffer: An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation and/or created by the use of trees, shrubs, fences, and/or berms, designed to limit the view of the site to adjacent sites or properties. (*Effective: November 20, 1999*)

Building: Any structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals or chattel.

Building Line: A line on a lot or parcel of land establishing the minimum set for structures from a street line. A "building line" may or may not be coterminous with a street line.

Certificate of Occupancy: A statement, signed by the Building Inspector, setting forth that a building or structure may lawfully be employed for specified uses. (*Effective: March 7, 1985*)

Certificate of Use and Compliance: A statement, signed by the Zoning Enforcement Officer certifying that the premises, building and use comply with these regulations. (*Effective: June 26, 1987*)

Club: An organization catering exclusively to members and their guests, provided that the purpose of the "club" is not conducted primarily for gain and that there are not conducted any commercial activities, except as required generally for the membership and purposes of the "club".

Congregate Housing: A form of residential environment consisting of independent living assisted by congregate meals, housekeeping and personal services for persons sixty-two (62) years or older, who may have temporary or periodic difficulties with one (1) or more essential activities of daily living, such as feeding, bathing, grooming, dressing or transferring, sponsored and implemented pursuant to the provisions of Section 8-119d to and including Section 8-119i of the Connecticut General Statutes. (*Effective: February 5, 1981*)

Construction Material: Lumber; Building components such as windows, doors, stairs, trusses; plumbing or electrical supplies masonry, roofing material, fencing, concrete, gravel, topsoil or processed soil, wood chips, and similar items. Construction material shall not include materials resulting from any demolition process. (*Effective: November 20, 1999*)

Continuing Care Retirement Community/Assisted Housing: A development consisting of elderly residents with independent living units but with additional common facilities such as common dining room, recreation room, physician and dental offices exclusively serving such residents, twenty-four (24) hour emergency call system, optional nursing, housekeeping and laundry services. (*Effective: November 20, 1999*)

Convalescent Home: Any establishment, other than a hospital, where three (3) or more persons suffering from or afflicted with or convalescing from any infirmity, disease or ailment are habitually kept, boarded or houses for remuneration.

Convenience Market: Any retail store with a gross floor area of 3,000 square feet or less, generally open expanded hours, selling a limited selection of groceries, beverages, and snacks to be consumed primarily off the premises, lottery tickets, newspapers, magazines, tobacco products, household products and personal items.
(Effective: September 9, 1996; Amended Effective: January 30, 2009)

Dwelling: A building, or portion thereof, designed exclusively for residential occupancy, including one-family, two-family and multiple dwellings, but not including hotels, motels or boardinghouses.

Dwelling Unit: One or more rooms which are arranged, designed, or used for independent residential purposes. Each dwelling unit shall contain a kitchen sink,

cooking appliance and refrigeration facilities as well as at least one (1) bathroom with a toilet and a bathtub or shower and a sleeping area. *(Effective: April 25, 2011)*

Enlargement, or to Enlarge: Any addition to the floor area, footprint, height or cubic volume of an existing building or structure or an increase in that portion of a tract of land occupied by an existing use. "To Enlarge" is to make an enlargement. (*Effective: November 1, 2007*)

Extend, or to Make an Extension: An increase or amplification, as distinguished from establishment or inception. "Extension" shall be deemed to include the expansion in the seasons or periods of use of a nonconforming seasonal use, or of a seasonal dwelling on a nonconforming lot; and any increase in the normal days or hours of operation, or any increase in the scope of services offered, of any nonconforming, nonresidential use of land, buildings, or structures. (*Effective: November 1, 2007*)

Extended Stay Motel: A building(s) containing six (6) or more separate guest rooms, with individual bathroom and toilet facilities, intended or designed to be used or which are used or rented out to be occupied or which are occupied for sleeping purposes by guests for a period of time not to exceed 120 days within a calendar year provided that each separate room may contain a refrigerator, stove and/or oven to be used in connection with food preparation. (*Effective: June 17, 2000*)

Family: One (1) or more persons occupying a single housekeeping unit and using common cooking facilities, provided that, unless all members are related by blood or marriage, no such family shall contain more than five (5) persons.

Farm: A tract of land containing five (5) acres or more, used in part or wholly for agricultural purposes, excluding slaughterhouses and fertilizer manufacture. A "farm" may include premises used for keeping livestock and other domestic animals when permitted by these regulations.

Floor Area: The square footage within the outside perimeter of the outside walls of a structure including hallways, stairs, closets, thickness of walls, columns, and other features as per the Connecticut Building Code, but not including garages, breezeways, and unfurnished attics and unfinished basements. *(Amended Effective: September 1, 2009)*

Garage, Private: A detached or accessory building or portion of a main building for the parking and storage only of automobiles belonging to the occupants of the premises.

Garage, Public: A building or use, other than a private garage, used for the maintenance, repair and storage of automobiles.

Hazardous Material: Hazardous material means any substance or combination of substances which, because of quality, concentration, or physical, chemical or infectious characteristics, poses a significant, present or potential hazard to water supplies or to

human health if disposed into or on any land or water, including groundwater. Any substance deemed a "hazardous waste" under the Connecticut General Statutes or the regulations of Federal or Connecticut State Agencies shall also be deemed a hazardous material for the purposes of the regulations. (*Effective: August 6, 1999*)

Height of Building: The vertical distance measured from the average level of the finished grade at the four (4) corners of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs and to the mean height between eaves and ridge for gable, hipped or gambrel roofs.

Hillside: Land having an average of greater than 25% for 200 feet or more. (*Effective: November 20, 1999*)

Home Occupation: (*Effective: March 7, 1985*) (*Deleted: February 11, 2003*)

Hospital: An institution providing health services, primarily for inpatients, and medical and surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, control service facilities and staff offices. (*Effective: March 7, 1985*)

Hotel: A building containing rooms intended or designed to be used or which are used, rented or hired out to be occupied for sleeping purposes by guests and where only a general kitchen and dining room are provided within the building or in an accessory building. The term "hotel" shall be deemed to include the term "motel."

Junkyard: The term "junkyard" shall be construed to include any junkyard, motor vehicle junk business and motor vehicle junkyard as defined in the General Statutes of the State of Connecticut. The term shall also include any place of storage or deposit, whether in connection with a business or not, for two (2) or more unregistered, used motor vehicles which are either no longer intended or in condition for legal use on the public highways and shall also include any place of storage or deposit for used parts of motor vehicles and old metals, iron, glass, paper, cordage and other waste materials which on any lot have an aggregate bulk equal to one (1) automobile.

Kennel: The term "kennel" shall have the same meaning as defined in the General Statutes of the State of Connecticut and shall include "commercial kennel" as defined in such statutes.

Loft: Loft shall mean a constructed building for the housing of pigeons exclusively.

Lot: A "lot" is defined as a parcel of land which is either owned separately from any contiguous parcel as evidenced by fee conveyance recorded in the land records of the Town of New Milford, or is a building lot shown on a subdivision map approved by the Planning Commission and filed in the office of the New Milford Town Clerk.

Lot Area: The total horizontal area within the lot lines. In determining compliance with

the minimum lot area requirements of these regulations, areas consisting of wetlands, watercourses, natural slopes in excess of 25%, portions of the lot less than 25 feet wide, or the private right-of-way leading to the rear lot shall not be included. (*Effective: February 26, 2000*)

Lot, Corner: A lot located at the intersection of two (2) or more streets.

Lot Coverage: The area of a site covered by buildings or roofed areas. (*Effective: November 20, 1999*)

Lot Depth: The mean horizontal distance between the front and rear lot lines, measured in the general direction of the side lot lines. In determining the required depth of a lot, any portion of said lot, which is in excess of the minimum lot area, need not be included.

Lot Line: The property lines bounding a lot as defined herein.

Lot Line, Front: In the case of a lot abutting upon only one (1) street, the line separating the lot from the street; the case of a corner lot, the Zoning Commission shall, for the purpose of these regulations, have the privilege of electing any street lot line as the "front lot line". (*Effective: January 29, 1980*)

Lot Line, Rear: The lot line which is generally opposite the front lot line; if the rear lot line is less than ten (10) feet in length, or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front line not less than ten (10) feet long, lying wholly within the lot and farthest from the front lot line.

Lot Line, Side: Any lot line, which is not a front lot line or a rear lot line, as defined herein.

Lot, Rear: A lot of which the buildable area is located generally to the rear of other lots having frontage on the same street as said lot and having access to the street via a private right-of-way. (*Amended Effective: September 8, 2001*)

Marina: A building, dock or basin used for the maintenance, repair, sale, lease or storage of boats.

Medical Marijuana Dispensary: A person who is licensed to dispense pharmaceutical grade medical marijuana to qualified patients and their primary caregivers pursuant to a physician's prescription as defined by the Connecticut General Statutes and Regulations of Connecticut State Agencies. *(Effective: February 26, 2014)*

Medical Marijuana Dispensary Facility: A place of business licensed by the Commissioner of Consumer Protection as a dispensary facility where pharmaceutical grade marijuana may be stored, dispensed and sold at retail to qualified patients and their primary caregivers pursuant to a physician's prescription. The dispensation of pharmaceutical grade, medical marijuana shall not be considered an agricultural use

under Section 025-050 of these regulations. *(Effective: February 26, 2014)*

Medical Marijuana Production Facility: A secure, indoor facility where the planting, manufacture, cultivation, harvesting, processing, compounding, packaging and labeling of pharmaceutical grade marijuana occurs and which facility is operated by a person to whom the Connecticut Commissioner of Consumer Protection has issued a producer's license pursuant to the Connecticut General Statutes. The production of pharmaceutical grade, medical marijuana shall not be considered an agricultural use under Section 025-050 of these regulations. *(Effective: February 26, 2014)*

Motel: A building or group of buildings having units containing sleeping accommodations that are available for temporary occupancy by automobile transients.

Nonconforming Building or Structure: A building or structure legally existing on the effective date of these regulations, which met all requirements of the zoning regulations then in force, but does not meet the current requirements of these regulations; or a building or structure legally existing on the effective date of any amendment hereto which caused such building or structure to cease to meet the requirements of these regulations. (*Effective: November 1, 2007*)

Nonconforming Lot: A parcel of land separately recorded by deed or depicted on a subdivision map approved by the Planning Commission and duly filed in the office of the Town Clerk prior to the effective date of these regulations or any amendments thereto, or any zoning change which fails to meet the area, shape, frontage or any other applicable requirements of these regulations pertaining to lots. (*Effective: November 1, 2007*)

Nonconforming Use: A use of land, which does not conform to the regulations of the use district in which it is, located and which was a lawful use at the time these regulations or any amendments thereto became effective.

Ordinary Repairs and/or Replacement: Repair to a structure and/or replacement of structural components that do not alter the size or appearance of a structure. Replacement shall be of like materials and architectural style to the component being replaced.

Pharmaceutical grade marijuana: Marijuana or marijuana products as defined and described in the Regulations of Connecticut State Agencies regulating the Palliative Use of Marijuana. *(Effective: February 26, 2014)*

Pigeons: Pigeons shall include any and all varieties and breeds of Antwerp, racing, or homing pigeon as accepted by the American Racing Pigeon Union, Inc. as a racing or homing pigeon.

Planned Senior Housing: A residential complex consisting of one (1) or two (2) bedroom dwellings, each owned and inhabited by at least one (1) household member of age fifty-five (55) years or older and deed restricted to maintain this age standard for ownership

and occupancy. No children under the age of eighteen (18) shall be allowed as residents of planned senior housing.

Professional Office: The office of recognized professions, such as doctors, lawyers, dentists, architects, engineers, artists, musicians, designers, teachers and others who, through training or experience, are qualified to perform services of a professional as distinguished from a business nature.

Public Water System: Includes a corporation, company, association, joint stock association, partnership or person, or lessee thereof, owning, maintaining, operating, managing, or controlling any pond, lake, reservoir, or distributing plant employed for the purpose of supplying water for general domestic use in any town, city or borough, or portion thereof, within this State. (*Effective: May 20, 1996*)

Restaurant, Class I: Any permanent building or portion thereof where food and beverages are provided for sale to members of the general public for consumption on or off the premises, including a cafe, coffee house, tea room and dining room.

Restaurant, Class II: Any permanent building or portion thereof where any portion of the food and beverage provided for the sale to members of the general public for consumption on or off the premises is furnished utilizing a take-out window or window counter service.

Restaurant, Class III: Any permanent building or portion thereof where food and beverages are provided for sale to members of the general public for consumption on or off the premises where live entertainment or dancing is performed. (*Effective: December 20, 1991*)

Restaurant - Fast Food: An establishment or use where customers are served food or beverage primarily in paper, plastic or other disposable containers at counters located within an enclosed building and which use may include a food and beverage take-out service from within the building. (*Effective: January 13, 1996*)

The term "restaurant" shall not include establishments where the preparation of food products such as grocery stores and food markets nor shall the term "restaurant" include cafeterias connected with the operation of hospitals, nursing homes, schools and private industry for employees and their guests.

Retail Shopping Center: A building or group of buildings in excess of ten thousand (10,000) square feet of space devoted solely for retail sales and services. The definition "retail shopping center" shall include shopping center, shopping mall, shopping plaza and other related terms. (*Effective: March 7, 1985*)

Rural Country Road: A road identified as such in the New Milford Plan of Conservation and Development, as amended. (*Effective: November 20, 1999*)

Setback: See, "Yard Setback" *(Effective: November 11, 2015)*

Sign Definition: See Chapter 145. (*Amended Effective: April 25, 2013*)

Specialty Food Retailer: Any retail store with a gross floor area of 3,000 square feet or less selling a limited selection of foods generally not readily obtainable in supermarkets, including, but not limited to, ethnic foods, produce, organic foods, herbs, cheeses, jams and jellies, baked goods, soups, meats, fish, and beverages. In such store, a limited number of non-food items and services such as household, health and beauty goods and other miscellaneous wares and services may also be offered but the supply of such items and services must be clearly incidental and secondary to the primary purpose of the site which is the retail sale of specialty foods directly to the consumer for offsite consumption. *(Effective: January 30, 2009)*

Street: Any private road, existing town or state highway or any proposed town or state highway shown on a recorded subdivision map duly approved by the Town Planning Commission. (*Effective: October 21, 2000*)

Street Line: A line separating a parcel of land from a street.

Structure: Anything constructed or erected, including a building, the use of which requires location on or under the ground or attachment to something having location on the ground.

Studio: A workroom for a painter, sculptor or photographer; a place where an art is studied; a place where films are made; a place from which radio and television programs are transmitted. (*Effective: March 7, 1985*)

Temporary: A use of land not exceeding five consecutive days in any calendar month for the purpose of announcing or promoting special events. (*Effective: June 19, 1995*)

Town Landmark: A protected town landmark shall be any building, structure, group of structures or natural feature, together with the site of land on which standing, as designated under these regulations by the Zoning Commission.

Veterinary Hospital or Clinic: A self-contained building designed for dispensing the treatment and care normally associated with a licensed veterinarian's practice. Boarding of animals not requiring treatment and external runs are not permitted uses in any zone other than industrial.

Yard Setback: The shortest distance from a structure to a lot line or public right of way. It is measured as a straight, level line. Chimneys, balconies, bay windows, porches, decks, basement hatchways, cantilevers, covered entry steps, and covered stoops are part of the structure to which they are attached and must meet all yard setback requirements. Roof overhangs, eaves, cornices, and gutters and leaders that extend less than 24 inches from the structure are not counted in the yard setback calculations. Uncovered entry

steps and stoops and handicap ramps built to the minimum dimensional requirements shall be permitted in yard setbacks. *(Amended Effective: November 11, 2015)*

Yard, Front: The open unoccupied space required across the full width of a lot from the front line to the nearest edge of the principal building or any covered porch, garage or addition which extends from the principal building.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the buildings.

Yard, Side: A yard between the side line of a lot and the nearest line of the building and extending from the front yard to the rear yard or, in the absence of either such yards, to the front or rear lot line, as the case may be. (*Effective: October 31, 1991*)

CHAPTER 20
LOT AND BUILDING STANDARDS

Section 020-010 Minimum Lot Area, Minimum Yard Setbacks, Minimum Lot Frontage, Minimum Living Area and Maximum Building Height and Lot Coverage Standards

A. Residential Districts

Zone	Minimum Lot Area (sq. ft.)	Maximum Bldg. Height (ft.)	Minimum Lot Frontage (ft.)	Minimum Yard Setbacks (ft.)			
				Front	Side	Rear	Side Corner
R-160	160,000	35	200	100	60	80	70
R-80	80,000	35	200	50	40	50	50
R-60	60,000	35	150	50	40	50	50
R-40	40,000	35	150	40	30	40	30
R-20	20,000	35	100	40	20	25	25
R-8	8,000	35	60	15	10	25	10
R-8-2	8,000	35	60	15	10	25	10
R-5	5,000	35	40	10	5	20	10
R-MH	160,000	18	100	10	10	10	10

(Effective: December 23, 1996; Amended Effective: August 1, 2003; R-MH Amendments Effective: November 1, 2008)

There is no maximum lot coverage in a residential zone.

Minimum Living Area Per Residential Dwelling Unit

Zone	Minimum Total Floor Area (sq. ft.)	Minimum Building Footprint for:		
		1 Story Dwelling	1 ½ Story Dwelling	2 Story Dwelling
R-160	2,000	2,000	1,500	1,000
R-80	1,300	1,300	1,000	900
R-60	1,000	1,000	800	750
R-40	1,000	1,000	800	750
R-20	700	700	650	650
R-8	500	500	450	450
R-8-2	500	500	400	400
R-5	400	400	350	350
R-MH	400	400	N/A	N/A

(Effective: October 31, 1991; R-MH Amendments Effective: November 1, 2008)

B. Non-Residential Districts

Zone	B-1/B-4	B-2	B-3	I	R.I.	G.S.	I.C.
Max. Bldg. Height	35’	35’	35’	40’	40’	35’	50’
Minimum Lot Frontage	100’	100’	100’	200’	200’		200’
Minimum Lot Area	None, except 40,000sq.ft.for Residential use only	None, except 40,000sq.ft.for Residential use only	None, except 60,000sq.ft.for Residential use only	80,000 sq. ft.	80,000 sq. ft.		2 ac.
Min front yard (ft.)	40’	50’	50’	100’	100’	10’	40’
Min. side yard (ft.)	None, except 30’Residential use only	None, except 30’Residential use only	None, except 40’Residential use only	15’	15’	05’	0’
Min. side yard corner lot (ft)	25’	25’	25’	25’	25’		25’
Min. rear yard(ft.)	20-Business 40-Residential	30-Business 40-Residential	30-Business 50-Residential	30’	30’	10’	20’

The B-1 Restricted Business, B-2 General Business Zone and the B-4 Highly Restrictive Business Zone are subject to R-40 Residential requirements when used for residential purposes. The B-3 Lake Business Zone is subject to R-60 Residential requirements when used for residential purposes.

(*Amended Effective: December 23, 1996; Amended Effective July 11, 2014*)

Minimum Floor Area per Building Non-Residential Zones

Zone	Minimum Total Building Floor Area (sq ft)	Minimum Building Footprint for 1 story bldg (sq ft)	1 ½ story bldg (sq ft)	2 story bldg (sq ft)
B-1	1,000	1,000	800	750
B-2	1,000	1,000	800	750
B-3	1,000	1,000	800	750
I	1,000	1,000	800	750
M-R		See Chapter 35		

C. Business and Industrial Zones Maximum Lot Coverage

Lot Coverage is defined as the percent of a lot which is covered by buildings, roofed areas, and outside storage and display of inventory.

Maximum Lot Coverage Permitted as a Percentage of Lot Area:

For Lots less than or equal to 30 acres in gross lot area the maximum lot coverage permitted is 30%. For lots greater than 30 acres in gross lot area the maximum lot coverage permitted is 40%.

(Amended Effective: July 11, 2014)

Section 020-020 Height and Area Regulations Miscellaneous Provisions

The regulations governing height and maximum height and the area and yard requirements are the maximums and minimums permissible.

In business zones, no minimum lot area or minimum side yard is required for permitted business uses. The lot area shall be governed by the required yards, buffers, parking and loading areas and other provisions of these regulations.

In all industrial zones, a front landscape area shall be provided in accordance with the provisions of Chapter 130. The depth of the front landscape area shall be the depth of the required front setback, with the exception of the Industrial (I) and Restricted Industrial (RI) Zones the depth of the front landscape area shall be at least fifty (50) feet. Refer to Chapter 130 for landscaping and planting details. In the Industrial (I) and Restricted Industrial (RI) Zones parking areas are permitted between the front landscape area and the front of the buildings situated on said lot.

In an Industrial (I) zone, the Commission may permit one (1) additional foot in height for each two (2) feet that the structure is set back from the required front yard setback line. Maximum permitted height shall not exceed eighty (80) feet.

(Amended Effective: July 23, 2014)

Section 020-030 Exceptions to Height and Area Requirements

1. Front yards on corner lots. On corner lots, front yard requirements shall be enforced on either street front, but the width of the side yards shall not be less than fifty (50) feet in the R-80 and R-60 Zones, not less than thirty (30) feet in the R-40 Zone, and not less than twenty five (25) feet in the R-20 Residential Zone and the Business, Industrial and Multiple-Residence District Zones, and not less than ten (10) feet in the R-8, R-8-2 and R-5 Residential Zones. Determination of which yard shall be considered the front yard for the purpose of these regulations shall be at the discretion of Zoning Commission and/or the Zoning Enforcement Officer. Factors to be taken into consideration when determining which yard

shall be considered the front yard shall be from which street front the property is accessed, which street front the front of the building faces, and which street front the Commission/ZEO has historically considered the front for past reviews for zoning compliance. (*Amended Effective: September 1, 2006*)

2. Corner Visibility. On any corner lot, no fence, wall, hedge, shrub, structure, growth or obstruction shall be maintained which would interfere with the line of sight for drivers of vehicles traveling on the roadways. Appendix F, Stopping Sight Distance, shall be referred to when reviewing sight lines. (*Amended Effective: September 1, 2006; Amended Effective: November 15, 2006*)

3. Construction in required yards. Except as otherwise provided, walls, fences, steps, signs, walks, lights, driveways, and paving of any kind are permitted in or along the edge of any required yard, provided that no parking or loading area or display of products for sale be permitted in any required yard in the business zones, the industrial zones or the multi-residence zones. (*Amended Effective: March 7, 1985*)

4. Exception to the height limitations shall be through special permit only. Structures already existing as of the enactment of this regulation shall be construed as legally nonconforming and thus not subject to the limitations therein. No new structure, such as church spires, flag poles, towers, antennas, water tanks or similar structures shall exceed the height limitation of the respective zone by more than ten (10) feet without a special permit. (*Effective: July 16, 1999*)

    a. Any solar equipment that extends above the 35' height limitation shall be permitted. (*Amended Effective: November 2, 1989*)

5. Through lots (or double frontage lots). On a through lot, a front yard is required on both frontages.

6. A landfill operation or solid waste facility as that term is defined in §22a-207 of the General Statutes, existing as a nonconforming use, shall not exceed a height of ninety (90) feet. In measuring the height of a landfill operation or solid waste facility to determine compliance with the maximum height provision, measurements shall be taken from the original ground level within ten feet of the landfill operation or solid waste facility to the level of the highest feature of the landfill operation or solid waste facility. The height shall be measured vertically. In areas that are undisturbed the Commission will use a current topographic survey based on U.S.G.S. datum to determine original grades. When an area has been disturbed the Commission will determine original grades by referring to the U.S.G.S. Topographical Map dated December 1, 1971, at a scale of 1" = 2,000'. (*Amended Effective: November 14, 1989*)

7. No land zoned for residential use shall be used as access to any land for commercial or industrial uses. Land zoned for commercial or industrial uses may

be used or access to land zoned for residential. (*Effective: February 5, 1993*)

(*Chapter Amended Effective: November 1, 2008; July 11, 2014; July 23, 2014*)

CHAPTER 25
SINGLE FAMILY RESIDENCE DISTRICT
(R-160, R-80, R-60, R-40, R-20, R-8, R-5)

Section 025-010 Purpose

The purpose of the Single Family Residence District regulations is to provide for a range of densities of single family residential development consistent with the Plan of Conservation and Development. Those densities provide for a choice of housing design in a manner that protects the natural and manmade resources of the Town. The designation of areas of the Town for various districts shall consider the limitations of the natural terrain for development and the capacity of the infrastructure within such areas. (*Amended Effective: November 20, 1999*)

Section 025-020 Permitted Uses

In a Single Family Residence District no building or premises shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used except for one or more of the following uses:

1. A single detached dwelling for not more than one family is permitted as a matter of right subject to issuance of a zoning permit from the Zoning Enforcement Officer.

2. Farming, forestry, truck gardening, nursery gardening and the display and sale of farm and garden produce raised on the premises subject to the limitations and conditions of Section 025-050.

3. The keeping or stabling of horses or livestock subject to the limitations and conditions of Section 025-060.

4. Home occupations subject to the limitations and conditions of Section 025-070 of these regulations.

5. Conversions of existing dwellings subject to the limitations and conditions of Section 025-080.

6. Accessory Apartments subject to the limitations and conditions of Section 025-090.

7. Special permit uses subject to the limitations and conditions of Section 025-100.

8. Accessory uses customarily incidental to the above uses subject to the limitations and conditions of Section 025-110.

Section 025-030 Lot Area

The minimum lot area shall be determined by the definition of "lot area" found in Chapter 15 of these regulations and the Lot Area Table found in Section 020-010 of these regulations.

Section 025-040 Lot Frontage and Access

1. No building to be used in whole or part as a dwelling in a residential zone shall be erected on any lot, except as noted in this section, unless the lot abuts a street, as defined in these regulations, and has safe and direct access to the street by its own private driveway. The entire driveway must be located on the lot that it serves, except as noted in this section.

2. Rear Lots – No building to be used in whole or in part as a dwelling in a residential zone shall be erected on any rear lot, except as noted in this section, unless this rear lot has its own separate and individual unobstructed right-of-way, which is everywhere not less than 20 feet in width connecting to a street adequate to accommodate fire apparatus or other emergency equipment. The lot line from which the right-of-access leads shall be considered the front line of the rear lot.

   Each rear lot created after the enactment of this section shall also comply with the following: The front lot line of a rear lot must conform to the frontage length as defined in these regulations and as noted in the Lot Area table found in Section 020-010. The twenty (20) foot accessway width shall be included for purposes of meeting the frontage requirement. Such rear lot shall conform to all the requirements prescribed in the zone in which it is located. (*Effective: September 15, 2006*)

3. Common Driveway – A common driveway is defined as a privately owned and maintained driveway located on a strip of land which is everywhere not less than 20 feet in width, connecting to a street serving at least two (2) lots, but no more than six (6) lots. All common driveways must be designed and built pursuant to the design standards and construction standards set forth in the subdivision regulations which standards are incorporated and made part of these regulations.

4. Each lot created after the enactment of this section shall meet the minimum frontage for the zoning district within which it is located, except when such lot or lots will have frontage partly or totally on a cul-de-sac or road curve, such frontage shall be not less than one hundred (100) feet when measured along the arc of the curve or circle, or except when such lot is a rear lot as defined by these regulations. A lot allowed a reduced frontage in accordance with this regulation must have an average width equal to at least the length of the required lot frontage for the zone. (*Effective: September 15, 2006*)

Section 025-050 Agricultural Uses

The following agricultural uses: farming, forestry, truck gardening, nursery gardening, and the display and sale of farm and garden produce are permitted in any residential zone subject to the following conditions and issuance of a zoning permit by the Zoning Enforcement Officer:

1. Any parcel of land intended for the above noted permitted agricultural uses must contain at least three-fourths (3/4) of an acre.

2. Any buildings, temporary and permanent, to be erected associated with said agricultural uses must be located in conformance with the minimum yard setbacks for the zone.

3. A minimum of one (1) off-street parking space, consisting of a dustless surface shall be provided for each 50 square feet of farm stand sales area. All parking areas must be located in conformance with the minimum yard setbacks for the zone.

4. All products sold from the property must be locally grown or raised. Locally for the purposes of this section of the regulations shall include all Connecticut counties as well as Dutchess and Putnam counties in New York.

In a commercial zone a temporary, moveable table, tent, or stand setup for the sale of locally grown produce in season may be permitted as an accessory use to the principal commercial use of the lot subject to the site plan approval from the Zoning Commission. Such a stand may be permitted where there is sufficient parking and circulation for both the principal and accessory use. *(Amended Effective: November 15, 2008)*

Section 025-060 Horses and Livestock

The keeping or stabling of horses and livestock is permitted subject to the following limitations and conditions:

A minimum of three-fourths (3/4) of an acre of land is available for the first unit and one-half (1/2) an acre of land is available for each additional unit. A unit shall be defined as the following:

One (1) cow or horse
Three (3) llamas or similar ruminants
Two (2) young stock
Five (5) goats or sheep
Fifty (50) chickens

No limitation with respect to the number of units is imposed on parcels of land containing five (5) acres or more. Adequate fencing must be installed and maintained. Any building

associated with the keeping or stabling of horses or livestock must be located at least 50' to any property line.

Section 025-070 Home Occupations

The purpose of this section is to regulate activities carried out for financial gain and conducted entirely within a dwelling or within an accessory building and carried on by owner residents thereof which is clearly incidental and secondary to the use of the dwelling for residential purpose and not disruptive to adjacent properties or the neighborhood. A home occupation may be permitted only as an accessory use to a single family dwelling. Home occupations shall include:

A. Home Office or Studio

For purposes of this regulation, a studio shall be defined as a place from which an artist, photographer or musician works.

Use of a portion of a primary residence for a home office or studio is permitted, subject to compliance with all of the following conditions and issuance of a zoning permit by the Zoning Enforcement Officer.

1. There is no external evidence of the office or studio, including signs.

2. A maximum of one (1) non-resident may be employed in connection with the home office or studio.

3. No more than one (1) client may visit the home office or studio at any one time.

4. There is no hazardous material, noise, or electrical interference beyond what is normal for a single-family residence.

5. Business is conducted only by means that are invisible to neighbors, such as telephone, mail courier, fax modem, or e-mail.

6. No finished goods or material shall be shipped to the home office or studio location for resale in connection with the home office.

7. The home office or studio shall not be located in any accessory buildings.

8. The total floor area occupied by the home office or studio shall not be more than 33% of the total finished floor area of the primary residence, but in no case shall exceed 500 square feet.

B. Traditional Home Enterprise

The use of a portion of the primary residence or an accessory building for the production of homemade goods and merchandise, homemade and home-grown foods and food products by the resident of the property or by members of the resident's family is permitted, subject to the following conditions and issuance of a zoning permit by the Zoning Enforcement Officer.

1. There is no external evidence of the business, including signs.

2. A maximum of one (1) non-resident may be employed in connection with the traditional home enterprise.

3. No more than one (1) customer may visit the traditional home enterprise at any one time.

4. There is no increase in traffic and no need for extra parking.

5. There is no hazardous material, noise, or electrical interference beyond what is normal to a single-family residence.

6. Business is conducted only by means that are invisible to neighbors, such as telephone, mail courier, fax modem, or e-mail.

7. No finished goods or material shall be shipped to the home enterprise location for resale in connection with the home enterprise.

8. The total floor area occupied by the home enterprise shall not be more than 33% of the total finished floor area of the primary residence, or more than 100% of the total floor area of accessory buildings, but in no case shall exceed 500 square feet.

C. General Home Occupation

The use of an accessory building located on the premises of a residential property for certain home occupations may be permitted subject to the acquisition of a special permit and site plan approval as stated in Chapters 175 and 180. The purpose of this regulation is to preserve historic barns and outbuildings in New Milford by allowing their use by resident small businesses, especially sole proprietors. The following General Home Occupations are permitted:

1. Production of homemade goods, foods, food products and merchandise including wood, pottery, fabric or metal items.

2. Studios for musicians, artists, photographer, upholsterers, seamstresses, tailors, and potters.

3. Offices for small businesses in the fields of real estate, insurance, accounting, architecture, law, medicine, artists, photographer, upholsterers, seamstresses, tailors, and potters.

4. Small businesses providing services such as hair or nail styling, pet grooming, upholstery, sewing, individual lessons, repair of certain items such as clocks, radios, electronic equipment, etc.

In order to obtain a Special Permit for General Home Occupation use of an accessory building, the following conditions must be met:

1. The accessory building proposed for use must have existed on the property prior to 1950.

2. Only one (1) accessory building on the property may be used for a General Home Occupation.

3. The use is clearly secondary to the use of the premises for dwelling purposes.

4. Any visitors and customers typically come by appointment only.

5. The entire floor area of the accessory building occupied by the General Home Occupation may be used, up to a limit of 1,500 square feet. If the resident is also using a portion of the primary residence for a Home Office or Traditional Home Enterprise, the total floor area within the primary residence used for this purpose shall not be more than 33% of the total finished floor area, up to a limit of 500 square feet.

6. The use does not change the residential character of the accessory building or primary residence in any manner, by use of materials, construction, lighting, or signs; the emission of sounds, vibration or electronic impulses; the creation of noise, odor, waste, unsightly conditions, health or safety hazards; the interference with of radio and television reception in the vicinity; or the outside storage or stockpiling of raw or manufactured materials.

7. No tractor-trailers or tandem trailers shall be permitted to pick up or drop off materials at the property or immediate area. Automobiles or commercial vans are the only vehicles to be used.

8. Off-street parking shall be provided to accommodate both the needs of the General Home Occupation and the needs of the primary residence.

9. There shall be no retail or wholesale sales of merchandise on the premises except for the sale of homemade and homegrown goods and food products produced by the resident of the property. Such sale of products shall take place at a farm stand; the size, location and configuration shall be approved by the Commission.

10. The use may increase vehicular traffic flow by no more than one (1) vehicle at a time, with the exception of customer vehicles for a farm stand.

11. General Home Occupations shall not include commercial and retail uses such as, but not limited to: dancing schools, karate schools, antique shops, boutiques, restaurants, printing shops, employment agencies, TV and radio stations, shipping and parcel delivery companies, or stores.

12. The Commission may impose conditions on hours of operation, the number of parking spaces and their location, use and handling of potentially hazardous materials, and may require inspection of the site by the Health Department, Fire Marshal, Building Inspector, or other Town agencies as deemed necessary.

13. Application for a Special Permit shall be on a form provided by the Commission, and shall include, but not be limited to, building layout plans clearly drawn to scale showing property lines as well as locations of all buildings and parking.

Section 025-080 Conversion of Existing Dwellings

Conversion of existing dwellings for the following uses shall strengthen the economic base of the community and encourage tourism. Permitting these uses would provide an incentive to restore, rehabilitate and maintain many of the older homes in the town of New Milford.

1. Dwelling Conversion to a maximum of four (4) dwelling units in the Original Sewer District may be permitted subject to approval of a special permit and site plan application in accordance with the provisions of Chapters 175 and 180 and subject to the following conditions:

    a. The dwelling must be located in the original sewer district as defined by the records on file in the office of the New Milford Sewer Commission, a copy of such map entitled *"Existing Sewerage Facilities, Located in the Town of New Milford, prepared for the Water Pollution Control Authority by Linwood R. Gee, drawn by Ruth Mallins, dated September 16, 1986"* shall also be found in the Office of the Zoning Commission.
    b. Any dwelling to be converted must have been constructed prior to 1972.
    c. A maximum of four (4) dwelling units may be permitted per parcel.
    d. Each proposed dwelling unit must contain a minimum of 500 square feet.
    e. Off street parking for all dwelling units must be provided. A minimum of two (2) spaces per dwelling unit shall be required.
    f. There shall be no external alterations of the structure except as may be necessary to meet the requirements of this section or as may be necessary or essential for proper access and egress from the structure. Fire escapes and outside stairways shall, where practicable, shall be located to the rear of the structure. Approval of any external alteration shall be based on

reasons of health and safety, and on considerations relating to the compatibility of the proposed alterations with the surrounding neighborhood and the historical values and character of the area.

g. Any application for conversion under this section must set aside an area on the property for a court or other open space, equal to at least 500 square feet for recreational enjoyment by the residents of the building.

2. Conversion of an existing dwelling to allow one (1) dwelling unit and a maximum of two (2) professional offices may be permitted subject to the acquisition of a special permit and site plan approval in accordance with Chapters 175 and 180 of the Zoning Regulations, and subject to the following conditions:

    a. The building must be served by public sewer and water, except as noted herein.
    b. Any dwelling to be converted must have been constructed prior to 1950.
    c. The minimum size of the residential dwelling unit shall be 500 square feet.
    d. There shall be no external alterations of the structure except as may be necessary to meet the requirements of this section or as may be necessary or essential for proper access and egress from the structure. Fire escapes and outside stairways shall, where practicable, be located to the rear of the structure. Approval of any external alteration shall be based on reasons of health and safety, and on considerations relating to the compatibility of the proposed alterations with the surrounding neighborhood and the historical values and character of the area.
    e. If the building is not serviced by public water or sewer, there shall be a maximum of one (1) professional office and one dwelling unit and the dwelling must be owner occupied.
    f. On site parking is required which must meet the requirements of these regulations.
    g. Any application for conversion under this section must set aside an area on the property for a court or other open space, equal to at least 500 square feet for recreational enjoyment by the residents of the building.

3. Conversion of an existing dwelling to professional offices may be permitted subject to acquisition of a special permit and site plan approval in accordance with Chapters 175 and 180 of the Zoning Regulations subject to the following conditions:

    a. Any dwelling to be converted must have been constructed prior to 1972.
    b. On-site parking is required which must meet the requirements of these regulations.
    c. There shall be no external alterations of the structure except as may be necessary to meet the requirements of this section or as may be necessary or essential for proper access and egress from the structure. Fire escapes and outside stairways shall, where practicable, be located to the rear of the structure. Approval of any external alteration shall be based on reasons of

health and safety, and on considerations relating to the compatibility of the proposed alterations with the surrounding neighborhood and the historical values and character of the area.

4. Conversion of an existing dwelling to allow a Bed and Breakfast Inn may be permitted subject to acquisition of a special permit and site plan approval in accordance with Chapters 175 and 180 of the Zoning Regulations, and subject to the following conditions:

    a. The maximum number of guest rooms shall be four (4).
    b. Guests may not stay longer than 14 days in any 30 day period.
    c. The dwelling must be owner occupied.
    d. No zoning permit for such use may be issued until such time as Certification has been received from the Director of Health that the kitchen facilities meet all commercial standards of food protection and sanitation.
    e. Food service shall be limited to breakfast and resident guests only.
    f. There shall be no external alterations of the structure except as may be necessary to meet the requirements of this section or as may be necessary or essential for proper access and egress from the structure. Fire escapes and outside stairways shall, where practicable, be located to the rear of the structure. Approval of any external alteration shall be based on reasons of health and safety, and on considerations relating to the compatibility of the proposed alterations with the surrounding neighborhood and the historical values and character of the area.
    g. One (1) on-site parking space shall be provided for each guestroom with two (2) spaces available for the owner-occupants.
    h. Annual certification shall be provided by the owner-occupants that the Bed and Breakfast Inn is operating in compliance with these regulations.

Section 025-090 Accessory Apartments

Consistent with the Plan of Conservation and Development, the purpose of this regulation is to allow a family to create an additional housing option for persons 55 years of age and older by permitting an accessory dwelling unit either within a single family structure or within a permissible accessory building on a lot containing a single family structure, provided said unit is permitted only in accordance with the safeguards and conditions prescribed below, and is designed so as to preserve an maintain the single family residential character of the neighborhood where such apartment may be located.

An accessory apartment is defined as a dwelling unit located on the same parcel of land as a principal single family dwelling which is arranged, designed, used or altered for the use of one family and contains independent living quarters, kitchen/food preparation area and a bathroom with a bathtub and/or shower, a toilet and a lavatory. An accessory apartment may be permitted subject to acquisition of a special permit and site plan

approval in accordance with Chapters 175 and 180 and subject to the following conditions:

1. A total of one (1) accessory apartment/dwelling unit may be permitted on a lot and shall be contained within either a single family dwelling, or within a permissible accessory building, but not both.

2. Accessory apartments/dwelling units shall only be permitted on parcels greater than 40,000 square feet, with the exception that if a dwelling is served by public water and sewer the parcel must contain least 20,000 square feet.

3. Additions to existing dwellings for the purpose of constructing an accessory apartment are permitted.

4. Accessory apartments/dwelling units shall only be permitted in accessory buildings if a) the subject parcel of land is greater than 80,000 square feet and b) the accessory building has been issued a certificate of occupancy at least five (5) years prior to application for said accessory apartment/dwelling unit. If said parcel of land contains greater than 160,000 square feet, an accessory apartment/dwelling unit may be constructed in any existing accessory building regardless of the age of the building, or said accessory apartment/dwelling unit may be constructed as a new accessory building.

5. The living area of an accessory apartment/dwelling unit must contain at least 500 square feet, but shall not be greater than 1,000 square feet or more than 50% of the total finished floor area of the primary residence. *(Amended Effective: March 1, 2010)*

6. The remaining living area of the single family dwelling after creation of the accessory apartment/dwelling unit must be at least 700 square feet.

7. An accessory apartment/dwelling unit shall contain no more than one (1) bedroom.

8. At least one of the occupants of either the dwelling or the accessory apartment/dwelling must be at least 55 years of age.

9. The owner of the dwelling must occupy either the dwelling or the accessory apartment/dwelling unit. Certification of such occupancy by the owner must be submitted at time of application.

10. There shall be no fewer than four (4) off-street parking spaces (which may include garage parking spaces) to serve both the principal dwelling and the accessory apartment/dwelling unit.

11. No additional curb cuts may be created to serve an accessory apartment/dwelling unit.

12. Prior to the issuance of a zoning permit for an accessory apartment/dwelling unit, the applicant shall submit to the zoning office proof from the New Milford Health Department that the water supply and septic system are adequate to service the additional accessory apartment/dwelling unit.

13. The building containing the accessory apartment/dwelling unit may not be part of a common interest community.

14. The proposed accessory apartment/dwelling unit design shall preserve and maintain the single family residential appearance of the subject lot and be consistent with the single family character of the neighborhood.

15. Annual certification shall be provided by the owner-occupant of the property that the accessory apartment/dwelling unit is being utilized in compliance with these regulations.

16. Affordable Housing Incentive: When an accessory apartment/dwelling unit is to be rented pursuant to the affordable housing provisions of CGS SS 8-30g, the requirement that at least one (1) of the occupants of the dwelling or the accessory apartment be at least 55 years of age may be waived. An application under this section of the regulations shall be accompanied by a proposed deed which complies with CGS 8-30g, including a ten (10) year affordable housing use deed restriction. Before a permit shall be issued for an accessory apartment pursuant to this section, the aforesaid deed must be recorded in the office of the Town Clerk. Prior to occupancy of the accessory apartment by the "affordable housing" tenant, and thereafter, with each subsequent tenant, the owner must provide certification that a) the subject apartment is rented at or below the maximum rate prescribed in CGS 8-30g; and b) the tenant has certified to the owner, under penalty of false statement, that the tenant's income does not exceed (80) eighty percent of the area median income, as defined in CGS 8-30g.

Section 025-100 Special Permit Uses in Residential Districts

Purpose: It is recognized that certain non-residential uses may be appropriate uses to be located in residential zones. Such uses are discouraged in areas of dense residential development, or in areas where the traffic or noise associated with such a special permit use would alter the character of a neighborhood.

The following uses or substantial additions or changes to existing uses may be permitted subject to acquisition of a special permit and site plan approval in accordance with the provisions of Chapter 175 and 180 of these regulations.

a. Church

b. School
c. College
d. Public Library
e. Public Museum
f. Community Building
g. Public Park
h. Public Playground
i. Public Recreational Building
j. School or College Stadium or Athletic Field
k. Golf Course
l. Riding Academy
m. Water Supply Reservoir
n. Well or filter bed
o. Philanthropic or eleemosynary institution
p. Hospitals, nursing homes, and convalescent homes
q. Cemeteries
r. Municipal Buildings including Fire Stations
s. Planned Senior Housing Community
t. Continuing Care Community
u. Congregate Housing
v. Marina

Section 025-110 Accessory Uses and Buildings Permitted in a Single Family Residential District

A. Accessory Uses: An accessory use is defined to be a subordinate use customarily made of property in connection with the residential use of the principal building located thereon. An accessory building is defined as a structure detached from the principal residence building to which it is accessory, which is arranged, designed, intended or used for an accessory use. Except for the incidental home occupation or agricultural uses specifically provided for in the zone in which it is located, no business use of property shall be deemed to be an accessory use. No use of property shall be deemed to be an accessory use unless it is located on the same lot as the dwelling to which it is accessory.

B. Accessory buildings, swimming pools, gazebos and decks are permitted accessory structures subject to the following standards and issuance of a zoning permit by the Zoning Enforcement Officer.

1. All accessory buildings, swimming pools, hot tubs, gazebos and decks must meet the required yard setbacks outlined in Section 020-010, with the following exceptions:

    a. An accessory building or gazebo with a footprint no greater than 200 square foot in area and 12’ in peak height may be located in a rear yard or side yard provided said location is at least 20’ to all property lines. In the

event the lot is located in a zone with a setback requirement of less than 20', the less restrictive setback standard would apply.

b. A swimming pool or hot tub with associated deck or a freestanding deck may be located in a rear yard provided said location is at least 20' to all property lines. In the event the lot is located in a zone with a setback requirement of less than 20', the less restrictive setback standard would apply.

2. No accessory building shall exceed a height of 18', as building height is defined in Chapter 15 of these regulations.

3. An accessory building with a building footprint greater than 900 square feet, or a maximum peak height greater than 20', or which is proposed to be connected to a separate septic system shall require approval of a special permit and site plan application in accordance with the provisions of Chapters 180 and 175.

4. On corner lots, in addition to the above requirements, all accessory buildings, swimming pools, hot tubs, and decks must also meet the side corner setback requirements as noted in Section 020-010, as applicable.

5. A building attached to the principal building by a covered passageway shall be considered an accessory building and not part of the principal structure. A building having a wall or a part wall in common with it, shall be considered an integral part of the principal structure and not an accessory building.

C. **Fences** shall not be placed in such a manner as to inhibit lines of sight or otherwise affect traffic safety. Razor wire and other similar types of hazardous fencing are prohibited in residential zones. No fence in excess of 8' in height from the ground level to the top of the fence may be erected on any lot in the residential zone.

(Chapter Amended Effective: September 15, 2006; November 15, 2008; March 1, 2010)

CHAPTER 30: TWO-FAMILY RESIDENCE DISTRICT
(R-8-2)

Section 030-010 Purpose

The purpose of the Two-Family Residence District is to allow additional housing options, as of right, consistent with the Plan of Conservation and Development in established neighborhoods of older homes located within the sewer district. In addition this regulation serves to provide an incentive to restore, rehabilitate and maintain many of the older homes located within the Town of New Milford.

Section 030-020 Permitted Uses

In a Two-Family Residence District the following uses may be permitted:

1. A use permitted as of right in a Single Family Residence Zone;

2. A two-family dwelling serviced by public sewer and water, together with such other buildings as are ordinarily appurtenant thereto, in compliance with the provisions of Section 025-110. A minimum of two (2) parking spaces per dwelling unit must be provided.

3. A use permitted by special permit in a Single Family Residence District is also permitted by special permit in a Two-Family Residence District.

(*Amended Effective: September 1, 2006*)

CHAPTER 35
MULTIPLE RESIDENCE DISTRICT
(MR)

Section 035-010 Purpose

In a Multiple Residence District, no building or premises shall be used, and no building shall be erected, expanded or structurally altered which is arranged, intended or designed to be used, for other than those permitted in a residence district or for two-family and multi-family dwellings subject to the requirements hereinafter set forth for a special permit, public hearing and site plan approval by the Zoning Commission as stated in Chapter 170. (*Effective: March 7, 1985; Amended Effective: March 11, 1996*)

Section 035-020 Use Classifications

Section 035-030 Application Requirements

An application to create or develop a Multi-Residential District or a proposal submitted to the Commission to develop an existing Multiple Residence District must be accompanied by an application for a special permit and an application for site plan approval each of which satisfies the requirements and standards set forth in Chapters 180 and 175 of these regulations. (*Effective: March 10, 1992*). All documents, plans and drawings to be presented by the applicant at any public hearing must be submitted to the Commission at least thirty (30) days prior to such hearing. The following requirements shall be met by the applicant to develop a Multiple-Residence District. (*Effective: March 7, 1985*)

Section 035-040 Site Requirements

1. Each lot shall contain no fewer than four thousand (4,000) square feet for each family dwelling unit and shall have a frontage on a public highway of not less than one hundred fifty (150) feet.

2. The aggregate ground cover for each multi-unit dwelling(s) and accessory building(s) shall not exceed twenty-five percent (25%) of the lot area.

3. If more than one (1) multi-unit dwelling is located on any one (1) lot, the aggregate ground coverage of such multi-unit dwellings and accessory buildings shall not exceed twenty-five percent (25%) of the lot area.

4. The lot shall be located so that its vehicular access and egress are onto a state highway or onto a town road of sufficient width and capacity to absorb the expected increase in traffic. The standards, including any amendments thereof, of the Commissioner of the State Transportation or his successor shall govern compliance with this requirement.

5. The land within the required lot area shall contain soil having no severe limitations for urban use as determined by the United States Department of Agriculture, Soil Conservation Service.

6. No site location shall be approved unless served by a public water supply and connected to the town sanitary sewer system.

Section 035-050 Building Requirements

1. No building shall exceed a height of thirty-five (35) feet, and no space have more than three (3) sides of floor level below the subterranean grade shall be used for dwelling purposes.

2. All multi-unit dwellings and accessory buildings shall have a minimum of fifty (50) feet from the front lot line or if there is no established street line, then a minimum of seventy-five (75) feet from the center of the paved road, sixty (60) feet from the side lot lines and sixty (60) feet from the back lot lines.

3. No multi-unit dwelling parking area or other accessory buildings or uses shall be located within fifty (50) feet of any front lot line, or within fifteen (15) feet of any back lot line or side lot line.

4. The distance between the front of any multi-unit dwelling and any side of any other multi-unit dwelling on the same lot shall be not less than one hundred (100) feet.

5. The distance between the ends of any two (2) multi-unit dwellings on the same lot shall not be less than fifty (50) feet or less than twice the height of the taller of the buildings, whichever is greater.

6. No court or open space which is bounded on three (3) or more sides by walls of any building or buildings, principal or accessory, shall be less in any horizontal dimension than fifty (50) feet or less than twice the height of any building wall facing such court or open space, whichever is greater.

7. No multi-unit dwelling shall contain more than twelve (12) units.

8. Each family dwelling unit shall have two (2) separate and remote means of egress, each leading directly outdoors and stairways meeting a two-hour fire-resistant rating, as provided in the State Building Code.

9. The floor area and number of rooms devoted to living area in each family dwelling unit shall be not less than is listed below. All measurements shall be inside dimensions. Only that space within the dwelling unit used exclusively for living purposes shall be considered. Laundries, halls, closets, vestibules and stairways shall be expressly excluded from consideration.

10. Minimum Floor Area

Number of Rooms	(square feet)
Fewer than 3	500
For 3	750
For each additional	125

Bathrooms of fewer than sixty (60) square feet and kitchens of less than ninety (90) square feet in area shall each count as a half-room.

Section 035-060 Accessory Buildings and Uses

Accessory buildings and uses may include minor service buildings related to the use and maintenance of the multi-unit dwelling or dwellings. Garages and swimming pools will be permitted for the exclusive use of the occupants of the premises, and their guests.

Section 035-070 Parking Areas

Parking areas shall be at least ten (10) feet from any dwelling unit within the development and at least five (5) feet from any interior line, shall comply with Chapter 130 hereof and shall be suitably screened from abutting residential uses. Entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances. Enclosed garage space, if provided, shall be considered its parking computed at parity with non-covered required parking in meeting the off street parking requirements for the multi-family zone. No portion of any such parking area shall be more one hundred fifty (150) feet from the entrance of any building served thereby.

Section 035-080 Refuse Collection Area and Facilities

1. The owner of the multi-unit dwelling or the Homeowner Association shall provide facilities for the disposal and collection of garbage and refuse from all dwelling units. Such facilities shall be in conveniently located areas, properly enclosed and screened from view.

2. Areas capable of placement of refuse collection dumpsters are to be marked on the site plans and access provided, so that a truck may process the removal of the refuse.

Section 035-090 Landscaping and Recreation

1. The entire area of the lot shall be suitably landscaped, and provisions shall be made for playgrounds and other recreational areas, which shall be at least twenty thousand (20,000) square feet in a contiguous piece for the first six (6) families or less, and not less than one thousand (1,000) square feet for each additional family. Land use for recreational purposes shall have not more than an average slope of

five percent (5%) and shall not exceed fifteen percent (15%) in any given area and shall be drained and maintained by the owner of the premises as directed by the Commission.

2. The Commission may require that the playground and other recreation areas be screened from driveways, streets and parking areas by fencing or another suitable alternative. (*Effective: February 2, 2004*)

Section 035-100 Affordable Housing Provisions

1. The Commission may permit an increase in the allowable number of units in a specific application for the purpose of providing affordable housing. This increase shall not exceed 20% and the additional units shall be dedicated to being affordable as defined by section §8-39a of the General Statutes and shall be constructed in accordance with a contract entered into between the developer applying for the special exemption and the Town of New Milford pursuant to the provisions of Section §8-2g(a) of the General Statutes.

2. Section §8-2g(b) of the General Statutes requires the Commission to notify the Town Council of its decision to adopt the regulation proposed herein to encourage the development of affordable housing. At the same time the Commission must request the Town to "establish or designate an agency to implement a program designed to establish income criteria in accordance with subsection (a) of §8-2g of the General Statutes and oversee the sale or rental of any units of affordable housing constructed pursuant to said subsection (a) of §8-2g of the General Statues to persons and families satisfying such income criteria."

3. If the Town Council does not enact such an ordinance within 120 days following the date of such request, the Commission may notify the Housing Authority of the Town, or if the Town has not by resolution authorized the Housing Authority to transact business in accordance with the provisions of Section 8-40 of the General Statutes then, in that event, the Commission must notify the town agency with responsibility for housing matters that it has adopted the above regulation and upon receiving such notice the Housing Authority or municipal agency with responsibility for housing matters must implement such program. (*Effective: October 31, 1991*)

CHAPTER 36
MOBILE HOME DISTRICT
(R-MH)

Section 036-010 Purpose

The Town of New Milford recognizes the need for safe, sanitary affordable housing. The Mobile Home District (R-MH) is intended to allow replacement and placement of mobile homes on existing spaces, within those mobile home parks which were developed prior to 1971, were specifically designed to allow mobile homes in a community setting, and where mobile homes comprise at least 90% of the current housing units.

Section 036-020 Establishment

The R-MH district is hereby established. The approved R-MH district shall be designated on the zoning map with the symbol R-MH. A single or double wide mobile home for human occupancy may be placed on a mobile home plot in the R-MH district as a permitted use. All mobile homes must be connected to a water system and sanitary sewer system in accordance with state regulations and local ordinances, and shall be approved in writing by the Health Officer of the Town of New Milford. Each mobile home and the plot on which it is located shall comply with all of the height and area regulations specified in R-MH district, as set forth in Section 020-010 of these regulations. Nothing in this section shall relieve any mobile home owner or mobile home park owner from the requirements of Connecticut General Statutes Chapter 412.

Section 036-030 Definitions

For the purposes of this section, the definitions set forth as Section 170-020, No. 1 to 7, inclusive, of these regulations shall apply.

8. **Mobile home space or plot** means a designated portion of ground within a mobile home park designed for the accommodation of one (1) mobile home and its accessory buildings or structures for the exclusive use of the occupants.

9. **Mobile manufactured home** also means mobile home.

10. **Mobile manufactured home park** also means mobile home park

Section 036-040 Placement of Mobile Home

A single or double wide mobile home of equal or greater size may be placed on a mobile home plot in the R-MH district as a permitted use, subject to the following provisions:

1. A mobile home placement permit must be obtained prior to the placement of a new home on a plot.

2. The mobile home plot shall be provided with a permanent marker displaying the plot number, corresponding to an approved and filed plot plan.

3. The home must bear a seal certifying that it is built in compliance with current Federal Uniform Manufactured Home Construction and Safety Standards.

4. The home must be placed on a permanent slab and anchored to resist flotation, collapse and lateral movement by providing tie downs and anchoring.

5. The home must be completely enclosed with skirting of a non-decaying and corrosion-resistant material extending to ground level.

6. A single-wide mobile home may only be replaced with a single-wide mobile home. The replacement of a mobile manufactured home in a mobile home park with a mobile manufactured home with the same or different external dimensions that is built in compliance with the aforementioned Federal Uniform Manufactured Home Construction and Safety Standards, as amended from time to time, shall not constitute an expansion of a nonconforming use. (P.A. No. 07-43)

7. A double-wide mobile home may be replaced with a single-wide or a double-wide mobile home.

8. The home must be approved in writing by the Health Officer of the Town of New Milford for connection to a sewage disposal system and water system in accordance with state regulations and local ordinances.

9. A parking space shall be provided for at least one (1) passenger car per mobile home plot, and located so as to permit free movement of vehicles to other plots and to parking spaces.[i]

10. No replacement mobile home, including decks and accessory structures may be closer than 10' to another mobile home, internal roadway, or adjacent property line.

11. A replacement mobile home shall not create a health or fire hazard.

12. One (1) accessory building with a footprint no greater than 100 square feet in area is permitted for each mobile home subject the height and setback requirements of the R-MH district, as set forth in Section 020-010 of these regulations, and issuance of a zoning permit.

13. The total number of mobile homes and plots shall not exceed 95. Provided, however, no plot shall be used unless it has been licensed by the Connecticut Department of Consumer Protection by September 1, 2008. Additionally and notwithstanding the foregoing, no replacement home shall be placed on any plot

unless and until such replacement and its subsurface sewage disposal system has been approved by the Connecticut Department of Environmental Protection.

Section 036-050 Permits

A. Application for a permit shall be made in writing to the Commission and shall contain the following information:

1. The name and address of the applicant and the name and address of the real party in interest, if other than the applicant or his authorized agent.

2. Proof of ownership, option or valid lease.

3. Filing of a plot plan, made by a licensed surveyor registered in the State of Connecticut under seal, showing the location and dimensions of the proposed replacement mobile home on the plot, location of sanitary provisions, location of decks, accessory structures, permanent patios, and parking locations.

4. Documentation from the Health Officer of the Town of New Milford that the replacement mobile home has been approved for connection to a sewage disposal system and water system in accordance with state regulations and local ordinances.

5. For replacement applications, detailed information on removal of the existing mobile home, including transport company and disposal location.

6. Fee of fifty dollars ($50.00).

B. No permit shall be issued for placement or replacement of a mobile home unless the mobile home park in which the plot is located meets the following requirements:[ii]

1. Filing of a current plot plan, made by a licensed surveyor registered in the State of Connecticut under seal, showing the entire mobile home park, internal roads, location and dimension of existing mobile homes, accessory structures, and the location, size, shape and identification number of the individual home plots.

2. The owner of the park shall keep and maintain a register, available at all times to federal, state and local officials whose duties necessitate acquisition of the information contained in the register. The record for each occupant registered shall not be destroyed for a period of three (3) years following the date of departure of the registrant from the park and shall contain for each site:

   a. The name and address of the lessee or owner of the site or trailer.
   b. The permanent or last known address of such lessee.
   c. The name of each person customarily occupying the mobile home.
   d. State registry, including make, model, year and marker number of mobile home and/or mobile vehicle.
   e. Date of entry on or exit from the site or mobile home.

3. Each lot shall be provided with a permanent marker displaying the lot number, corresponding to the approved and filed plot plan.

4. The mobile home park shall be appropriately landscaped and screened from adjoining property owners by a ten (10) foot buffer area and be adequately maintained by the owner of the mobile home park.

5. All replaced mobile homes shall be removed within seven (7) days of the installation of the replacement mobile home.

6. All roads within the park shall be well drained, provided with bituminous surface and maintained by the owner in good condition.

7. The owner shall provide metal containers for refuse and recycling materials and shall dispose of all garbage and refuse in accordance with local ordinance.

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[1] See C.G.S. §21-82(a) (13) requiring owners to provide two parking spaces, except where a park permitted one space prior to 1985. This language is consistent with Sec. 170-020 of New Milford Zoning Regulations.

[1] Most of the requirements of this section, which place duties on the park owner, repeat C.G.S. §21-82.

(Chapter Adopted Effective: November 1, 2008)

CHAPTER 40
RESTRICTED BUSINESS ZONE
(B-1)

Section 040-010 Purpose

The purpose of the B-1 Restricted Business Zone is to allow service businesses in locations convenient to the general population on highways which are able to accommodate the traffic associated with such uses.

Section 040-020 Permitted Uses

No building or other structure shall be constructed, reconstructed, expanded or altered, and no use of land, buildings or other structures shall be established, altered or expanded except in conformity with these regulations.

1. A use permitted as a matter of right in a Single-Family Residential District is permitted as a matter of right subject to issuance of a zoning permit by the Zoning Enforcement Officer. When a property zoned B-1 is to be used for a single family residence, one dwelling unit shall be permitted for each lot and the minimum lot area, yard setbacks, frontage and access requirements of the R-40 zone shall apply.

2. A use permitted in a Single Family Residential District subject to acquisition of a special permit is permitted in a B-1 zone subject to acquisition of a special permit in accordance with the provisions of Chapter 180 and the applicable sections of Chapter 25.

3. The following uses are allowed as a matter of right in a B-1 zone subject to site plan approval in accordance with the provisions of Chapter 175, and issuance of a zoning permit by the Zoning Enforcement Officer.

    a. Banks
    b. Businesses offices
    c. Professional offices
    d. Hotels and motels
    e. Extended stay motels and hotels
    f. Indoor theaters
    g. Retail sales of goods and services from a building
    h. Bakeries
    i. Delicatessens
    j. Grocery stores
    k. Butcher shops
    l. Specialty Food Retailer (*Added Effective: 1/30/09)*
    m. Fabrication and installation of glass

n. Restaurants, Class I and II
o. Assembly hall
p. Public recreation building
q. Veterinary hospital or clinic
r. Funeral home
s. Outside storage and display of inventory as an accessory use to any B-1 use which is permitted as a matter of right
t. Outside dining tables as an accessory use to a Class 1 or Class II Restaurant

4. Special Permit Uses:

a. Any building to be constructed in a B-1 business zone which exceeds 25,000 square feet of gross floor area shall require acquisition of a special permit in accordance with the provisions of Chapter 180.
b. Any proposed use which is projected to generate in excess of 500 motor vehicle trips per day as determined by *Trip Generation, 7th edition, and later additions, and as amended, published by the Institute of Traffic Engineers* shall require acquisition of a special permit in accordance with the provisions of Chapter 180.
c. Any restaurant proposing to provide live entertainment, defined as a class III restaurant shall require acquisition of a special permit in accordance with the provisions of Chapter 180.
d. Shop for making articles to be sold at retail on the premises may be permitted subject to acquisition of a special permit in accordance with the provisions of Chapter 180.
e. A combination of residential and B-1 uses is permitted subject to acquisition of a special permit in accordance with the following standards:
    i. Said lot must contain a minimum of 40,000 square feet.
    ii. A maximum of three (3) residential dwelling units area permitted per property.
    iii. The residential dwelling unit(s) must be located within the same building as the business use(s).
    iv. The floor area of the residential uses may not exceed 50% of the total building floor area.
    v. In multistory buildings the residential dwelling unit(s) shall only be permitted on the second and/or third floors above the business use(s). In single story buildings residential dwelling unit(s) shall only be permitted on the main/first floor. Under no circumstances shall residential dwelling units be located below grade.
    vi. Each residential dwelling unit shall contain a minimum of 500 square feet of floor area.

    (*Section 040-020(4)e amended effective 4/23/14*)

5. Administrative Sign Off:

If a use change is proposed from one as a matter of right B-1 business use to another matter of right use, as outlined in this section, and the parking requirements of the proposed use are no greater than the approved use in accordance with the standards of Chapter 135, in that event the Zoning Enforcement Officer is permitted to allow that use change, subject to the granting of a zoning permit.

Section 040-030 Standards

1. Lot Area: In a Business zone, except as otherwise noted in this Chapter, there is no minimum lot area requirement.

2. Minimum Yard Setbacks and Minimum Lot Frontage, except as otherwise noted in this Chapter can be found in Section 020-010.

3. Maximum Building Height: Except as otherwise permitted in these regulations, no building to be constructed in a business zone may exceed 35' in height, as building height is defined in Chapter 15.

4. Maximum Lot Coverage: The maximum lot coverage of any lot located in the B-1 zone shall be determined by the standards noted in Section 020-010.

5. Rear Lots: No building to be used in whole or part for any use outlined in this chapter shall be erected on a rear lot, unless it has an unobstructed deeded accessway of a minimum of 30' in width connecting to a street adequate to accommodate fire apparatus or other emergency equipment. The lot line from which the right of access leads shall be considered the front lot line of the rear lot. Such rear lot shall conform to all the requirements prescribed in the zone in which it is located. If such rear lot is to be accessed using a common driveway as defined and outlined in Chapter 165, then in such event the guidelines regarding common driveways shall apply, and the access requirements regarding rear lots found in this section shall be waived.

(Chapter Amended Effective: September 1, 2006; January 30, 2009; April 23, 2014)

CHAPTER 45
GENERAL BUSINESS ZONE
(B-2)

Section 045-010 Purpose

The purpose of this zone is to provide for general business uses, including those uses permitted in the B-1 Restricted Business Zone, as well as general commercial and light industrial uses.

Section 045-020 Permitted Uses

No building or other structure shall be constructed, reconstructed, expanded or altered, and no use of land, buildings or other structures shall be established, altered or expanded except in conformity with these regulations.

1. All uses as noted in Section 040-020 may be permitted subject to the same conditions as noted in that section.

2. The following additional uses are allowed as a matter of right in the B-2 zone subject to site plan approval in accordance with the provisions of Chapter 175, and issuance of a zoning permit by the Zoning Enforcement Officer.

    a. Wholesale sales office or sample room.
    b. Garage for auto customizing, with all vehicles to be customized stored inside.
    c. Garage for the repair of motor vehicles, with no outside storage of motor vehicles which have been brought to the facility for repair.

3. Special Permit Uses: The following uses or substantial additions or changes to existing uses may be permitted subject to acquisition of a special permit and site plan approval in accordance with the provisions of Chapters 175 and 180 of these regulations.

    a. Garage for auto customizing with the accessory use of outside storage of motor vehicles.
    b. Garage for the repair of motor vehicles with the accessory use of outside storage of motor vehicles.
    c. Building for the sales of new and used motor vehicles with or without outside storage of vehicles.
    d. Building for the sales of new and used motor equipment with or without outside storage of equipment.
    e. Building or garage for the sales and repair of new and used boats, jet skis or other watercraft.
    f. Research laboratories
    g. Carpentry, woodworking and millwork manufacture.

h. Manufacturing.
i. Newspaper and printing establishments.
j. Bookbinding and photoengraving establishments.
k. Blueprinting, photography and similar reproduction services.
l. Buildings for monument and stone cutting.
m. Tool and die making shops.
n. Shops for assembling or finishing of articles to be sold at wholesale.
o. Shops for manufacturing.
p. Warehousing.
q. Construction Yards with outside storage of construction equipment and construction materials.
r. Shop and storage area used by a contractor or building tradesman such as a plumber, electrician, painter, landscaper and similar occupations.
s. Outside storage of any material associated with assembly, manufacturing or research facilities shall be by special permit only.
t. Medical marijuana production facilities *(Effective: February 26, 2014)*
u. Gasoline Service stations with or without a convenience market *(Effective: June 13, 2014)*

Section 045-030 Standards

1. All of the standards outlined in Section 040-030 shall apply to this section, with the exception that the references to section 020-010 shall refer to the B-2 requirements found in that section.

2. Exception to maximum lot coverage:

   a. If a lot is proposed to have as an accessory use to a motor vehicle sales building, the outside storage and display of motor vehicles, in that instance the lot coverage of the building may not exceed the maximum lot coverage standards outlined in Section 020-010, and the combined maximum lot coverage of building plus outside vehicle inventory may not exceed 60% of the lot area, regardless of the size of the lot.
   b. If a lot is proposed to have as an accessory use to a construction yard, the outside storage of construction equipment and materials, in that instance the lot coverage of the building may not exceed the maximum lot coverage standards outlined in Section 020-010, and the combined maximum lot coverage of building plus outside storage of construction equipment and materials may not exceed 60% of the lot area, regardless of the size of the lot.

(*Chapter Amended Effective: September 1, 2006; February 26, 2014; June 13, 2014*)

CHAPTER 50
LAKE BUSINESS ZONE
(B-3)

Section 050-010 Purpose

The purpose of this zone is to provide for non-residential development supportive of recreational use of Candlewood Lake. This zone permits uses permitted in a Single - Family District. All other uses are subject to site plan approval or as special permit uses. (*Effective: January 14, 2000*)

Section 050-020 Use Classifications

Uses permitted as a matter of right, subject to the issuance of a zoning permit by the Zoning Enforcement Officer:

1. A use permitted in a Single-Family Residence District.

Uses permitted as a matter of right, subject to site plan approval by the Zoning Commission and the issuance of a zoning permit by the Zoning Enforcement Officer:

1. A marina, dock, slip, basin or similar landing for pleasure boats, including boat rental and boats for transportation of passengers for hire.

2. A hotel, motel or tourist cabin establishment, provided that the lot area is at least two hundred thousand (200,000) square feet, plus two thousand (2,000) square feet for each room.

3. A club or community house.

4. Restaurants, picnic areas and bathing beaches.

Establishments engaged in the sale of boats, marine equipment, engine and boat supplies.

1. Boatyard for storing, repairing and servicing boats.

The following uses may be permitted as special permit uses, following a public hearing, subject to compliance with the standards stated in Chapter 180 and the approval of site plan and landscaping plans as stated in Chapter 175:

1. The outside storage and/or display of inventory. No outside storage area shall extend into any required front yard, side yard, rear yard or required buffer area specified in any section of these regulations. The total ground coverage by all buildings, structures and outside storage areas, but excluding areas for off-street parking, loading, driveways, sidewalks, terraces and all paved areas on any lot,

shall not exceed the percentage of lot area coverage specified in Section 020-020 of these regulations for business zones. (*Amended Effective: November 17, 1992*)

2. The establishment of an area or areas for temporary recreational residences. Such recreational residential use is limited to the six (6) month period between May 1st and October 31st. (*Effective: July 2, 1993*)

CHAPTER 55
BUSINESS ZONE
(B-4)

Section 055-010 Purpose

The B-4 Business Zone is designed to allow reasonable commercial development of certain properties while assuring protection of existing residential area as to limit any impact of such commercial development on the existing future road system of the town. The areas that this regulation is intended, but not limited, to serve are Route 7, Kent Road, north of the Veterans Bridge traffic circle and Route 202 northerly of this intersection with Route 109.

Section 055-020 Use Classifications

1. A use permitted in a Single-Family Residential District is permitted as a matter of right.

2. Subject to the acquisition of a special permit and site plan approval, any use of land permitted as a matter of right in a B-1 Restricted Business Zone. (*Effective: May 19, 2001*)

Section 055-030 Minimum Standards

Each and every requirement of these regulations relating to the use of land within a B-1 Restricted Business Zone shall be applicable to all uses of land within a B-4 Business Zone.

CHAPTER 60
INDUSTRIAL/COMMERCIAL ZONE
(I/C)

Section 060-010 Purpose

The purpose of this zone is to provide areas for a wide range of commercial and industrial uses in which residential development is excluded so as to avoid conflict in land use character and facilitate economic development. Permitted uses shall include uses permitted in B-1 and B-2 zones with the exception of residential uses, as well as a wide range of various non-residential uses subject to the provisions of Chapter 175, Site Plan Application.

Section 060-020 Use Classifications

1. In an Industrial/Commercial zone, except for residential uses, any building or premises may be used, and any building may be structurally altered for any uses permitted as specified herein in a B-1 or B-2 Business Zone and for wholesale businesses, offices, kennels, storage warehouses and the manufacturing, processing or assembling of goods, subject to a site plan and landscaping plan approved by the Zoning Commission as provided in Chapters 130 and 175 of these regulations. As an aid in the interpretation of this section of these regulations "solid waste facilities" and "recycling facilities" as those terms are defined in Chapter 446d State Statute 22a-207 of the Connecticut General Statutes are not permitted uses of land, buildings or structures.

2. All buildings where goods are sold or services rendered primarily at retail shall not exceed a floor area of 40,000 square feet.

3. As an accessory use, the outside storage and/or display of inventory; construction equipment; heavy machinery such as backhoes and loaders; trucks and trailers; construction materials (including but not limited to lumber, piping, earth materials, concrete materials); traffic control devices; construction office trailers; buildings and other structures for the repair of equipment may be permitted subject to acquisition of a Special Permit in accordance with Chapter 180 of these regulations.

Section 060-030 Additional Conditions and Standards

1. Any rear lot created as a result of a subdivision or re-subdivision approved by the New Milford Planning Commission must have a shared entrance from Danbury Road with the parcel that fronts on Danbury Road.

2. Right-of-way for sidewalk purposes. All new applications for development shall set aside for the purpose of future sidewalk construction by easement, an unobstructed four-(4) foot wide right of way that is parallel and adjacent to the

road.

(Chapter Rewritten Effective: July 11, 2014)

CHAPTER 65
INDUSTRIAL DISTRICT
(I)

Section 065-010 Purpose

The purpose of the zone is to provide for a wide range of general commercial and industrial uses in which residential development is excluded so as to avoid conflict in land use character and facilitate economic development uses as permitted in B-1 and B-2 Zones with the exception of residential uses. In addition, a wide range of various non-residential uses are permitted subject to site plan and landscaping plan approval. This zone permits the widest range of non-residential uses of any zone. (*Effective: November 20, 1999*)

Section 065-020 Use Classifications

1. In an Industrial Zone, except for residential uses, any building or premises may be used, and any building may be structurally altered for any uses permitted as specified herein in a B-1 or B-2 Business Zone and for wholesale businesses, offices, kennels, storage warehouses and the manufacturing, processing or assembling of goods, subject to a site plan and landscaping plan approved by the Zoning Commission as stated in Chapter 175. As an aid in the interpretation of this section of the regulations solid waste facilities' and recycling facilities as those terms are defined in Section 446d of the Connecticut General Statutes are not permitted uses of land, buildings or structures. (*Amended Effective: March 5, 1993*)

2. Any use not clearly identified under the right of the zone shall require a special permit. (*Amended Effective: November 2, 1989; Amended Effective: December 21, 1990*)

    a. A residence or apartment may be maintained or constructed for a caretaker or watchman of the premises and for his or her family. (*Amended Effective: November 2, 1990*)
    b. The outside storage and/or display of inventory; construction equipment; heavy machinery such as backhoes and loaders; trucks and trailers; construction materials (including but not limited to lumber piping, earth materials, concrete materials); traffic control devices; construction office trailers; buildings and other structures for the repair of equipment. No outside storage area shall extend into any required front yard, side yard, rear yard or required buffer area specified in any section of these regulations. The total ground coverage of all buildings, structures and outside storage areas, but excluding areas for off-street parking, loading driveways, sidewalks, terraces and all paved areas on any lot, shall not exceed the percentage of lot area coverage specified in Section 020-010

for Business Zones. This use may be permitted as a Special Permit use, following a public hearing, subject to compliance with the provisions of Chapter 180 Special Permits and the approval of a site plan and landscaping plan in accordance with Chapters 130 and 175 of these regulations.

c. The establishment of an area or areas for temporary recreational residences may be permitted following a public hearing and subject to compliance with the standards stated in Chapters 175 and 180, provided further that the following conditions shall have been met:

    i. The site shall be served by a public water supply and municipal sewer.
    ii. The use shall be secondary to and in conjunction with an existing or proposed primary use of the site. A lawfully nonconforming use of the site shall be deemed a valid primary use.
    iii. Any such recreational use would be limited to the six (6) month period between May 1st and October 31st. (*Amended Effective: July 23, 1993*)

d. (*Deleted Effective: April 1, 2004*)

Section 065-025 Widening of Danbury Road

(Deleted Effective: November 14, 2014)

(Chapter Amended Effective: November 2, 1989; November 2, 1990; December 21, 1990, March 5, 1993; July 23, 1993; November 20, 1999; April 1, 2004; November 14, 2014)

CHAPTER 66
RESTRICTED INDUSTRIAL ZONE
(RI)

Section 066-010 Purpose

The purpose of the Restricted Industrial Zone is to reserve appropriate areas for basic economic development uses without land use conflicts or intrusion into such areas by residential uses or convenience retail uses. Reservation of such Restricted Industrial areas is important to assure the economic growth and fiscal balance of the community.

Section 066-020 Use Classifications

1. Uses permitted as a matter of right, subject to the issuance of a zoning permit by the Zoning Enforcement Officer.
    a. None
2. Uses permitted as a matter of right, subject to the site plan approval by the Zoning Commission and the issuance of a zoning permit by the Zoning Enforcement Officer.
    a. Corporate Headquarters
    b. Wholesale Office
    c. Electric Substation
    d. Data Processing
    e. Food Processing
    f. Research Laboratories
    g. Manufacturing, Processing or Assembling of Goods
    h. Warehousing
    i. Truck and Bus Terminals and Distribution Facilities
    j. Kennel
    k. Fire Training Facility
    l. Financial Services
    m. Nursery
    n. Indoor Sports Complex open to the public. (*Effective: August 4, 2001*)
    o. Garage for the repair of motor vehicles. (*Effective: August 18, 2001*)
    p. The outside storage and/or display of inventory; construction equipment; heavy machinery such as backhoes and loaders; trucks and trailers; construction materials (including but not limited to lumber, piping, earth materials, concrete materials); traffic control devices; construction office trailers; buildings and other structures for the repair of equipment. No outside storage area shall extend into any required front yard, side yard, rear yard or required buffer area specified in any section of these regulations. The total ground coverage of all buildings, structures and outside storage areas, but excluding areas for off-street parking, loading, driveways, sidewalks, terraces and all paved areas on any lot, shall not exceed the percentage of lot area coverage specified in Section 020-010 for business zones. (*Effective: March 8, 2000*)

3. Uses permitted subject to acquisition of a special permit and site plan approval in accordance with the provisions of Chapters 175 and 180 of these regulations.
    a. Medical marijuana production facilities (*Effective: February 26, 2014)*

Section 066-030 Conditions and Standards

In addition to the conditions and the standards stated in Section 010-070, the following conditions/restrictions shall apply:

1. All activities, with the exceptions of loading and unloading, shall be confined within the buildings, i.e. research, manufacturing, storage of raw materials or components and storage of finished products.

2. All refuse shall be stored in a manner and location(s) to be approved by the Commission.

3. The use of land, buildings and other structures, shall be established and conducted in conformance with the provisions of Section 010-070 Performance Standards.

4. In order to provide for controlled access on Route 7 as well as to provide for good site planning, access to properties within the R.I. District may be provided through B-1 District properties with frontage on Route 7. The location and design of such access shall be known on the site plan. Such access shall be combined with access to properties in the B-1 district in order to minimize curb cuts in accordance with the recommendations of the Route 7 Driveway and Access Management Plan.

5. Lot coverage shall be in conformance with the schedule in Section 020-010. A buffer of 60' shall be provided adjacent to any residential zone. (*Effective: September 18, 1999*)

(Chapter Amended Effective: February 26, 2014)

CHAPTER 70
MOTOR VEHICLE JUNKYARD DISTRICT
(MV)

Section 070-010 Purpose

This zone permits, with very specific conditions, a wrecking yard or junkyard as a special permit use. (*Effective: November 20, 1999*)

Section 070-020 Use Classifications

In any MV Zone, no building or premises shall be used, and no building shall be erected or structurally altered which is arranged, intended or designed to be used for other than a motor vehicle wrecking yard or junkyard.

1. The Zoning Enforcement Officer shall refer every application for a motor vehicle wrecking yard or junkyard to the Zoning Commission, which is authorized to grant a special permit to allow a motor vehicle wrecking yard or junkyard in the MV District, subject to the following conditions:

    a. Every motor vehicle wrecking yard or junkyard shall have a minimum lot area of five (5) acres.
    b. All working and storage area of a motor vehicle wrecking yard or junkyard shall be completely surrounded by a solid fence not less than eight (8) feet in height, which shall bear no advertising other than the name of the owner and the use of the premises, with a suitable gate which shall be closed and locked, except during the working hours of such junkyard. All unregistered motor vehicles, used parts, old iron, metal, glass, paper and any other material, which may have been parts of such vehicles, shall be enclosed within this location. Any dismantling and burning of material or cutting up of parts of such vehicles must be carried on within this enclosure.
    c. All structures shall occupy not more than a total of forty percent (40%) of the area of the lot and the total lot coverage of all structures and material shall exceed not more than eighty percent (80%) of the area of the lot.
    d. Motor vehicles may be stored in a motor vehicle wrecking yard or junkyard at a height not to exceed seven (7) feet.
    e. The salvaging of motor vehicles and the retail sales of used parts of motor vehicles shall be conducted entirely within the enclosure, which shall be of such a nature to screen said operation or operations from public view.
    f. Heavy machinery, compacting and shearing machinery shall be located on a solid foundation to avoid vibration.
    g. There shall be no outside burning of motor vehicle parts or bodies on the premises. Any inside burning shall be carried out in a properly designed incinerator as approved by the Director of Health and the Town Fire Marshal.

h. All parking, loading and storage of motor vehicles must be entirely upon private property.
i. Each motor vehicle wrecking yard or junkyard licensee shall maintain a suitable office and keep accurate records of all motor vehicles received and dismantled. Such records shall be available for inspection during regular business hours by a representative of the Motor Vehicle Department of Licenses and Inspections. Such records shall include the make, year, engine number, serial number, if available, and the name and address of the person from whom each vehicle was received. On or before the 10th day of the month, each motor vehicle wrecking yard or junkyard licensee shall mail to the Commission of Motor Vehicles a list of all motor vehicles dismantled during the preceding month, stating the make, year, engine number and serial number, if available, of each such vehicle, and a copy of said list shall be mailed to the Director of Licenses and Inspections.

Section 070-030 Application Requirements

In considering each application for a motor vehicle wrecking yard or junkyard, the Zoning Commission shall take into account the nature and development of surrounding property; the proximity of churches, schools, hospitals, public buildings or other places of public gathering; the sufficiency in number of other such yards or businesses in the vicinity; the health, safety and general welfare of the public and the suitability of the applicant to establish, maintain or operate such yard or business and to a receive license therefore.

CHAPTER 75
AIRPORT DISTRICT

Section 075-010 Purpose

This zone is specifically limited to the area including and adjacent to an airport. Uses shall be limited to airport or related uses. (*Effective: November 20, 1999*)

Section 075-020 Use Classifications

In an Airport Zone, no building or premises shall be used, and no building shall be erected or structurally altered, which is arranged, intended or designed to be used for other than an airport or related airport use, subject to site plan approval and landscaping plan approval by the Zoning Commission, as stated in Chapter 170 and those uses included in the Residential Zone, except a residential dwelling. One (1) residence or apartment may be allowed for a caretaker (watchman) and his or her family. (*Effective: April 16, 1990*)

As used in this section, "airport" means any area of land or water designed and set aside for the landing and taking off of aircraft and utilized or to be utilized in the interest of the public for such purposes.

Related airport uses may include, but not be limited to, those necessary to provide services and convenience goods principally to airline passengers and those uses generally associated with airport operations; aircraft hangars and repair facilities; administration buildings; passenger and freight terminals; control towers; navigation equipment; aerial survey offices; and aircraft sales, equipment and parts storage.

Section 075-030 Special Conditions

The following special requirements shall apply to each permitted use:

1. Lighting: Floodlights, spotlights or other lighting devices shall be so arranged or shielded as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the ground.

2. Radio and electronic: Any radio or electronic device shall be permitted only in conjunction with a valid license therefore or other authorization as may be issued by the Federal Communications Commission.

3. Smoke: Any operation or use, which emits smoke, dust or any visible fumes or vapors into the atmosphere is expressly prohibited.

Section 075-040 Building and Lot Requirements

1. The height and area regulations applicable to uses permitted in the Industrial

Zone, as set forth in Section 020-020 of these regulations, are applicable to uses permitted in the Airport Zone.

2. Minimum off-street parking and loading spaces shall be provided as specified in Chapter 135.

3. The regulations applicable to signs and billboards in the Industrial Zone are applicable to the Airport Zone.

CHAPTER 80
VILLAGE CENTER DISTRICT
(VCD)

Section 080-010 Purpose

These zones are established for the purpose of safeguarding the heritage of the Town of New Milford, by preserving districts which reflect elements of its cultural, social, economic, political and architectural history and the stabilizing and improving of property values, the fostering of civic beauty, the strengthening of the local economy, controlling the flow of traffic and promoting the health, safety and welfare of the townspeople, by assuring orderly and integrated development.

Section 080-020 Use Classifications

The following uses are permitted in the Village Center District:

1. Any use permitted in a B-1 Restricted Business Zone.

2. Multi-family housing may be permitted provided that such housing:
   a. Is developed by the Town of New Milford or by a not-for-profit organization qualified as tax exempt under the Internal Revenue Code for owner occupancy
   b. Consists of not more than four (4) dwelling units, each with a minimum living area of 750 square feet of floor space and each served by municipal sewer and public water
   c. Is of such design as to harmonize with the neighborhood and preserve the beauty and appearance of the Village Center; and
   d. Is not a conversion of an existing structure used and/or formerly used for business, commercial or industrial use (*Effective: June 17, 1994*)

3. Parking lots may be permitted as a primary use subject to acquisition of a special permit and site plan approval in accordance with the provisions of Chapters 175 and 180 and subject to the following conditions:
   a. All parking lots shall comply with the provisions of Section 135-060: Off-Street Parking and Facilities Specifications.
   b. Landscaping shall be provided along all street fronts. The Commission may require additional landscaping or more mature plantings if current conditions dictate more extensive screening. A Landscaping Plan showing planting details shall be provided with all applications for a parking lot.
   c. All parking lots must be in character with the Village Center District and have a similar architectural style to the surrounding buildings and neighborhood, including but not limited to, general architectural design, colors and textures of walls and surfaces, landscaping, fencing, signage, and lighting.

d. All parking lots shall have a direct access (i.e. entrance and/or exit) to one of the following roads: Church Street, Bank Street, Bridge Street, or Railroad Street. Parking lots without direct access to one of the above listed streets shall not be permitted.

e. No buildings or structures shall be torn down for the purposes of constructing a parking lot with the following exceptions:

   i. The existing buildings or structures have been deemed to be dangerous, unsafe, or inhabitable by the New Milford Building Official or Fire Marshal.

   ii. The existing buildings or structures have remained vacant for a minimum of 10 years and are in a dilapidated, blighted, and/or decayed condition.

(*Effective: November 1, 2010*)

4. In addition to the above uses, the "temporary" display, as those terms are defined in Chapter 15 of these regulations, may be located in front of any building provided such temporary display:

   a. Does not obstruct the free use of any sidewalk;

   b. Does not protrude more than thirty-six (36) inches from the front of the building;

   c. Complies with all of the provisions of the zoning regulations which are not inconsistent with the provisions of this section; and

   d. Complies with all ordinances and regulations of the Town of New Milford and/or the State of Connecticut. (*Effective: June 19, 1995*)

5. Second and third floor dwelling units are permitted in buildings where non residential B-1 uses are located on the first floor, subject to the application requirements outlined in Section 080-030 and Chapters 175 and 180 provided no individual dwelling unit shall contain less than 500 square feet of floor area and a minimum of two (2) private, designated off-street parking spaces are provided for each individual dwelling unit on the same lot as the dwelling unit they are intended to serve. *(Effective: April 25, 2011)*

Section 080-030 Application Requirements

Any person, persons, firm or corporation desiring approval of a plan of development shall make application to the Zoning Commission. Said application shall contain all of the information required for an application for a special permit under Chapter 180, and any other information deemed necessary by the Commission, including the following:

1. A key map of the neighborhood at a scale of one (1) inch equals two hundred (200) feet, showing the relation of the proposed development to abutting properties and to existing and proposed streets.

2. A site plan of the parcel, at a scale not smaller than one (1) inch equals one hundred (100) feet, showing locations of all buildings, driveway entrances to

streets, parking and loading areas, vehicular and pedestrian traffic movement, sidewalks, public spaces and landscaped buffers, fences and walls, proposed grading, proposals for water supply, sewage disposal, storm drainage and other improvements. Storm and roof drainage shall be piped to an open out fall or storm drains.

3. Drawings sufficient to pictorially identify the nature of the buildings or structures.

4 Procedure. 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 and in accordance with the provisions of Chapter 180 SPECIAL PERMITS. The applicant may consent in writing to an extension of the time for public hearing and action on the application. (*Effective: July 20, 1989*)

5. Factors to be considered in making determination upon application for approval of plan of development.

The Zoning Commission, in considering applications for approval of plan of development, shall consider the following:

a. The size and intensity of such use and its effect on the Town Plan of Conservation and Development.
b. The capacity of adjacent and feeder streets to handle peak traffic loads and hazards created by the use.
c. The obstruction of light or air, or the emission of noise, light, smoke, odor, gas, dust or vibration in noxious or offensive quantities and the distance between offensive processes and adjacent properties.
d. The overall effect on values and utilization of neighborhood properties.
e. Unusual topography of the location, the nature, location and height of buildings, walls, stacks, fences, grades and landscaping of the site.
f. The extent, nature and arrangement of parking facilities, entrances and exits.
g. Problems of fire and police protection.
h. The preservation of the character of the neighborhood.
i. The availability of adequate sewage and water supply.
j. All other standards prescribed by these regulations.
k. Any and all concerns and suggestions presented by the Village Center Zone Design Review Committee.

Section 080-040 Special Conditions

Boundaries of Village Center Zone

1. Village Center Zone: All properties lying within the area bounded as follows:

On the north: by the southerly line of Bennitt Street, thence along the northerly boundary line of properties abutting the north line of Elm Street and lying between Aspetuck Avenue and Treadwell Avenue, thence along the northerly line of Elm Street;

On the east: by the westerly line of East Street;

On the south: by the northerly boundary line of properties abutting the northerly line of Bridge Street from Railroad Street to Main Street, thence by the southerly boundary line of properties abutting the south line of Bridge Street and lying between South Main Street and Great Brook.

On the west: by the easterly line of Railroad Street.

2. Conditions:

   a. No building or structure within said zones shall be erected, altered, restored, moved or demolished until after a plan of development has been approved by the Zoning Commission and filed with the Town Clerk. Ordinary repairs and/or replacement, as those terms are defined in Chapter 15 of these regulations, may be done upon acquisition of a zoning permit from the Zoning Enforcement Officer.
   b. No area within said zones shall be used for industrial commercial, business, home industry or occupation parking, whether or not such area is zoned for such use, until after a plan of development has been approved by the Zoning Commission and filed with the Town Clerk. The provisions of this section shall not apply to the enlargement or alteration of any such parking area in existence on December 1, 1975.
   c. The plan of development called for herein shall be consistent with the character of and in accordance with any plan of development of the immediate neighborhood.
   d. For the purposes of this section, the word “structure” shall include signs, stone walls, fences, steps, walks, lights, driveways and paving of any kind, whether the same be gravel, stone or asphalt. However, when a sign replaces a previously approved sign of the same square footage or smaller, the Zoning Enforcement Officer may waive the need for a public hearing.
   e. Nothing herein shall be construed to prevent the ordinary maintenance or repair of any exterior feature, which the Building Inspector or a similar agent certifies, is required by the public safety because of an unsafe or dangerous condition.
   f. The provisions of this section shall not be construed to extend to the color of paint used on the exterior of any building or structure.
   g. In accordance with the standards and procedures listed below there shall be permitted in the Village Center Zone the non-permanent placement of merchandise, sandwich board signs and displays.

1. No persons shall suspend or place any merchandise, sandwich board signs, decorative displays or street furniture in front of any building so as to obstruct the free use of the sidewalk and shall not place such so as to protrude more than thirty-six (36) inches from the building. Said displays shall conform to all other applicable state and local codes.
2. The Zoning Enforcement Officer shall have the authority to issue, upon application and with approval from the office of the Mayor, written permits for sandwich board signs.
3. No person shall place or cause to be placed in a highway, sidewalk or other public way any sandwich board sign, except as specifically permitted by this section.
4. An application for such sandwich board sign shall be accompanied by a sketch, drawing or photograph of the proposed sandwich board sign and its proposed location.
5. Such sandwich board signs shall not be larger than thirty (30) inches in width and thirty-six (36) inches from the exterior of the building wall of the applicant's establishment.
6. A fee of ten dollars ($10.00) shall accompany all applications for such sandwich board signs.
7. All sandwich board signs so permitted shall have attached thereto the permit number and telephone number of the permit holder.
8. The Zoning Enforcement Officer shall have the authority to refuse a permit for any such sandwich board sign which they find will have or is likely to have an adverse impact upon public health, safety and welfare and shall also have the authority to impose reasonable public health, safety and welfare.
9. The Zoning Enforcement Officer may cause any encumbrance or structure, including sandwich board signs, existing in violation of this Article to be removed. Such removal may be effected when, if in the sole discretion of the Zoning Enforcement Officer, a determination is made that a danger exists to public health, safety or welfare.
10. The Zoning Enforcement Officer shall, to the extent practicable, notify the owner or owners of all encumbrances or structures to be removed.

Section 080-050 Building Requirements

The Commission, in considering an application for a plan of development under this section, may require, impose or waive any building schedule requirements or exceptions to it as it deems necessary to conform to the plan of development with the general intent and purpose of this section and specifically the consideration of section 080-030 application requirements subsection A through J. However, in no event may the commission require a greater building schedule than is required for development with a

B-1 Restricted Zone. (*Effective: July 16, 1999*)

Section 080-060 Procedures and Basis for Determination and Approval

After the public hearing, the Commission may approve, disapprove or approve with modifications any plan of development. When approving an application, the Commission shall file with the Town Clerk at least one (1) copy of the approved site and design plans, showing the Commission's modifications, if any, and no development or significant alterations shall be permitted except in conformity with an approved plan. (*Effective: September 3, 1993; Amended Effective: June 19, 1995*)

CHAPTER 85
GOVERNMENT SERVICE DISTRICT
(GSD)

Section 085-010 Purpose

The Government Service Zone is a class of district in addition to and overlapping one or more of the other districts. The purpose of the Government Service Zone is to assure that the use of land, buildings, and other structures and site development within the zone are conditioned in a manner that protects the public health, safety and welfare of the citizens of the Town of New Milford and will not hinder or discourage the appropriate development and use of adjacent property or impair the value thereof.

Section 085-020 Use Classifications

Subject to site plan approval, the following municipal/regional uses of land, in addition to the uses of land permitted by right or by special permit in the underlying zone, are permitted in the government service zone upon the acquisition of a special permit from the Commission:

1. Public Works Yard; parking, storage and repair of all public works vehicles.
2. Operation of heavy equipment.
3. Storage of sand, gravel, salt and construction materials.
4. Recycle activities.
5. Storage of tires and white goods.
6. Sign shop.
7. Ambulance building and storage.
8. Service trailers.
9. Leaf pile (storage and composting).
10. Any public services activity necessary to respond to an emergency.
11. Municipal solid waste transfer station.
12. Bulky waste transfer station.

(*Amended Effective: June 22, 1989; October 5, 1992; April 15, 1994*)

CHAPTER 90
TOWN LANDMARK DISTRICT
(TLD)

Section 090-010 Purpose

The provisions of this Chapter are designed to permit modification of the strict application of the Comprehensive Plan and standards of the Zoning Regulations as they apply to town landmarks. The purpose of this Chapter is to preserve the cultural, historical and architectural heritage of the town. In so doing, it is recognized that certain structures and land areas have value as town landmarks, which value transcends, the ordinary standards incorporated in the Zoning Regulations and, therefore, requires that each individual site be considered a special case. It is declared to be the policy of this regulation that significant landmarks of the town should be preserved, insofar as doing is consistent with the sound development of New Milford, in accordance with the policies of the Town Plan of Conservation and Development.

Section 090-020 Definition and Standards

A town landmark shall be any building, structure, group of structures or natural feature, together with the site of land on which standing, as designated under these regulations by the Zoning Commission. In order to define a town landmark, the Commission shall determine on the basis of factual data, or expert opinion, that the landmark possesses a degree of historic significance, architectural uniqueness or cultural value which would represent a severe cultural loss to the community, if destroyed or altered, and that the preservation of the landmark warrants special regulations for its protection and proper use. For the purposes of these regulations, the designation of any building, structure, group of structures or natural feature or site, as a historical structural or site, by any local, state or federal agency, shall be prima facie evidence that the same is a town landmark.

Section 090-030 Permitted Uses

The Zoning Commission may permit any use or combination of uses in a Town Landmark District which would be permitted in any Residential Zone (including the Multi-Family Residential Zone) or in any B-1 Zone in the Town of New Milford, provided that the Commission finds that such a use would be beneficial to and consistent with the orderly development of the town.

Section 090-040 Application Requirements

1. Preliminary Application

The Commission would recommend that, prior to submission of an official application for approval of a Town Landmark District, the applicant prepare and present a preliminary plan of the proposed Town Landmark District for informal study and consideration by the Commission. The preparation of a preliminary plan of development

is recommended to facilitate general consideration of factors and problems that affect or may affect the development of the land being submitted for a Town Landmark District prior to proceeding with the preparation of the fully detailed maps, plans, documents and presentation required for formal consideration by the Commission. Presentation of the Town Landmark District for consideration in preliminary, rather than in a final form allows for any changes or alterations, recommended or required by the Commission, to be more readily and economically made. Neither the preliminary presentation nor its informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for, and approval of, a Town Landmark District as contemplated herein or under the provisions of the General Statutes of the State of Connecticut.

2. Guidelines for Applying Standards for Rehabilitation

Rehabilitation means the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

a. Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
b. The distinguishing original qualities or character of a building structure or site and its environment shall not be destroyed. The removal or alteration of any historic materials or distinctive architectural features should be avoided, when possible.
c. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
d. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
e. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure or site, shall be treated with sensitivity.
f. Deteriorated architectural features shall be repaired, rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
h. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
j. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
k. The provisions of The Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, January 1980 (rev.) As prepared by National Parks Services.

3. Review Committee

There shall be a Review Committee composed of three (3) members each from the New Milford Historical Society and the New Milford Trust for Historic Preservation. The functions of the Review Committee shall be twofold:

a. The applicant shall be required to submit his proposal to this Review Committee prior to formal application to the Zoning Commission. The purpose of this portion of the review procedure by the Committee shall be solely to advise the Zoning Commission as whether the application qualifies under Section 090-020 Definitions and standards of this Chapter as a town landmark. The Committee shall render its opinion within sixty (60) days of receipt from the applicant.
b. At the same time that the applicant submits the above information, he shall submit a set of the same general plans as subsequently described in this regulation. The Review Committee shall examine these plans and shall submit it recommendations to the Zoning Commission no later than the public hearing date as set by the Zoning Commission. These recommendations shall be advisory to the Zoning Commission and shall form part of the public hearing testimony.
c. In order to allow thorough review of these plans by the Committee, the Zoning Commission shall allow the Committee sixty (60) days from the date the latter receives the application until the date set for the public hearing.

4. Formal Application Requirements

Any application for approval of a Town Landmark District shall be submitted in writing and shall be accompanied by the following:

a. Statement. A written statement specifying in detail the particular provisions of those Zoning Regulations which it is proposed be modified and setting forth any additional standards which are proposed concerning the use of the land, buildings, and other structures, and the location and size of the buildings and other structures: ten (10) copies shall be submitted.
b. Plans. A plan of the proposed development, including a site plan complying with

Chapter 175 of the Zoning Regulations, indicating thereon proposed buffer zones, architectural work ups, layouts and other items as may be relevant in sufficient detail to show the nature of the development.

c. Special documentation. Sufficient documentation to establish the historic, cultural or architectural significance of the proposed Town Landmark District.

d. Procedure. The application shall be submitted to the Commission and shall be accompanied by a fee sufficient to cover the public cost of all required legal notices. In acting on any application, the Commission shall hold a public hearing on the application in the same form and manner as required by Chapter 180 of these regulations and the Connecticut General Statutes, as amended. After appropriate public hearing and findings, the Commission may approve, disapprove or approve the application subject to modifications, if it shall find that one (1) or more of the purposes set forth in Section 090-010 will be accomplished and the proposed Town Landmark District is consistent with the Plan of Conservation and Development for the area encompassing the proposed district. At such time as the application is approved, the Town Landmark District shall be considered established and these regulations and the Zoning Map shall be considered to be modified to permit establishment of the district as approved. Any modifications by the Commission shall not amend the plan in any substantial manner. It is the intent of the Commission that the plan, as finally approved, shall be substantially the same as that presented at the public hearing.

e. Conditions. The Commission may attach any condition or conditions to its approval as it considers necessary in order to protect the public health, safety, convenience and property values and in order to assume continuing conformance to the approved plan. It may also require the posting of suitable performance bond in accordance with the provisions of Chapter 180 of these regulations.

f. Notation of changes. A suitable notation shall be made in the Zoning Regulations and on the Zoning Map, identifying any property for which a Town Landmark District has been approved.

g. Amendments. Application for changes in approved plans shall be made and acted upon in the same manner and procedure as required for the initial application.

Section 090-050 Method of Identification

Each Protected Landmark District shall be suitably marked by an identification plaque approved by the Commission and describing its significance. All signs, and the identification plaque, shall continue to meet the sign provisions of these regulations.

Section 090-060 Special Enforcement Procedures

The Zoning Enforcement Officer and the Zoning Commission shall be charged with the enforcement of these regulations pursuant to the provisions of Chapter 180 of the Zoning Regulations; provided, however, that the Zoning Enforcement Officer may consult with the Review Committee when determining questions of enforcement arising out of interpretations of the guidelines set forth in Section 090-040 of these regulations.

CHAPTER 95
HOUSATONIC RIVER DISTRICT
(HRD)

Section 095-010 Purpose

For the purpose of protecting, with appropriate standards, a carefully defined area of land along the Housatonic River, which is flood prone, environmentally sensitive and possesses many natural resources, and to cooperate with neighboring towns in the Housatonic River Commission, the Housatonic River Zone is established.

Section 095-020 Use Classifications

The use of land within the Housatonic River Zone shall be governed by the following sets of regulations for specific areas are as follows:

1. Inner Corridor Boundaries: All land within the streambelt limits of the Housatonic River, north of Boardman Bridge, as determined by the Litchfield County Soil Conservation Service.

    a. Uses
        i. Open space uses which do not require moving, removing or otherwise altering the position of earth, stone, sand, gravel or water except for flood control or erosion control measures.
        ii. Game management, fishing, hunting where permitted, camping and picnicking in specified areas and other recreational activities.
        iii. Farming, plant nurseries, pastures, golf courses, trails, forest management, horticultural and other agricultural uses that do not significantly alter the natural character of the corridor.
        iv. Maintenance or reconstruction of existing public and private ways, bridges and structures.

Except for uses stated above, all other uses permitted in the existing Zoning Regulations within the Inner Corridor shall be allowed only by special permits.

2. Outer Corridor: All properties lying north of Boardman Bridge, which are in the watershed of the Housatonic River.

    a. Uses
        i. All uses permitted in the underlying zoning districts will be permitted in the Outer Corridor.

Section 095-030 Permit Procedures

Any person, persons, firm or corporation desiring approval for any activity, other than those uses listed as permitted in the Inner Corridor, for a use permitted in the existing

underlying zone, shall make application to the Zoning Commission for a special permit in accordance with the provisions of Chapter 180 of the Zoning Regulations and shall submit any other information deemed necessary by the Commission, including the following: a key map of the neighborhood at a scale of one (1) inch equals one hundred (100) feet showing the relationship of the proposed activity to the Housatonic River, to abutting properties and to existing and proposed streets.

Section 095-040 Requirements and Standards

1. Inner Corridor

No special permit shall be granted if the Zoning Commission finds that a proposed land use in the Inner Corridor will:

a. Create water or air pollution.
b. Increase erosion or sedimentation.
c. Create danger of flood damage.
d. Obstruct flood flow.
e. Damage fish or wildlife habitat.
f. Adversely affects any unique feature or natural resource.

In determining the above, the following standards shall apply:

a. Air or water pollution control. There shall be no land use that would adversely affect air quality through release of noxious fumes, gases or other emissions, or through creation of significant amounts of dust or other particulate matter. No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature, that runoff, seep, percolate or wash into surface, stream or ground waters so as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful to human, animal, plant or aquatic life.
b. Erosion and sedimentation control. Filling, grading, lagooning, dredging, earth-moving activities, road construction and other land use activities shall be conducted in such manner to prevent, to the maximum extent possible, erosion and sedimentation damage to surface stream waters. To this end, all construction shall be accomplished in conformance with the erosion prevention provisions of "Erosion and Sediment Control Handbook," Connecticut 1976, United States Department of Agriculture, Soil Conservation Service, as amended.
c. Flood control. Any proposed use must comply with the Floodplain Management Provisions of the Zoning Regulations. (The Floodplain Management Regulations are contained in Chapter 120 of this chapter).
d. Mineral exploration and excavation. Mineral exploration to determine the

nature or extent of mineral resources shall be accomplished by hand sampling, test boring or other methods, which create minimal disturbance. Sand, gravel and topsoil excavation may be permitted pursuant to the provisions of Chapter 140 of the Zoning Regulations.

e. General soils evaluation. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement and water pollution, whether during or after construction.

f. New subsurface sewage disposal systems shall be located only in soils having characteristics rated as having no more than slight limitations for the proposed use in the current Statewide Set of Connecticut Soil Description and Interpretations, published by the United States Department of Agriculture, Soil Conservation Service, unless specifically designed by a Connecticut-qualified Sanitary Engineer and approved by the State Director of Health as required in Sec. 19-13-B20M of the Public Health Code and by the Town Sanitarian.

2. In acting upon an HRZ permit application, the Commission shall refer each application to the Housatonic River Commission for review and comment and may take into consideration the recommendations of federal, state or regional agencies, other town departments or outside specialists with which it consults.

3. Outer Corridor
   Activities involving construction or earth moving shall be reviewed with regard to soil types in exposed areas to determine whether provisions must be made for erosion and sediment control in accordance with guidelines available from the United States Department of Agriculture, Soil Conservation Service and these regulations.

CHAPTER 100
ROUTE 7 AND 202 CURB CUT AND ACCESS MANAGEMENT OVERLAY ZONE

Section 100-010 Intent and Purpose

The intent of this section is to provide safer and more efficient traffic operations along Route 7 and Route 202 by reducing the size and number of areas where conflicting vehicular movements occur while allowing proper and adequate access to and from premises along the thoroughfare. The purpose of this section is to achieve the stated intent and to protect the public safety through the management and reduction of vehicular congestion by providing guidelines for existing and future driveways and access points.

Section 100-020 Location

The Route 7 and Route 202 Curb Cut and Access Management Overlay Zone is a class of zone in addition to and overlapping one or more other existing zones. The boundaries encompass all parcels of land located on or providing access to or from:

1. U.S. Highway Route 7 from the Brookfield Town Line northerly to the Kent Town line.

2. Connecticut Route 202 from Veterans Memorial Bridge northerly to the intersection of Connecticut Route 202 with Connelly Road.

Section 100-030 Maps as Standard Provision

In addition to all other requirements described in these regulations, all future driveways and curb cuts required in connection with any application submitted to the Commission requiring site plan approval and/or a special permit shall to the extent feasible, be located in conformance with the driveways and curb cuts shown on maps contained in a document entitled New Milford Route 7 and Route 202 Curb Cut and Access Management Overlay Zone, dated June 10, 2008, and as may be amended.

Section 100-040 Requirement for Compliance

Compliance with the provisions of this regulation is not required when its imposition would result in a total denial of access to any property having frontage on Route 7.

(Effective: June 19, 1998; Amended Effective: July 15, 2008)

CHAPTER 103
LITCHFIELD ROAD (ROUTE 202) CORRIDOR DISTRICT

Section 103-010 Purpose

The purpose of this district is to limit the uses permitted in the B-1, B-2 and B-4 zones within the Litchfield Road corridor to encourage development within these areas, which is compatible with the small scale, rural character of the area.

Section 103-020 Overlay Area

The Litchfield Road Corridor District shall apply to all properties within B-1, B-2, and B-4 zones with frontage on or access to Litchfield Road (Route 202) between the intersection with Chestnut Land Rd (Route 109) and the Town of Washington line. Properties with frontage on Chestnut Land Road shall not be included within this district.

Section 103-030 Use Classifications

1. Uses permitted as a matter of right subject to the issuance of a zoning permit by the Zoning Enforcement Officer:

    a. Single family residence

2. Subject to the acquisition of a special permit and site plan approval, the following uses of land shall be permitted in the B-1 and B-4 zones within the overlay district:

    a. Uses permitted in a Single Family Residence District subject to acquisition of a special permit
    b. Bank
    c. Office – medical, professional, and business
    d. Restaurant - Class I and II (Class III and fast food restaurants as defined in Chapter 15 are not permitted)
    e. Stores and other buildings and structures of 10,000 square feet or less where goods are sold or services rendered primarily at retail.
    f. Funeral home
    g. Shop for making articles to be sold at retail on premises in buildings and structures of 10,000 square feet of less
    h. Fabrication and installation of glass
    i. Buildings 10,000 square feet or less for the storage of equipment, vehicles, and materials associated with small tradesman businesses such as electricians, plumbers, well drillers, and painters, provided all equipment, vehicles, and materials associated with the business are stored inside.
    j. A combination of residential and business uses listed in Section 103-030(2), provided only 1 residential dwelling unit is permitted per property and the B-1 residential use setbacks of Section 020-010 apply.

3. Subject to the acquisition of a special permit and site plan approval, the following uses of land shall be permitted in the B-2 zone within the overlay district:

    a. Uses permitted in the B-1 and B-4 zones as listed in section 103-030(2)
    b. Wholesale sales office or sample room
    c. Newspaper and printing establishments
    d. Garage for the repair of motor vehicles with or without the accessory use of outside storage of motor vehicles brought to the facility for repair.
    e. The processing of food in a farm included for sale to the retail consumer
    f. Research laboratories
    g. Carpentry, woodworking and millwork manufacture
    h. Blueprinting, photography and similar reproduction service
    i. Manufacturing of art products, pottery or ceramics
    j. A combination of residential and business uses listed in Section 103-030(3), provided only 1 residential dwelling unit is permitted per property and the B-2 residential use setbacks of Section 020-010 apply.

Section 103-040 Conditions and Standards

In addition to the conditions and standards of Section 010-070 and Chapters 175 and 180, the following conditions/standards apply:

1 All conditions and standards listed in Chapters 40 and 45 relative to the B-1 and B-2 zones shall apply.

2. Points of access to properties and uses within the overlay district shall comply with the provisions of Chapter 100. Interconnection between properties shall be encouraged.

3. Where possible, existing structures shall be used in order to maintain the existing character of the area.

4. All outside storage areas permitted under this Chapter shall comply with the setback requirements of the underlying zone and be fully screened from Route 202.

(*Effective: January 14, 2000; Amended Effective: April 25, 2011*)

CHAPTER 104
CANDLEWOOD LAKE WATERSHED DISTRICT
(CLWD)

Section 104-010 Background

Candlewood Lake, the State's largest lake and one of its most important water resources, has experienced a gradual deterioration of water quality since about 1950. Studies of the lake shoreline development area have recommended planning to avoid the need to install a public sewer system.

New Milford is one of five Connecticut towns that border the lakeshore. The lake's watershed area is 26,461 acres and New Milford's portion is 2,629 acres or 10% of the total. Major segments of the watershed and lake shore area are intensively developed and a primary source of stormwater runoff that can carry nutrients and pollutants that contribute to the eutrophication of the lake and deterioration of lake and ground water quality.

These regulations are designed to minimize, and where possible, reduce the negative impact of stormwater runoff affecting Candlewood Lake and watershed area thereby reducing the rate of lake eutrophication and avoiding the need for a public sewer system.

Section 104-020 Purpose

The purpose of the Candlewood Lake Watershed District is to prevent nutrient enrichment or contamination of Candlewood Lake and its watershed and to avoid the need for sewers in the Candlewood Lake area of New Milford:

1. To minimize the impervious surfaces and maximize infiltration of stormwater runoff.

2. To reduce peak stormwater flow and minimize the likelihood of soil erosion, stream channel instability and flooding and habitat destruction.

3. To preserve and/or create vegetative buffers of native plantings to control and filter stormwater run-off.

4. To minimize disturbance of natural grades and vegetation and utilize existing topography for natural drainage systems.

5. To contain stormwater runoff on the site, wherever possible to reduce the volume of stormwater runoff and to cleanse the runoff before it reaches the groundwater or surface water bodies.

6. To prevent and minimize potential groundwater pollution from improper waste disposal, release of hazardous materials and other sources.

Section 104-030 Land to Which These Regulations Apply

These regulations apply to all land within the boundaries of the Candlewood Lake watershed as delineated on a map on file in the offices of the Zoning Commission entitled "Candlewood Watershed District, Town of New Milford".

Section 104-040 Compliance

Within town boundaries, the Candlewood Watershed District shall be superimposed on existing zoning districts. The provisions of these regulations shall be in addition to all other requirements of applicable statutes, codes, regulations or ordinances. In the event of conflict between the provisions of this regulation and any other Town regulation, the more restrictive requirement shall apply.

Section 104-050 Permitted Uses

1. All uses permitted in the underlying district.

Section 104-060 Required Stormwater Management Plan and Data

All new building construction, or any addition, alteration or enlargement that results in an increase in the amount of impervious surface (paved drives, walks, patios, etc.) on a lot where the total impervious surface is 20% or greater shall require a Stormwater Management Plan in accordance with the following requirements:

A. A narrative report prepared by a licensed engineer indicating:

    1. Any risk or threat to Candlewood Lake or the water resources in its watershed from site development, site improvements, or on-site operations proposed in the application and measures.

    2. Methods of assessment and best management practices to prevent and reduce any such risk or threat.

    3. Supporting documentation, including calculations and engineering details shall be provided to illustrate the existing and proposed development's compliance with these regulations which shall be designed in accordance with the stormwater management design guidelines of either the "Connecticut Stormwater Quality Manual" published by the University of Connecticut Cooperative Extension Service, NEMO Project and/or the Connecticut DEP's "Manual for the Best Management Practices for Stormwater Management".

B. A site plan indicating:

1. All relevant data required under section 185-010 “Application for Use Permit”.

2. Location and area of all impervious surfaces on the site.

3. Location and area of turf cover (lawn areas).

4. Location and area of all existing woodland areas.

5. Location and area of all existing and proposed vegetative buffer areas.

6. Location and description of all potential runoff and pollution sources including erosive soils and steep slopes.

7. Location and specifications of all existing and proposed stormwater best management practices.

Section 104-070 Best Management Practices

The following practices and methods shall be incorporated into all stormwater management plans wherever possible:

1. Vegetative swales, buffers, filter strips
2. Vegetative buffer or filter strips and level spreaders
3. Grassed drainage swales, wet or dry
4. Maintain or restore pre-development vegetation
5. Minimize creation of steep slopes
6. Bio-retention structures/residential rain gardens
7. Rain water harvesting/rain barrels
8. Dry detention ponds
9. Underground detention ponds
10. Proper location and reduction of impervious surface area on site
11. Disconnect flows from multiple impervious surfaces
12. Permeable pavement choices
13. Groundwater infiltration systems (curtain drains, dry well galleries, etc.)

Section 104-080 Approval Considerations

1. Prior to the issuance of Zoning approval or a Certificate of Zoning Compliance, the Commission, acting through its authorized agent, the Zoning Enforcement Officer, shall give consideration to the simplicity, reliability and feasibility of the individual Stormwater Management Plan prepared for the site and shall approve or disapprove the Plan accordingly.

2. The Commission, or its agent, may solicit the opinion of the Health Department, Town Engineer, Inland Wetlands Commission and the Planning Commission

concerning any application involving the Candlewood Lake Watershed District.

3. Approval shall not be granted until the Zoning Enforcement Officer determines that the proposed plan will employ best management practices to substantially reduce and improve the on-site cleansing of stormwater runoff from the site.

(*Effective: November 24, 2003*)

CHAPTER 105
PLANNED RESIDENTIAL DEVELOPMENT
(PRD)

Section 105-010 Purpose

It is the intent of this Chapter of the Zoning Regulations to provide an opportunity for flexibility of development through the option of Planned Residential Development in all residential zones.

Section 105-020 Procedures for Establishment of PRD

A Planned Residential Development may be permitted in any residential district, subject to acquisition of a Special Permit and Site Plan Approval in accordance with the provisions of Chapter 175 and 180 of these regulations and the permanent reservation of land for open space purposes. The Zoning Commission shall follow the procedures herein specified and, before granting a special permit, shall find that the standards and conditions herein specified have been met and that the special permit will accomplish the open space purpose set forth herein and will be in harmony with the purpose and intent of the Zoning Regulations.

The Zoning Commission may require the applicant to adhere to the conventional development requirements of the Zoning Regulations if, in its judgment, the lot layout, use and provision of open space does not provide significant benefit to the proposed community and/or the Town of New Milford beyond that which would normally be derived from conventional development or, if, in the judgment of the Zoning Commission, the public convenience and welfare would not be substantially served or if the appropriate use of neighboring properties would be substantially or permanently injured.

Section 105-030 Lot and Building Requirements

1. Lot Area, as defined in Chapter 15 of these regulations, shall be sufficient to allow at least eight (8) conventional homes to be built on the tract of land using criteria for conventional development of the existing underlying zone.

2. Minimum lot area shall be five (5) acres.

3. Maximum lot coverage shall not exceed twenty-five (25) percent.

4. The total number of bedrooms permitted shall be no more than five (5) for each lot that would be allowed in a conventional development in the existing under lying zone. A bedroom shall be defined as it is in the Connecticut Public Health Code, Technical Standards for Subsurface Sewage Disposal Systems, Effective 8/16/82, revised 1/1/15, and as may be amended.

5. There shall be a maximum of twelve (12) bedrooms or six (6) living units in a cluster, with a cluster defined as one (1) building and a bedroom defined as it is in the Connecticut Public Health Code.

6. A minimum one-hundred (100) foot deep buffer zone shall be provided around the entire perimeter of the Planned Residential Development. A buffer shall not be required along a common property boundary with an adjacent Planned Residential Development pursuant to this chapter. At the Commission's sole discretion, where the existing topography and/or landscaping provide natural screening, which satisfies the purpose of the buffer requirement, the depth of the buffer may be reduced by up to a maximum of 50'.

7. There shall be at least fifty (50) feet between each building excluding attached open patios and open decks with associated steps/walkways not exceeding 125 square feet and private detached accessory buildings not exceeding 200 square feet which may be located no more than 10 feet from the primary dwelling to which they are accessory. Common detached accessory buildings and uses including minor service buildings related to the use and maintenance of the multi-unit dwelling or dwellings, garages and swimming pools, for the exclusive use of the occupants of the premises and their guests shall be permitted provided they are located at least fifty (50) feet away from any residential building.

8. Each dwelling unit shall have a minimum floor area of 750 square feet.

9. No building shall exceed a height of thirty-five (35) feet.

Section 105-040 Utility Requirements

1. The water supply shall be approved by the Town Director of Health. The water supply system shall be so designed and constructed as to provide adequate fire protection.

2. All electric, telephone and cable television utilities shall be placed underground.

Section 105-050 Sewage Disposal

The Planned Residential Development shall be served by a sewage disposal system meeting Town and State Department of Health regulations and, as applicable, regulations of the State Department of Environmental Protection. The system shall be approved by the Zoning Commission, Town Director of Health and applicable State agencies.

Section 105-060 Circulation, Access, and Parking

1. Development of more than one hundred (100) bedrooms shall have a second access to a town or state-maintained highway.

2. All access roads and interior roads that are proposed for acceptance by the town

shall be built to the standards of the Road Ordinance.

3. Off-street parking shall be provided at a minimum of two (2) spaces per dwelling unit. Off-street visitor parking shall also be provided at a minimum of one (1) parking space per four (4) dwelling units.

Section 105-070 Landscaping

1. Landscaping shall be done in accordance with the Multiple-Residence District.

Section 105-080 Open Space and Recreational Amenities

1. Recreational amenities shall be provided, which may include, but are not limited to picnic areas, walking paths, tennis courts, swimming pools, and athletic fields.

2. All land not used for construction of dwellings, roads, parking, recreation, or private yards shall be considered open space. Except when required for town use, open space shall be designed and intended for the common use or enjoyment of the residents of the development with restrictions or covenants prohibiting buildings or other physical structures.

(Chapter Amended Effective: July 29, 2015)

CHAPTER 107
CLUSTER CONSERVATION SUBDIVISION DISTRICT
(CCSD)

Section 107-010 Purpose

The purpose of this Chapter is to provide for the establishment of Cluster Conservation Subdivision Districts (CCSD). This Chapter is intended to provide an opportunity for greater flexibility in the design of subdivisions to allow greater tracts of undeveloped, dedicated conservation open space and to achieve the following objectives:

a. The preservation of areas with unique or environmentally sensitive features,
b. The protection of the quality and quantity of underground and surface water,
c. To preserve land for passive recreation purposes,
d. To conserve and preserve land to assure that its development will best maintain or enhance the appearance, character, and natural beauty of an area,
e. To create an interconnected network of conservation open space.

Section 107-020 Definitions

Cluster Conservation Subdivision: means the division of a parcel of land consisting of 30 or more acres located in an R-80, R-60 or R-40 zone (or any combination thereof) into three (3) or more lots for the purpose of building development and sale of single-family detached residential dwellings and structures on a particular portion or portions of said parcel so that at least 50% of the total gross area of the parcel(s) remains as conservation open space to be used exclusively for passive recreational and/or conservation purposes.

Conservation Open Space**:** means land set aside solely for the conservation purposes outlined in Sections 107-010 and 107-050 of this regulation.

Subdivision Open Space**:** means land set aside for use by the subdivision residents on which structures associated with the uses outlined in Section 107-050(5) may be erected.

Section 107-030 Establishment

1. Any application seeking to change the zoning classification of a parcel or parcels of land to a Cluster Conservation Subdivision District shall be submitted in writing to the Zoning Commission and will be processed in the same manner as any other application for a change of zone, in accordance with Chapter 200.

2. Prior to the submission of a formal application, a pre-application review through staff meetings with land use officers and land use agencies is encouraged.

3. Any application seeking to establish a Cluster Conservation Subdivision District (CCSD) shall be accompanied by:

a. An area map drawn to scale of at least 200 feet to the inch, covering the area of the proposed change and all areas within 500 feet of the proposed change, and showing for such area the existing and proposed district boundary lines, the existing property lines, and the names of the current property owners of all properties as indicated in Town of New Milford Assessor's Records.

b. A site plan prepared by an engineer licensed to practice in the State of Connecticut, containing the following information:

1. Existing contours drawn at intervals not fewer than ten (10) feet.
2. Identification of all slopes in excess of 25%.
3. Significant topographic features, such as all wetlands and watercourses, rock outcroppings, wooded and other vegetation areas by type and other natural features.
4. General soil types by Soil Conservation Service classifications.
5. Indicate on-site sub watershed areas and indicate flow directions.
6. Delineation of any known easements.
7. The location of any existing structures, trailways, fences and walls.
8. The location of proposed vehicular access into the tract and the principal system of circulation, driveways or streets within the tract. Access to all building lots and the dwellings shall be exclusively from subdivision roads.
9. Areas or sites proposed for recreational facilities
10. Areas, with boundaries delineated, for reservation as open space. The open space land shall be labeled to specify the open space purpose. The plan will specify that the open space land shall not be further subdivided and is permanently reserved for open space purposes.
11. Any areas of the tract which have been identified and declared by the Connecticut Historical Commission, pursuant to the provisions of Chapter 184A (as amended) of the General Statutes, to be of state or national archeological or historic importance.
12. The proposed layout of lots, streets and improvements for the proposed Cluster Conservation Subdivision.
13. The required site plan information may be submitted on a series of maps or overlay maps to facilitate presentation of the information.

c. A site assessment analysis to include:

1. Use/history of the site.
2. Historic or archeological features.
3. Topography with a slope analysis, mapping and description of soil types and their suitability for development.
4. Endangered, threatened or species of special concern located on the site.
5. Map and describe site vegetation.

d. A site context map to include all parcels within a one (1) mile radius of the proposed CCSD that includes road names, the subject CCSD, streams and water bodies, parks, open space, greenways, trails, historical/archeological and cultural features, the presence of any natural resource features that could affect the design of the site, and any other significant features.
e. A site context report demonstrating how the proposed CCSD will benefit the community, how this proposal will conform with the character and harmony of the community, and how the proposed CCSD achieves the objectives listed in Section 107-010 of this regulation.
f. A comparison plan of a conventional subdivision layout applied to the site to determine the maximum number of house lots that could be developed on the subject property. The comparison plan must comply with the conventional subdivision regulations as outlined in the Subdivision Regulations of the Planning Commission of the Town of New Milford, dated June 2, 2001, and as amended, and must comply with all other Town and State regulations. To ensure the site would support the number of lots identified on the comparison plan, the Commission may require the applicant to conduct standard septic system perk tests for up to 10% of the proposed lots. The lots chosen would be at the discretion of the Commission to determine the feasibility of development.
g. Regulations to be applicable within the proposed district, in form suitable for adoption as an amendment to these regulations, containing standards for no less than the following:

    1. Location and size of the proposed detached single-family dwellings and other accessory structures.
    2. The area, shape and frontage of lots.
    3. Proposed buffer areas.
    4. Front yard, rear and side yard requirements.
    5. Maximum building height.
    6. Maximum site coverage.
    7. Proposed utilities.

Section 107-040 Standards

1. All Cluster Conservation Subdivisions shall be considered as subdivisions and subject to all other applicable land-use regulations of the Town of New Milford in addition to the requirements of these regulations.

2. Number of lots: The maximum number of building lots that may be approved in a Cluster Conservation Subdivision shall not be greater than would be allowed under the conventional subdivision regulations as outlined in the Subdivision Regulations of the Planning Commission of the Town of New Milford, dated June 2, 2001, and as amended. A preliminary conventional subdivision plan must be submitted for comparison purposes.

3. If at least 70% of the land is maintained as contiguous, undivided conservation open space, the Commission may allow a building density bonus of 10% of total dwellings.

4. Each dwelling shall be served by an individual septic system located on the lot.

Section 107-050 Open Space Ownership and Preservation

1. The open space preserved as Conservation Open Space under a Cluster Conservation Subdivision shall be maintained in a natural state and used for the following purposes only:

    a. Protection of areas with unique or environmentally sensitive features.
    b. Protection of the quality and quantity of underground and surface waters.
    c. Conservation of soils, wetlands or marshes.
    d. Protection of natural drainage systems for assurance of safety from flooding.
    e. Preservation of sites or areas of scenic beauty or historic interest.
    f. Conservation of forest, wildlife, agricultural and other natural resources.
    g. Pedestrian pathways.

2. Small areas of conservation open space scattered throughout the development shall be avoided. To the extent possible, a contiguous system of open space areas shall be achieved by linking open space areas with pedestrian pathways. Where there exists a contiguous development with an area of open space and when possible, the area of conservation open space for the proposed Cluster Conservation Subdivision shall be designed to abut the open space of an adjoining development.

3. Open Space Provisions. The land not allocated to building lots and streets shall be permanently reserved as open space and shall be transferred to a common interest association of the homeowners. Membership in said association shall be mandatory. The owner of each lot in the subdivision shall own an undivided interest in the open space proportionate to the total number of lots in the subdivision. Each homeowner and/or the association so formed shall be liable for all necessary maintenance costs of the open space. Maintenance costs incurred by the Town because of default on the part of the homeowner and/or the association shall be liened on the property of the homeowner and/or the association and said lien may be foreclosed by the Town in exactly the same manner in which unpaid real estate taxes due the Town are liened and foreclosed. Open space transferred to an association of homeowners shall be transferred in accordance with the standards established by the Commission to include, but not be limited to the following:

    a. Creation of the homeowners association before any lots are sold.
    b. Mandatory membership by the original homeowner and any subsequent buyer.

c. Powers to assess and collect from each homeowner a fair share of the associated costs.
d. Permanent Restrictions of the use and development of such open space ensuring that the open space will not be subdivided further in the future and the use of open space shall continue in perpetuity for the specified purpose.
e. Responsibility for liability insurance, local taxes, and the adequate maintenance of recreational and other facilities.
f. Approval of Articles of Incorporation and deed restrictions by the Commission attorney.

4. Deed Restrictions: Any land dedicated for open space purposes shall contain appropriate covenants and deed restrictions (approved by the Town Attorney for Town dedicated property) ensuring that:

   a. The open space area will not be further subdivided in the future.
   b. The use of open space will continue in perpetuity for the purpose specified.
   c. Appropriate provisions will be made for the maintenance of the open space.
   d. Rights of public access to the open space are provided when appropriate.

5. Subdivision Open Space: In addition to the Conservation open space, additional open space may be designated for use by the residents of the subdivision for recreation buildings, pools, tennis courts, school bus shelters, parks, playgrounds or other outdoor recreation facilities, stormwater management systems and other such common use structures as may be approved by the Planning and Zoning Commissions. All deed restrictions and open space provisions found in this section shall also apply to Subdivision Open Space.

Section 107-060 Modifications

The Cluster Conservation Subdivision District may be adopted by the Zoning Commission with modifications deemed necessary by the Commission to maintain the purposes of these regulations. Notice of adoption shall be given in the same manner as required for amendment of these regulations. Any adopted CCSD shall be shown on the Zoning Map with its CCSD number and with a reference to the Town Records where the District provisions may be seen.

Section 107-070 Final Subdivision Approval

The Zoning Commission, in connection with the establishment of a Cluster Conservation Subdivision District, may specify a time period within which an application seeking final subdivision approval must be submitted to the Planning Commission; if not so specified such application to the Planning Commission shall be made within five (5) years from the effective date of the establishment of the District. The Zoning Commission may extend

such time period after a public hearing for good cause shown. In the event of failure to meet such time period, as may be extended, the Zoning Commission is deemed authorized by the owner of the land in the District to amend these regulations and the Zoning Map, deleting the Cluster Conservation Subdivision District and establishing in its place the previous or another zoning district.

The approved Cluster Conservation Subdivision Districts and the approved regulations for same can be found in Appendix E.

CHAPTER 110
PLANNED DEVELOPMENT DISTRICT
(PDD)

Section 110-010 Purpose

The provisions of this section are designed to permit modification of the strict application of the plan and standards of the Zoning Regulations dealing with nonresidential development for the following purposes:

1. To permit tracts of land of considerable size to be developed and designed as harmonious units consistent with: the character of the town and neighborhood; the purpose and meaning of the Zoning Regulations; and any plan of development which may have been adopted by the Planning Commission.

2. To permit the establishment of certain uses that would not be considered as permitted for said areas under the present Zoning Regulations, but which would be beneficial to and consistent with the orderly development of the town and the immediate neighborhoods involved may be permitted.

3. To permit the design, layout and construction of buildings, structures and facilities that, by virtue of their location, orientation, design characteristics, concept, construction features and landscaping, would be consistent with the character of the town and the neighborhood and which show unusual merit.

4. To facilitate the development of areas which may have on-site or off-site conditions, which would cause normal development to be extremely difficult or virtually impossible under these regulations.

Section 110-020 Use Classifications

Uses are restricted to the following:

1. Research and development laboratories, including research and development of manufactured, processed or compounded products, and their assembly and distribution for sale. Such research and development laboratories shall consist only of such buildings and structures containing only such facilities and equipment as may be required for the purposes of such laboratories, including pilot experimental facilities, or the processing and assembling of other related units, which require the supervision of the staff of such laboratories.

2. The assembly of precision electrical or electro-mechanical equipment.

3. The assembly of optical goods, business machines, precision instruments, surgical and dental instruments.

4. Printing, engraving, bookbinding and other reproduced services. (NOTE: The making, processing, assembling or handling of materials or products shall not involve the reduction, conversion or manufacturing of primary raw materials and shall be confined to the making of finished products or parts thereof, from component parts and semi-finished products.)

5. Corporate headquarters with or without accompanying research facilities.

6. Data processing facilities.

7. Buildings accessory to the uses stated above.

The Commission would recommend that, prior to submission of an official application for approval of a Planned Development District, the applicant prepare and present a preliminary plan of the proposed planned development for informal study and consideration by the Commission. The preparation of a preliminary plan of development is recommended to facilitate general consideration of factors and problems that affect or may affect the development of the land being submitted for a Planned Development District prior to proceeding with the preparation of the fully detailed maps, plans, documents and presentation required for formal consideration by the Commission. Presentation of the Planned Development District for consideration in a preliminary, rather than in a final, form allows for any changes or alteration, recommended or required by the Commission, to be more readily and economically made. Neither the preliminary presentation nor its informal consideration by the Commission, however, shall be deemed to constitute any portion of the official and formal procedure of applying for, and approval of, a Planned Development District as contemplated herein or under the provisions of the General Statutes of the State of Connecticut.

Section 110-030 Application Requirements

Any application for approval of a Planned Development District shall be submitted in writing and shall be accompanied by the following:

1. Statement: A written statement specifying in detail the particular provisions of those Zoning Regulations, which it is proposed be modified, and setting forth any additional standards, which are proposed concerning the use of the land, buildings and other structures, and the location and size of the buildings and other structures: ten (10) copies shall be submitted.

2. General plans. A plan of the proposed development, including a site plan complying with Chapter 175 of the Zoning Regulations indicating thereon proposed buffer zones, architectural work ups, layouts and other items as may be relevant, in sufficient detail to show the nature of the Planned Development District. Said general plans will state the procedures, which will be taken, both on and off-site, to ensure conformance with the purpose set forth herein: ten (10) copies shall be submitted.

3. An application pertaining to the purpose set forth herein shall be located on a plot of a minimum of seventy-five (75) acres in a present residential zone and shall conform to the procedures, standards and conditions set forth herein. The maximum site coverage of all proposed structures shall not exceed twenty percent (20%) of the total land area in the proposed district. The Commission will require a minimum two-hundred-foot (200') buffer strip, front, back and sides, from existing residential development or foreseeable future residential development. However, where a natural barrier exists on the site or is immediately bordering on adjacent property, the Commission may waive any part of such landscaped buffer strips when, in its judgment, the public convenience and welfare will be substantially served, and appropriate use of such neighboring property will not be substantially or permanently altered. The maximum height of any structure in the proposed district is a standard to be recommended by the applicant, but shall be consistent with the character of the town and of the neighborhood in which the proposed district is to be located.

4. The application shall be submitted to the Commission and shall be accompanied by a fee sufficient to cover the publication cost of all required legal notices. In acting on any application, the Commission shall hold a public hearing on the application in the same form and manner as required by the General Statutes of the State of Connecticut for an amendment to these regulations. After review by the Planning Commission, and after public hearing, the Zoning Commission may approve, disapprove or approve with modifications. Any modifications by the Commission shall not amend the plan in any substantial manner. It is the intent of the Commission that the plan, as finally approved, shall be substantially the same as that presented at the public hearing. The Planned Development District, if approved by the Commission, shall modify and supplement the regulations of the Zoning Ordinance as they apply to the property applied for and the access to same.

Section 110-040 Standards and Conditions

1. Conditions. The Commission may attach any condition or conditions to its approval as it considers necessary, in order to protect the public health, safety, convenience and property values and in order to assure continuing conformance to the approved plan. It may also require the posting of a suitable performance bond in accordance with the provisions of Chapter 180 of these regulations.

2. Filing requirements. A copy of the approved plan on good quality heavy linen cloth or other materials that would be suitable for filing in the public land records, on sheets twenty-five by thirty-six (25 x 36) inches, shall be filed, at the applicant's expense, in the office of the Town Clerk, and a copy on permanent tracing material, plus three (3) paper copies, shall be filed with the Zoning Enforcement Officer. Any plans not so filed within ninety (90) days after approval by the Commission shall be null and void.

3. Notation of changes. A suitable notation shall be made in the Zoning Regulations and on the Zoning Map identifying any property for which a Planned Development District plan has been approved.

4. Amendments. Application for changes in approved plans shall be made and acted upon in the same manner and procedure as required for the initial application.

5. Time limit. Any Planned Development District authorized by the Commission hereunder shall be established and any construction authorized hereby shall be completed within a period of three (3) years from the date of approval. Any extension of time would require formal public hearing for good cause shown and Commission approval of same.

6. No dust, dirt, fly ash, smoke, gas or fumes shall be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on, or the value and reasonable use of any other lot, or to constitute a critical source of air pollution.

7. No use on any lot shall cause interference with radio and television reception on any other lot, and any use shall conform to the regulation of the Federal Communications Commission with regards to electromagnetic radiation and interference.

8. Smoke or other air contaminant shall not be discharged into the atmosphere for a period or periods aggregating more than three (3) minutes in any one (1) hour which is as dark or darker in shade than as designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or which is of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke designated as No.2 on the Ringelmann Chart.

9. Offensive odors, measured at two hundred (200) feet from the nearest exterior wall of the building involved, shall not exceed the standards established as a guide by Table III (Odor Thresholds) in Chapter Five of Air Pollution Abatement Manual, copyright 1951, by the Manufacturing Chemists Assoc., Inc., Washington, D.C. Should this permitted use adjoin a residential use, there shall be no offensive odors noticeable at the boundaries of said permitted use.

10. All sources of light and heat shall be screened so as to be confined to the room, building or portion of the plant site in which it is located, or which it serves.

11. No vibration noticeable shall exceed the standards developed by the United States Bureau of Mines, Bulletin 442, or any revision thereof. Should this permitted use adjoin a residential use, there shall be no vibrations and/or excessive noise noticeable at the boundaries of said permitted use.

12. The developer shall demonstrate that any additional traffic generated will be readily absorbed into the existing road network presently available to the site. If this is not feasible, then a plan of road improvements, to the requirements of the Department of Public Works, Town of New Milford, shall accompany such application.

CHAPTER 116
ACTIVE ADULT COMMUNITY ZONE
(AACZ)

Section 116-010 Purpose

The purpose of this Chapter of the Zoning Regulations is to provide a zone for the establishment of Active Adult Communities for persons 55 years of age and older. This Chapter is intended to promote alternatives and opportunities for residents of the Town of New Milford 55 years of age and older who remain active and desire an independent living environment.

Section 116-020 Establishment

1. Request for establishment of an Active Adult Community Zone constitutes a petition for legislative action to amend these regulations in accordance with Chapter 200. The petition shall be submitted to the Zoning Commission and shall be signed by the owner or owners of all lots within the proposed zone, provided however, that the zone may also include existing street, highway and utility rights-of-way not owned by the petitioner. Upon receipt, the Zoning Commission shall refer the petition to the Planning Commission and shall hold a hearing and act thereon in the same manner as required for the amendment of these regulations.

2. The use, buildings, structures and site development authorized in an Active Adult Community Zone are permitted subject to administrative approval of a detailed site plan prepared in accordance with the provisions of Chapter 175 of the Zoning regulations and compliance with the following standards which are in addition to the other standards and requirements applicable to the zone:

    a. Neighborhood – the use of land, buildings and other structures, the location and bulk of the buildings and other structures and the development of the lot 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.
    b. Provision shall be made for vehicular access to the lot and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and upon the lot, to avoid traffic congestion on any street and to provide safe and convenient circulation upon the lot.

Section 116-030 Permitted Use

1. Each dwelling unit in an Active Adult Community Development shall be occupied by:

a. Persons who are 55 years of age or older.
b. A spouse of an occupant who is 55 years of age or older.
c. An occupant pursuant to b. above who is survived his or her spouse.
d. An occupant pursuant to b. above whose spouse has entered into a long-term continuing care facility.

In c. and d. above, remaining spouses who remarry or cohabitate must meet all occupancy requirements.

2. One (1) child 21 years of age or older may reside with his or her parent(s).

3. In no event may a dwelling unit be occupied by more than three residents.

4. Nothing in this Section shall excuse compliance with the "housing for older person" requirements of 42 U.S.C. State Statute 3607 (including any amendments thereto after the effective date of this Chapter) and the regulations adopted thereunder. The burden of complying with said law and regulations shall be on the owner or user of the property affected by this Chapter.

Section 116-040 Standards

1. Lot Area: The minimum lot area is 5 acres.

2. Dwelling Units: The maximum number of dwelling units shall be determined by subtracting the area of wetlands and area of slopes in excess of 25% from the gross parcel area. This net acreage figure shall then be multiplied by 2, which shall be the maximum number of dwelling units permitted.

3. Building Coverage: The aggregate ground cover for all dwellings and accessory buildings shall not exceed twenty-five percent (25%) of the lot area.

4. Units Allowed: Single family detached or two (2) attached single units.

5. Living Area: The minimum living area of each dwelling unit shall be no less than the living area requirements for the R-8 zone.

6. Height of Buildings: The maximum height of a building shall be thirty-five (35) feet, and no space having its floor level below the finished grade shall be used for dwelling purposes.

7. Distance between buildings: The minimum distance between buildings shall be fifty (50) feet (excluding open patios and decks not exceeding 125 square feet, and steps and walkways).

8. Ceiling Height: All interior spaces used for dwelling purposes shall have a clear ceiling height of not less than seven (7) feet, six (6) inches throughout the entire floor area thereof.

9. Bedrooms: There shall be a maximum of two (2) bedrooms per living unit.

10. Parking: There shall be at least two (2) parking spaces provided for each dwelling unit. All driveways shall be a minimum of twenty (20) feet in length (measured from the interior edge of the sidewalk, if any). An attached garage serving a unit shall count as one (1) parking space. A driveway serving a unit shall count as one (1) parking space.

11. Site Lighting: All site lighting fixtures shall be full cutoff, downward aimed and fixed in a downward facing position where the fixture is nonadjustable. Light fixtures shall not be located at a height of more than 16 feet from the ground. All developers of parcels for an Active Adult Community shall retain a lighting consultant, to be approved by the Commission, to review the site lighting plan and shall follow the recommendations of this lighting consultant with regard to the site lighting.

12. Buffer Area: The Commission may require along the perimeter of the development a front buffer yard of sixty (60) feet in width and a side or rear buffer yard of sixty (60) feet in width, provided that no buffer shall be required for a front, side and/or rear yard if the existing topography and/or landscaping provide natural screening or the yard is adjacent to another Active Adult Community Development permitted pursuant to this Chapter. The buffer area shall conform to the standards for buffer areas as set forth in Section 130-040 (2) of these Regulations. No structures, including but not limited to septic systems, stormwater detention basins, stormwater retention basins, water quality basins or infiltration systems may be located in any required buffer area.

13. Investment Purchases Prohibited: The purchase of a dwelling unit for investment purposes, i.e., by a person or entity not intending to occupy the unit, is prohibited except that a nonresident family member may purchase up to one (1) unit for persons who will reside in the unit and who otherwise comply with the provisions of these Regulations.

14. Conditions: The Commission may impose conditions to require the applicant to take such actions as are necessary to ensure that the housing meets and continues to meet the age restriction requirements of this Chapter. Such conditions may include, without limitation, deed restrictions, periodic reporting, affidavits of purchasers, renters, authorized representatives of any homeowners' or unit owners' association, stipulated ownership and management policies and procedures, and appropriate association governance. The Commission may require the applicant to submit any or all of this documentation prior to or during the hearing.

15. Community Areas for Recreation: The developer shall provide an area or areas for passive and/or active recreation for the residents of the Active Adult

Community Development. Such areas shall include, as a minimum, sitting areas (covered or uncovered) and paths for walking.

16. Utilities: The water supply shall be approved by the Town Director of Health and the State Department of Health.

17. Sewage Disposal: The development shall be served by a sewage disposal system(s) meeting Town Health Department and State Department of Health Services regulations and, as applicable, regulations of the State Department of Environmental Protection.

18. Circulation and Access: Development of more than one hundred (100) bedrooms shall have a second access to a town or state maintained highway. Interior roads and access ways serving more than two (2) dwelling units shall have a paved surface of a least twenty (20) feet wide, a minimum slope of one percent (1%) and a maximum slope of ten percent (10%), and shall have a sidewalk on one side if deemed reasonably necessary by the Commission.

19. Location: The Active Adult Community Development shall have 50 feet of road frontage along a state or town highway. (*Effective: December 23, 2000*)

20. Reimbursement of Town Expenses: The applicant shall reimburse the Town of New Milford for any expenses incurred for unusual costs by Town staff for the administration of the Active Adult Community and reasonable expenses of consultants and attorneys retained by the Town to review the site plans application, and to undertake site inspections related to the Active Adult Community.

21. A phasing plan shall be provided, as deemed necessary by the Zoning Enforcement Officer, prior to the issuance of zoning permits.

22. An operations plan shall be provided to the Zoning Enforcement Officer prior to the issuance of zoning permits.

Section 116-050 Open Space Requirements

All land not used for construction of dwellings, roads, parking or private yards shall be considered open space. Except when required for town use, open space shall be dedicated to use by residents of the Active Adult Community Development with adequate control to assure its maintenance and with restrictions or covenants prohibiting or restricting building on it. (*Effective: February 19, 2000*)

Section 116-060 Zoning Map

After a public hearing, the Commission may approve or deny the request for establishing an Active Adult Community Zone. If an Active Adult Community Zone is established,

the official zoning map shall be amended accordingly following the effective date of such change.

Section 116-070 Completion of Work

All work in connection with the approved site plan shall be completed within five (5) years after the date of approval of the plan. The certification of approval of such site plan shall state the date on which such five (5) -year period expires. Failure to complete all work within such five (5) -year period shall result in automatic expiration of the approval of the site plan unless extended by the Commission for an additional period not to exceed five (5) years. The Commission is deemed to be authorized by the owner of the parcel which has been designated as an Active Adult Community Zone to amend these regulations and the zoning map deleting the Active Adult Community Zone and establishing in its place the previous or another zoning district. (*Amended Effective: June 16, 2001; Amended Effective: August 15, 2005*)

Section 116-080 Exemption

(*Section 116-080 Repealed Effective February 27, 2015*)

(*Chapter Amended Effective: June 13, 2014; February 27, 2015)*

CHAPTER 117
MAJOR PLANNED RESIDENTIAL DEVELOPMENT DISTRICT NUMBER 1
(MPRDD#1)

Section 117-010 Purpose

It is the intent of this Chapter of the Zoning Regulations to provide an opportunity for flexibility of development for large parcels of land, consisting of no fewer than 150 acres, through the option of a Major Planned Residential Development District (MPRDD).

This zone may only be allowed on property currently zoned R-60 or R-80 and located within the following area of New Milford, described/bounded as follows:

North	By Route 37
East	By Route 7
South	By the highway to Greenpond and Jerusalem Hill Road
West	In part by the Town of New Fairfield, and in part by the Town of Sherman

No MPRDD shall be located within one (1) linear mile of another MPRDD. The separation distance of 5,280 feet is to be measured in a direct line from the closest point of the lot on which an MPRDD is located to the closest point of the lot on which a new MPRDD is proposed to be located.

The residential dwellings in the MPRDD shall be in the form of a cluster development with open space requirements as indicated under this Chapter.

The MPRDD shall consist of a variety of dwelling unit types to accommodate active adults who have different desires and requirements.

Section 117-020 Procedures for Establishment of a MPRDD

Request for the establishment of a Major Planned Residential Development District constitutes an application to amend the Zoning Regulations and the Zoning Map, and the approval of a general development plan, and shall be signed by the owner or owners of all lots within the proposed zone provided, however, that the zone may also include existing street, highway and utility rights-of-way not owned by the petitioner. Simultaneously with the filing of said application, the applicant shall file a general development plan, which plan may, but need not necessarily, show the degree of detail required by the provisions of Chapter 175 of these regulations, but which shall include at a minimum the following maps, plans and data:

1. A Boundary Survey meeting the A-2 accuracy standards;

2. A Topographic Survey having not less than 10-foot contour intervals based on a 40-scale two-foot intervals meeting the T-2 or T-3 accuracy standards, such survey showing the location of such features as stone walls, identification of areas of significant vegetation, and sufficient other information demonstrating the character of the property;

3. A map showing the boundaries of the inland wetlands identified by a certified soil scientist and field surveyed by a licensed surveyor;

4. A map showing slopes over 25%;

5. A traffic impact report prepared by a professional engineer experienced in traffic engineering;

6. An open space plan;

7. A recreational facilities plan;

8. A preliminary plan showing location of buildings, streets including the graphic delineation of the relocated Rocky River Road, sidewalks and other pedestrian routes and other similar information;

9. Conceptual plans showing the design and general character of the proposed buildings and structures;

10. A zoning data table showing the proposed number of units; number of bedrooms for each unit; height, area and yard requirements; coverage and floor area ratio; and other similar data;

11. Information and reports showing the methods for supplying water and the general location of water mains, the method for disposing of sanitary wastes including the general location of the proposed on-site subsurface sewage system or sewer mains, as applicable; and the method for managing the stormwater quantity and quality.

12. Other maps, plans and data the Zoning Commission may request in order to determine the appropriateness of the proposed development.

Upon receipt of an application, the Zoning Commission shall refer a copy of the application and accompanying documents to the New Milford Planning Commission for a report pursuant to Section 8-3a of the Connecticut General Statutes and shall hold a public hearing and act thereon in the same manner as required for an amendment of these Regulations.

If the application and general development plan are approved, or are approved with modifications, the applicant shall place on file with the Commission prior to the effective

date of the MPRDD revised general development plans incorporating all standards and conditions that have been approved by the Commission.

Within one (1) year from the effective date of the MPRDD or at such other time period that the Commission may establish, the applicant shall submit an application for a final site plan to the Commission for approval pursuant to the provisions of Chapter 175 of these Regulations, along with whatever other information may be requested by the Commission, including but not limited, a report from the DEP indicating whether there are known existing populations of Federal or State Endangered, Threatened or Special Concern Species on the property and a wildlife habitat survey.

The final site plan shall be consistent with the approved general development plan. In the event the Commission, in its sole discretion, determines that the final site plan is inconsistent with general development plan, the applicant shall either revise the final site plan to be consistent with the general development plan or shall reapply to amend the Zoning Map and seek approval of a revised general development plan in the same manner as described in this section.

Section 117-030 Permitted Uses

The following uses shall be permitted in the MPRDD:

1. Single-family detached dwellings.

2. Townhouse dwellings not to exceed 30% of the total number of residential units for the MPRDD.

3. Multi-family dwellings not to exceed 24 residential units per building and not to exceed 40% of the total number of residential units for the MPRDD.

4. Accessory uses as referred to in section 117-040-10.

5. Each dwelling unit in the MPRDD shall be occupied by:

    a. Persons who are 55 years of age or older.
    b. A spouse of an occupant who is 55 years of age or older.
    c. An occupant pursuant to b. above who is survived by his or her spouse.
    d. An occupant pursuant to b. above whose spouse has entered into a long-term continuing care facility.
    e. In c. and d. above, remaining spouses who remarry or cohabitate shall meet all occupancy requirements.
    f. One child 21 years of age or older may reside with his or her parent(s).
    g. In no event may a dwelling unit be occupied by more than three (3) residents.

Nothing in this section may excuse compliance with the "Housing for Older Person" requirements of 42. U.S.C. State Statute 3607 (including any amendments thereto after

the effective date of this Chapter) and the regulation adopted thereunder. The burden of complying with said regulations shall be on the owner or user of the property affected by this Chapter.

Section 117-040 Design and Development Standards

1. Lot Area: The minimum lot area shall be 150 acres.

2. Dwelling Units: The maximum number of dwelling units shall be no greater than four (4) per acre.

3. Building Coverage: The aggregate ground cover for all buildings and structures, including accessory buildings and structures, shall not exceed 25% of the area of the MPRDD.

4. Height of Buildings: The following maximum building height requirements, computed pursuant to the provisions of Section 015-010 of the Zoning Regulations, as amended, shall apply to the MPRDD. In the event that the Commission permits buildings to be greater in height than 35 feet, the setbacks of such buildings from the property lines shall be increased by five (5) feet for each one (1)-foot of height above 35 feet.

   a. Single-family Detached Dwellings 35'
   b. Townhouse Dwellings 40'
   c. Multi-family Dwellings 50'

   All buildings shall be constructed of materials and suitably landscaped so as to blend in with the surrounding landscape. Buildings in excess of the 35 feet in height shall be adequately screened by landscape materials or existing vegetation. Multi-family dwellings shall be serviced by elevators.

5. Parking: There shall be at least two (2) parking spaces provided for each dwelling unit. All driveways shall be a minimum of 20 feet in length measured from the interior edge of the sidewalk, if any, or from the edge of the travelway of the street. An attached garage serving a unit shall count as one (1) parking space. A driveway serving a unit shall count as one (1) parking space.

6. Site Lighting: All site lighting fixtures shall be full cutoff, downward aimed and fixed in a downward facing position where the fixture is nonadjustable. Light fixtures shall not be located at a height of more than 16 feet from the ground. All developers of parcels for a MPRDD shall retain a lighting consultant to be approved by the Commission to review the site lighting plan and shall follow the recommendations of this lighting consultant with regard to the site lighting.

7. Buffer Area: The Commission may require along the perimeter of the development a front, side and rear buffer yard having a minimum width of 60 feet, provided that no buffer shall be required for a front, side or rear yard if the

Commission determines that the existing topography or landscaping provide natural screening. The buffer area shall conform to the standards for buffer areas as set forth in Section 130-040 of these Regulations.

8. Conditions: The Commission may impose conditions to require the applicant to take such actions as it deems necessary to ensure that the housing meets and will continue to meet the age restriction requirements of this Chapter. Such conditions may include, without limitation, deed restrictions, periodic reporting, affidavits of purchasers, renters, authorized representatives of any homeowners' or unit owners' association, stipulated ownership and management policies and procedures, and appropriate association governance. The Commission may require the applicant to submit any or all of this documentation either as part of the application to establish the MPRDD or as part of the final site plan.

9. Village Green: The following Accessory Uses are permitted within the MPRDD in order to create a Village Green designed to complement active adult residential uses and to exist primarily for the benefit of the residents of said community. The accessory uses in total shall not exceed 22,000 square feet. These uses may include the following:

    a. Postal area (post office)
    b. Coffee shop
    c. Meeting hall/clubhouse
    d. Nondenominational chapel
    e. Library
    f. Barbershop/hairdresser
    g. Caning and potting sheds
    h. General store
    i. Amphitheater
    j. Arts and crafts gallery

10. Community Areas for Recreation: The developer shall provide an area or areas for passive and/or active recreation for the residents of the MPRDD. Such areas may include the following:

    a. Sitting areas (covered or uncovered)
    b. Walking paths and trails
    c. Croquet lawn
    d. Other dedicated public lawns and green space
    e. Tennis courts
    f. Exercise room and equipment
    g. Swimming pool
    h. Billiards room
    i. Bicycle racks

11. Passive Recreation Areas: The passive recreation areas shall consist of no less than 1/3 of the total site.

12. Water Supply: The MPRDD shall be served by a water supply system that shall be designed and installed at the applicant's expense and shall be approved by the New Milford Director of Health and, if required, the Connecticut Department of Public Health. Fire hydrants or other fire suppression devices shall be installed in locations approved by the New Milford Fire Marshal.

13. Sewage Disposal: The MPRDD shall be served by a municipal sanitary sewer system or by an on-site subsurface sewage disposal system(s) that is designed and installed at the applicant's expense and approved by the Connecticut Department of Environmental Protection and the New Milford Water Pollution Control Authority. If the MPRDD is to be served by an on-site subsurface sewage disposal system, it shall be for the exclusive use of the subject MPRDD and no other uses shall be connected to the system.

14. Road Access: The principal access to the MPRDD shall be from Route 7 via Rocky River Road. Rocky River Road shall be reconstructed to conform to the construction methods and requirements, material specifications, administration process, requirements for as-built road plans, and any other applicable standards or procedures outlined in Chapter 18, Article II of the Code of the Town of New Milford in effect at the time of approval of the final site plans. During the Rocky River Road construction, a water main, a gravity sewer line and a force main sewer line for possible future use, and all other public utilities shall be installed to serve the proposed Dunham Farm MPRDD.

15. Zoning Permits Prior to Construction: No zoning permits will be issued until such time as either a permit for an on-site sewage disposal system has been issued by the Department of Environmental Protection or the New Milford Water Pollution Control Authority has issued a permit to connect to the municipal sewer system. In addition, the reconstruction of Rocky River Road shall be completed to a level that will permit safe passage to the MPRDD as determined by the Director of Public Works and the Zoning Commission.

16. Progress Reports: Reports shall be submitted to the Zoning Enforcement Officer beginning within one (1) month following the approval of the MPRDD and each subsequent month thereafter providing an update as to the progress made toward the submission of the final site plan application. In addition, interim design plans shall be submitted for review and comment by the Commission's staff and consultants.

17. Submission of Final Site Plan: The final site plan application shall be submitted to the Zoning Commission within six (6) months of either (a) the date of Department of Environmental Protection approval for the on-site subsurface sewerage disposal system or (b) the date of the issuance of a permit from the New Milford Water Pollution Control Authority to connect to the municipal sewer system. The Commission, in its sole discretion, may grant an extension of the time for the submission of the final site plan for an additional six (6) months or other reasonable period of time.

18. Submission of Legal Documents: Simultaneous with the submission of a final site plan application, the applicant shall submit documentation satisfactory to the Commission's attorney, demonstrating compliance with the requirements for establishing an age-restricted development; the preservation, maintenance and control of open space; and the creation of the common interest ownership community.

19. Reimbursement of Town Expenses: The applicant shall reimburse the Town of New Milford for any expenses incurred for unusual costs by Town staff for the administration of the MPRDD and reasonable expenses of consultants and attorneys retained by the Town to review the application, general development plans, final site plans, and to undertake site inspections related to the MPRDD.

20. Phasing Plan: A phasing plan shall be included with the final site plan application.

21. Operations Plan: An operations plan shall be included with the final site plan application and that said operations plan shall specifically address the management of construction traffic associated with the development with the goal of limiting traffic on Candlewood Mountain Road.

22. Bonding: The Commission may require the applicant to post bonds for the completion of public improvements and other site improvements prior to the sale or offering for sale of any residential unit in the MPRDD. If the development is to occur in phases, only the improvements within a phase shall be subject to a bond.

Section 117-050 Open Space Ownership and Preservation

Not less than 60 percent of the total site shall be preserved as open space. The open space shall consist of "Conservation Open Space" and "Other Open Space".

1. Conservation Open Space Areas: Fifty percent (50%) of the total area of the MPRDD shall be maintained in its natural state as Conservation and Open Space Areas subject to sound forest management, agricultural and wildlife management practices and shall be used only for the following purposes:

    a. Protection of areas with unique or environmentally sensitive features.
    b. Protection of the quality and quantity of underground and surface waters.
    c. Conservation of soils, wetlands or marshes.
    d. Protection of natural drainage systems for assurance of safety from flooding.
    e. Conservation of forest, wildlife, agricultural and other natural resources.
    f. Pedestrian paths and horseback riding trails.
    g. Preservation of sites or areas of scenic beauty or historic interest.

2. Other Open Space Areas: Other Open Space Areas may be used for the following purposes:

    a. Leaching fields for on-site subsurface sewage disposal systems
    b. Storm water management
    c. Active recreation facilities

3. Open Space Connections: Small areas of open space scattered throughout the development shall be avoided. To the extent possible, a contiguous system of open space areas shall be achieved by linking open space areas with pedestrian pathways. When open space exists in a development that adjoins the MPRDD, the open space in the MPRDD shall be connected to the open space in the adjoining development when such connection is deemed by the Commission to be feasible.

4. Open Space Ownership and Maintenance: Land in the MPRDD not allocated to building and streets shall be permanently reserved as open space and shall be transferred to a common interest association of the homeowners. Membership in said association shall be mandatory. The association shall be liable for all maintenance costs of the open space. In the event that the association fails to maintain the open space in accordance with the provisions of the final site plan, the Town may elect to undertake such maintenance. Any costs incurred by the Town because of default on the part of the association shall become a lien on the property of the homeowner and/or the association and said lien may be foreclosed by the Town in exactly the same manner in which unpaid real estate taxes due the Town are encumbered and foreclosed. Open space transferred to an association of homeowners shall be made in accordance with the standards established by the Commission to include, but not be limited to, the following:

    a. Creation of the homeowners association under the Common Interest Ownership Act (CIOA).
    b. Mandatory membership by the original homeowner and any subsequent buyer.
    c. Powers to assess and collect from each homeowner a fair share of the associated costs.
    d. Permanent restrictions of the use and development of such open space ensuring that the use of open space shall continue in perpetuity for the specified purpose.
    e. Responsibility for liability insurance, local taxes and the adequate maintenance of recreational and other facilities.
    f. Approval of Articles of Incorporation and deed restrictions by the Commission's attorney.

5. Deed Restrictions: Any land dedicated for open space purposes shall contain appropriate covenants and deed restrictions (approved by the Town Attorney for Town dedicated property) ensuring that:

    a. The use of open space will continue in perpetuity for the purpose specified.
    b. Appropriate provisions will be made for the maintenance of the open space.
    c. Rights of public access to the open space are provided when appropriate.
    d. All open space shall be restricted by a conservation restriction pursuant to Section 47-42a of the Connecticut General Statutes which shall be duly recorded with the Town Clerk.

Section 117-060 Contribution In Lieu of Affordable Housing

In lieu of ten percent (10%) of the proposed dwelling units in the MPRDD qualifying for affordable housing under Connecticut General Statutes, the developer shall gift to New Milford Affordable Housing, Inc., the sum of $10,000.00 per dwelling unit for the first ten percent (10%) of said dwelling units, to be paid prior to the issuance of a certificate of zoning compliance for each dwelling unit.

Section 117-070 Zoning Map

After a public hearing, the Commission may approve or deny the request for establishing an MPRDD zone. If a MPRDD zone is established, the official zoning map shall be amended accordingly following the effective date of such change.

Section 117-080 Time for Completion and Reversion to Prior Zone

The Zoning Commission, in connection with the establishment of a Major Planned Residential Development District, may specify a time period within which a final site plan must be submitted for the development of the MPRDD. If not so specified, such final site plan shall be submitted within two (2) years from the effective date of establishment of the zone. The Zoning Commission may extend such time period for good cause shown. In the event of failure to meet such time period, as may be extended, the Zoning Commission is deemed authorized by the owner of the land in the zone to amend these Regulations and the Zoning Map, deleting the MPRDD and establishing in its place the previous or another zoning district in its sole discretion the Commission deems appropriate.

(*Regulation Approved: January 27, 2005; Effective: March 1, 2005*)

CHAPTER 119
HOUSATONIC RIVERFRONT ZONE
(HRFZ)

Section 119-010 Purpose and Applicability

A. Purpose: The purpose of the Housatonic Riverfront Zone (HRFZ) is to encourage redevelopment and adaptive reuse of properties located on the banks of the Housatonic River, while recognizing the Housatonic River as an environmental, recreational and economic asset to the Town of New Milford. The Housatonic Riverfront Zone is designed to promote the health, safety and welfare of the citizens of New Milford by using flexibility while complementing and protecting existing developed areas nearby.

These general goals and objectives include the following specific purposes:

1. Provide economic development opportunities for the riverfront with a focus on mixed use residential, office, retail, and other service businesses as well as recreation and tourism.
2. Enhance the quality of stormwater runoff which reaches the river by establishment of high level water quality treatment standards.
3. Provide pedestrian access to the riverfront by requiring a pedestrian pathway easement on all properties in the HRFZ
4. Promote development within the Central Development Area utilizing existing infrastructure consistent with smart growth principles.
5. Promote redevelopment of blighted riverfront properties.
6. Promote more appropriate riverfront development by offering flexibility in use and design.
7. Providing for a harmonious relationship between residential and business uses in a mixed use development.

B. Establishment: The Housatonic Riverfront Zone is a floating zone and may be permitted on properties with the following characteristics:

1. The property must contain a minimum of 100’ of frontage on the Housatonic River.
2. The property must be located on municipal sewer and municipal water and be located on the East side of the Housatonic River south of the intersection of Young’s Field Road and Housatonic Avenue.

Section 119-020 Permitted Uses

The following uses shall be permitted in the Housatonic Riverfront Zone:

1. Any use permitted in a B-1 Restricted Business Zone
2. Uses permitted in Section 025-100
3. The following uses may be permitted provided there are no fire hazards created by process or process by-products, no noxious, or hazardous fumes or

waste, including but not limited to dust, dirt, smoke, gas or fumes: shops for assembling or finishing of articles to be sold at retail or wholesale, shops for manufacturing, research laboratories. In addition, no outside storage of inventory or supplies associated with these special uses is permitted. When these types of uses are proposed the Commission shall require both of the following:

a. Written certification from the business owner describing in detail manufacturing processes and their by-products that may create such a hazard
b. Written and stamped documentation from an engineer, licensed to do business in the state of Connecticut and holding a current professional engineering license, that the building and all subdivisions thereof comply with the latest revision of ASHRAE Standard 62.

4. Any combination of the above uses.
5. Any customary accessory uses to the above uses.
6. Multifamily housing including apartment and townhouse style living units provided:
    a. At least 50% of the floor area of all buildings on the property are approved for non-residential uses permitted in Section 119-020(1) and (2).
    b. The average number of bedrooms per residential dwelling unit for each building on the entire property does not exceed 1.6. Calculation method:
        i. Total number of bedrooms proposed divide by the total number of residential units proposed.
        ii. Note: for purposes of this calculation, a studio counts as a one (1) bedroom unit.

Section 119-030 Procedure for Establishment of Housatonic Riverfront Zone and Application Requirements

1. **Zone Change Request:** Request for the establishment of the Housatonic Riverfront Zone constitutes a petition for legislative action to amend these regulations in accordance with Chapter 200 of these regulations. The petition shall be submitted to the Zoning Commission and shall be signed by the owner or owners of all lots within the proposed zone, provided however, that the zone may also include existing street, highway and utility right-of-ways not owned by the petitioner. Upon receipt, the Zoning Commission shall refer the petition to the Planning Commission and shall hold a public hearing and act thereon in the same manner as required for the amendment of these regulations. Additionally, any existing uses not permitted by Section 119-020 shall be formally abandoned in writing, by the owner of said lot(s) prior to the issuance of a zoning permit.

2. **Application Requirements:** The use, buildings, structures and site development authorized in a Housatonic Riverfront Zone are permitted subject to acquisition of a Special Permit in accordance with the provisions of Chapter 180 of these

regulations as well as approval of a Site Plan Application in accordance with Chapter 175 of these regulations.

An application for a zone change must be submitted in conjunction with applications for a special permit and site plan for site development.

Section 119-040 Additional Requirements and Exceptions

1. **Off Street Parking:** All off street parking and loading facilities shall be constructed in accordance with the provisions of Chapter 135 and 175 with the following exceptions: At grade, above grade and below grade parking and loading facilities shall be permitted. Shared use of the same parking and loading facilities may be permitted by the Commission for uses which have different, non-competing times of operation. A detailed parking plan shall be provided to support the adequacy of the proposed parking. Consistent with stormwater quality goals, parking should be kept at the minimum level necessary to adequately service parking needs of the project. All loading spaces shall be located so as to avoid negative impact on the quality of life for residential occupants of the proposed development.
2. **Stormwater Management:** A detailed stormwater management plan shall be provided in accordance with the provisions of Chapter 175. The plan will focus on stormwater quality measures which shall be employed to allow maximum protection and enhancement of the water quality of the Housatonic River. These measures shall include, but are not limited to the following: primary treatment methods such as stormwater ponds and wetlands outside of the floodplain, infiltration trenches and basins, filtering methods and water quality swales; secondary treatment methods such as vegetated filter strips: and retrofitting of existing drainage systems.
3. **Pedestrian Pathway:** A pedestrian easement area shall be depicted on the proposed site development plan for the purpose of a future continuous pedestrian walkway along the river. The easement area shall be a minimum 10’ in width and feasibility for its construction shall be demonstrated.
4. **Landscape and Buffers:** A landscape plan shall be submitted in accordance with the provisions of Chapter 175. All required yard areas shall be landscaped in accordance with the intent of Chapter 130 of the Zoning Regulations. Vegetative screening buffers shall be provided between residential uses and uses which may not be compatible with residential uses. Dumpsters shall be screened with either landscaping or fencing. Vegetative filter strips shall be encouraged along the river edge in appropriate areas.
5. **Waste Management Plan:** A waste management plan shall be provided in accordance with Section 175-030(3)c which shall also include pickup items for solid waste and recycling. All solid waste and recyclable item containers shall be screened with either fencing or landscaping.
6. **Outdoor Lighting:** Outdoor lighting shall be provided in accordance with the provisions of Chapter 131. A lighting analysis shall be provided demonstrating

residential dwellings will not be negatively impacted by lighting from business uses.

7. **Building Requirements:** The Commission, in considering a special permit and site plan application under this Chapter, may require, impose or waive any building schedule requirements or exceptions to it as it deems necessary to conform to the Plan of Development, with the general intent and purpose of Section 119-010 and Chapter 180. However, in no event may the Commission require a more restrictive building schedule than is required for development within the B-1 Restricted Business Zone.
8. **Recreational Amenities:** Recreational amenities shall be provided in the site development plan. These amenities may include, but are not limited to the following: docks for boat parking, boat launch, gazebos, picnic areas, walking paths, bocce ball courts, etc.
9. **Comprehensive Traffic Report:** In accordance with Chapter 175 a comprehensive traffic report shall be provided.
10. **Emergency Evacuation Plan:** Each application for a Zone Change Request along with a special permit and site plan application shall include a detailed Emergency Evacuation Plan. This plan shall provide details as to the flood zone classification for the property as well as the anticipated level of the water during the 100 year flood as per FIRM data. The Emergency Evacuation Plan shall also include the following minimum information: proposed evacuation route, proposed evacuation escape route direction signage, and proposed method of notification to residents of pending flood conditions.

Section 119-050 Timeframes for Completion and Reversion to Prior Zone

1. All work in connection with the approved site plan shall be completed within 5 years after the date of approval of the plan. Failure to complete all the work within such 5 year period shall result in automatic expiration of the approval of the site plan unless extended by the Commission in Compliance with Section 175-040 of these regulations. In the event of failure to meet such time period, as may be extended, the Zoning Commission is deemed to be authorized by the owner(s) of said property(s) which has been designated as a HRFZ to amend these regulations and the zoning map, deleting the HFRZ and establishing in its place the original underlying zone.

2. At any time prior to the development of the property and so long as the property has not been declared a condominium, the owner of the property may apply to the Commission to remove the HRFZ designation so as to revert to its underlying zone classification.

(Chapter Adopted Effective: September 1, 2009)

CHAPTER 120
FLOODPLAIN MANAGEMENT REGULATIONS

Section 120-010 Purpose and Objectives

The purpose and objectives of this section of these regulations is to promote the health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;

4. Control filling, grading, dredging and other development, which may increase erosion or flood damage;

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

6. To protect human life and health;

7. To minimize expenditure of public money for costly flood control projects;

8. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

9. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;

10. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

11. To insure that potential homebuyers are notified that property is in a flood area.

Section 120-020 General Provisions

1. These regulations shall apply to all special flood hazard areas within the jurisdiction of the Town of New Milford. The special flood hazard areas

identified by the Federal Emergency Management Agency in its flood insurance study dated June 4, 1987 with accompanying flood insurance rate maps and floodway maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of these regulations. The Zoning Enforcement Officer is hereby appointed to administer and implement the provisions of this regulation.

2. In any area of special flood hazard, no structure shall be constructed or substantially improved, nor shall the development of any land be made, until a plan for the proposed construction or improvement or land development, meeting the requirements of the floodplain management regulations, has been approved by the Zoning Commission.

Section 120-030 Definitions

Unless specifically defined below, words or phrases used in the floodplain management regulations shall be interpreted so as to give them the meaning they have in other parts of the zoning regulations or, where not otherwise defined, the meaning they have in common usage.

Area of Special Flood Hazard: The land in the floodplain subject to a one-percent (1%) or greater chance of flooding in any given year. The area is designated as either zone A or AE on the Flood Insurance Rate Map (FIRM).

Base Flood: The flood having a one-percent (1%) chance of being equaled or exceeded in any given year.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation {or}, drilling operations or storage of equipment or materials located within the area of the special flood hazard.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.
Flood Insurance Rate Map (FIRM): An official map of a community, on which the federal insurance administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Lowest Floor: The lowest floor of the lowest enclosed area, including basement.
Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation

when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Mean Sea Level: For purposes of the National Flood Insurance program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Recreational Vehicle: A vehicle that is:

a. built on a single chassis;
b. 400 square feet or less when measured at the longest horizontal projections;
c. designed to be self-propelled or permanently towable by a light duty truck; and
d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. "Structure" for insurance coverage purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This

term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications, which are solely necessary to assure safe living conditions, or

2. Any alteration of a "Historic Structure" provided that the alteration will not preclude the structure's continued designation as a "Historic Structure".

Water Surface Elevation: The height, in relation to the national Geodetic Vertical Datum (NGVD) of 1929, of floods of various magnitudes and frequencies in the flood plains of coastal or river line areas.

Section 120-040 Application Procedures

1. Application for approval of a plan to construct or substantially improve any structure or for the development of any land located in any area of special flood hazard shall be submitted to the Zoning Commission and shall include the following:

    a. Six (6) prints of a site plan or map drawn to scale by a professional engineer or surveyor licensed by the State of Connecticut showing:

        1. The shape, dimensions and elevation of the lot.
        2. The size and location of all existing and proposed structures, development areas, underground utilities, drainage facilities and land uses.
        3. Elevations in relation to mean sea level of the lowest floor, including basement, of all proposed structures.
        4. Elevation in relation to mean sea level to which any existing structure has been or any proposed structure will be flood proofed.
        5. Existing and proposed grades.
        6. The limits of the area of special flood hazard.

        (*Effective: March 7, 1985*)

    b. Certification by a professional engineer or architect licensed by the State of Connecticut that the flood proofing methods proposed for any nonresidential construction meet the criteria of Chapter 120.
    c. A description of the extent to which any watercourse will be altered or relocated as a result of proposed construction or development.
    d. Such other information as required by the Zoning Commission to determine compliance with the Floodplain Management Regulations.

2. When base flood elevation data is not available to the Zoning Commission in the Flood Insurance Study (namely, zone A as shown on the Flood Insurance Rate

Map), the Commission shall obtain, review and reasonably utilize any base flood elevation data available from Federal, State or other source (and may require the applicant to provide same, in order to administer the Floodplain Management Regulations.)

3. The Zoning Commission shall approve, disapprove or approve with modifications the proposed plan. One (1) copy of the approved plan, with the approval noted thereon, shall be attached to the zoning permit and provided to the Building Inspector. No building permit will be issued except in conformance with the approved plan.

Section 120-050 Provisions for Flood Hazard Reductions

No plan for the construction or substantial improvement of any structure nor for the development of any land located in any area of special flood hazard shall be approved by the Zoning Commission, unless the plan complies with the following standards:

1. All new construction and/or substantial improvements shall be constructed:

    a. With materials resistant to flood damage; and
    b. Utilizing methods and practices that minimize flood damage.
    c. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.

2. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

3. In any portion of a watercourse, which is altered or relocated the flood carrying capacity shall be maintained.

4. In all special flood hazard areas, where base flood elevation data has been provided the following provisions shall apply in addition to all the general standards contained above:

    a. Residential construction: New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.
    b. Manufactured homes: Shall be placed on a permanent, adequately anchored foundation so that the lowest floor of the structure is elevated to or above the base flood elevation. The structure shall be securely anchored to the foundation system to resist flotation, collapse and lateral movement.
    c. Recreational vehicles: Recreational vehicles placed on sites within the

special flood hazard area shall be on site for fewer than 180 consecutive days and be fully ready for highway use. A recreational vehicle is ready for highway use. A recreational vehicle is ready for highway use if it is on wheels, or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

d. Non-residential construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Where a non-residential structure is intended to be made watertight below the base flood level a registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Zoning Enforcement Officer.

5. Utilities:

   a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
   b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.
   c. All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

6. Floodway:

   a. Floodways are located within special flood hazard areas as identified in the New Milford Flood Insurance Study prepared by the Federal Emergency Management Agency and delineated on floodway and flood insurance maps.
   b. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential, no encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall result in no increase in flood levels during occurrence of the base flood discharge.

Section 120-060 Enforcement Provisions

1. Prior to the issuance of any zoning permit under the provisions of Chapter 180 of the Zoning Regulations, the Zoning Enforcement Officer shall determine that the requirements of the Floodplain Management Regulations have been satisfied.

2. Whenever a plan for the construction or substantial improvement of any structure has been approved by the Zoning Commission and a zoning permit issued, the Zoning Enforcement Officer shall:

    a. Obtain and record the actual As-Built elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures and whether or not the structure contains a basement. (*Effective: June 26, 1987*)
    b. For all new substantially improved flood proofed structures verify and record the actual As-Built elevation (in relation to mean sea level); and maintain the flood proofing certification as required in Chapter 175.
    c. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If building site is flood prone, require applicant to meet requirements of these floodplain regulations.
    d. Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the building permit.
    e. Notify adjacent communities and the Department of Environmental Protection, Inland Water Resources Management Chapter prior to any alteration of relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
    f. Assure that maintenance is provided with the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Section 120-070 Miscellaneous Provisions

1. In the interpretation and application of the Floodplain Management Regulations, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.

2. The degree of flood protection required by the Floodplain Management Regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not impose liability on the part of the Town of New Milford or the Zoning Commission or any officer or employee thereof.

3. Nothing in these regulations shall obviate any requirement for the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, the State of Connecticut or any political subdivision thereof. The obtaining of such assents, permits or licenses is solely the responsibility of the applicant. (*Effective: June 26, 1987; Amended Effective: November 18, 1996*)

CHAPTER 125
EROSION AND SEDIMENT CONTROL REGULATIONS

Section 125-010 Purpose

The purpose of this section is to establish standards and procedures for erosion and sediment control in the development of all parcels where the disturbed area of development is cumulatively more than one half (1/2) acre with the exception of a single-family dwelling that is not part of a subdivision. (*Effective: January 14, 2000*)

Section 125-020 Definitions

1. Certification means a signed, written approval by the New Milford Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of these regulations. (*Effective: October 3, 1985*)

2. Commission means the Zoning Commission of the Town of New Milford.

3. County Soil and Water Conservation District means the Litchfield County Soil and Water Conservation District established under Subsection (a) of Section 22a-315 of the General Statutes.

4. Development means any construction or grading activities to improved or unimproved real estate.

5. Disturbed Area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.

6. Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

7. Grading means any excavating, grubbing, filling, (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition. (*Effective: October 3, 1985*)

8. Inspection means the periodic review of sediment and erosion control measures shown on the certified plan.

9. Sediment means solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.

10. Soil means any unconsolidated mineral or organic material of any origin.

11. Soil Erosion and Sediment Control Plan means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not

limited to, a map and narrative.

Section 125-030 Activities Requiring a Certified Erosion and Sediment Control Plan

1. A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half (1/2) acre.

2. Exception. A single-family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

Section 125-040 Contents of Erosion and Sediment Control Plan

1. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission. (*Effective: October 3, 1985*)

2. Said plan shall contain, but not be limited to:

    A. A narrative describing:

        1. The development.
        2. The schedule for grading and construction activities, including:
            a. Start and completion dates.
            b. Sequence of grading and construction activities.
            c. Sequence for installation and/or application of soil erosion and sediment control measures.
            d. Sequence for final stabilization of the project site.
        3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
        4. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
        5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.
        6. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.

3. A site plan map at a sufficient scale to show:

A. The location of the proposed development and adjacent properties.

B. The existing and proposed topography, including soil types, wetlands, watercourses and water bodies.

C. The existing structures on the project site, if any.

D. The proposed are alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and if applicable, new property lines.

E. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities.

F. The sequence of grading and construction activities.

G. The sequence for installation and/or application of soil erosion and sediment control measures.

H. The sequence for final stabilization of the development site.

4. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

Section 125-050 Standards for Review of Plan

1. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed and does not cause off-site erosion and/or sedimentation.

2. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented. (*Effective: October 3, 1985*)

3. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

Section 125-060 Procedures for Approval of Plan

1. The New Milford Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of the regulation or deny certification when the development proposal does not comply with these regulations. (*Effective: October 3, 1985*)

2. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.

3. Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District, which may make recommendations concerning such plan, provided that such review shall be completed within thirty (30) days of the receipt of such plan.

4. The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

Section 125-070 Conditions Imposed on Plan

1. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan, may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Chapter 175 of the regulations.

2. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

4. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

Section 125-080 Inspection Procedures

1. Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

CHAPTER 130
LANDSCAPING, SCREENING AND BUFFER AREA STANDARDS

Section 130-010 Purpose

The following standards are intended to enhance the appearance and natural beauty of the town and to protect property values through preservation of existing vegetation and planting of new screening and landscaping material. Specifically, these standards are intended to reduce excessive heat, glare and accumulation of dust, to provide shade and privacy from noise and visual intrusion and to prevent the erosion of the soil, excessive runoff of storm water, and the depletion of the groundwater table and the pollution of water bodies, watercourses, wetlands and aquifers.

Section 130-020 General Requirements

The following provisions shall apply to any use requiring a Special Permit or Site Plan Approval:

1. Landscaping, trees, and shrubs required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and shrubs which shall be shown on an approved site plan and which shall be in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material. Permanent watering systems shall be encouraged. Species of trees and shrubs planted should be reviewed by a licensed Arborist and certified in writing to the Zoning Commission.

2. All landscaping, trees, shrubs and other planting material adjacent to parking areas, loading areas or driveways shall be properly protected to prevent damage from vehicles.

3. To the extent possible, existing trees shall be saved; if grading is required in their vicinity, trees shall be appropriately welled or mounded to protect them from danger. Unique site features such as stone walls shall also be retained and protected during construction with protective fencing during activity. All fencing shall be removed after the ground has been stabilized.

4. All portions of non-residential properties which shall not be proposed as locations for buildings, structures, off street parking and loading areas, sidewalks or similar improvements, and are not portions of buffer areas to remain in a natural state, shall be landscaped and permanently maintained in such a manner as to minimize storm water runoff.

5. No trees eight inches (8”) or greater in caliper measured three feet (3’) above ground shall be removed unless so approved by the Commission. All trees recommended to be saved by the Zoning Enforcement Officer shall be tagged prior to any site work.

6. No widespread and invasive, restricted and invasive or potentially invasive plants as outlined in the publication “Non-Native Invasive and Potentially Invasive Vascular Plants in Connecticut” published March, 2001, and as periodically updated, shall be used in any planting plan.

7. Appendix D, Tree Planting Details shall be used as a guideline for all planting plans.

8. Trees shall be properly cared for by watering at least twice a week for two (2) months after planting and during dry spells thereafter. Trees shall be mulched with not more than three inches (3”) of mulch and mulch should not come in contact with the tree trunk.

9. The Zoning Commission reserves the right to require alternate species of plantings, if the site conditions are not suitable for the species proposed by the applicant, based upon the recommendation of the Town Tree Warden or the Zoning Enforcement Officer. Native species are encouraged.

10. The total area of the site landscaping plus those areas left in a natural state must equal at least 30% of the total parcel area. This requirement shall not apply to parcels in the Village Center Zone.

11. A survey of existing trees greater than eight inches (8”) in diameter shall be performed as determined to be necessary at the sole discretion of the Commission.

12. Trees planted under or adjacent to utility lines should be carefully selected and placed so that their mature height does not interfere with the lines.

Section 130-030 Parking Lot Landscaping Requirements

A. Front Landscape Areas

The purpose of a front landscape area is to enhance the appearance of the subject property and the street in all Business Zones (B-1, B-2, B-3, B-4), Industrial Zones (I, IC, RI), Multiple-Residence District (MR), Active Adult Community Zone (AACZ), and Major Planned Residential Development District (MPRDD). Front landscape areas, where required by these regulations, shall extend across the full width of the lot along the interior side of the front lot line except where driveway entrances and exits are located. The depth of the front landscape area shall be the depth of the required front setback, with the exception that in the Industrial (I) and Restricted Industrial (RI) Zones the depth of the front landscape area shall be at least 50 feet. Access driveways may traverse the

front landscape area only to gain access to the site, and may not horizontally or near horizontally traverse the front landscape area so as to decrease the depth of the required front landscape area. No structures, including but not limited to septic systems, stormwater detention basins, stormwater retention basins, water quality basins or infiltration systems may be located in any required front landscape areas, with the exception that the Commission may allow those items noted in Section 020-030(3). Every required front and street side landscape area shall be planted in lawn and/or ground cover and shall also contain at least one (1) deciduous canopy shade tree at least two and one half inches (2 ½") in caliper for each fifty feet (50') or part thereof of street frontage. For each canopy shade tree so planted, one (1) understory deciduous shade tree at least two inches (2") in caliper, one (1) evergreen tree at least six feet (6') in height, and six (6) shrubs shall also be required. A designed landscape berm of a height and configuration approved by the Commission shall be located within this front landscape area as a visual and traffic safety barrier.
(Amended Effective: July 23, 2014)

B. Landscape Islands

Any lot which contains parking facilities for more than ten (10) motor vehicles shall also provide landscaped areas within the parking lot equal to at least twenty five (25%) of the gross parking lot area. Each island shall have a suitable curb of concrete or granite. If the landscaped islands are proposed to be depressed to allow infiltration of parking lot stormwater runoff, the Commission may waive the curbing requirement. The landscaped islands shall conform to the following:

1. Landscaped End Islands shall be a minimum of 10' x 20' containing one (1) canopy tree and two (2) shrubs.

2. Landscaped Center Islands shall be a minimum of 15' x 20' to be placed at locations at the discretion of the Commission within the parking area, containing a minimum of one (1) canopy tree and other trees and shrubs, as appropriate. Larger islands are encouraged to create a more suitable growing environment for the trees, and for enjoyment of the public. Picnic tables or benches are encouraged on these larger islands.

3. In addition to the canopy trees, these islands shall be planted in a mixture of lawn, ground cover and low lying shrubs and may contain mulch and/or pavers at locations approved by the Commission. The level of mulch or grass within the curbed islands shall be 2-3 inches below the height of the curb. This is necessary for effective rain interception.

C. Stormwater Management

A storm-water-management plan shall be submitted with each application that encourages infiltration and incorporates the landscaping islands and vegetated areas in storm water management.

Section 130-040 Buffer Areas

The purpose of a buffer area is to provide privacy from noise, headlight glare, and visual intrusion onto any lots currently used for single family and multiple-family residential uses located in a Single Family or Multiple-Family Residential Zone. A buffer area shall be provided by the owner/developer of any property located in the Industrial (I), Industrial Commercial (IC), Restricted Industrial (RI), Restricted Business Zone (B-1), General Business Zone (B-2), B-4 Zone, Lake Business Zone (B-3), Multiple-Residence District (MR) and the Airport District where any parcel in any of these zones is used for a use other than a single family residence and abuts a residentially zoned parcel containing a single family dwelling or a multi-family dwelling. Such buffer shall be implemented and located along the interior perimeter of a parcel utilized for non-residential uses where the property line adjoins a parcel zoned and utilized for residential purposes. A multi-family residence located within a Multiple Residence Zone shall be required to provide said buffer when abutting a parcel which is used for residential purposes and is located in a Single Family Residential Zone.

In addition, any special permit use outlined in Chapter 25 under sections 025-080, 025-100, and 025-070 which requires parking for more than 8 motor vehicles, and which parcel is located in a single family residential zone with abutting residential uses shall be required to provide the buffer described above.

1. The minimum depth of buffer areas shall be as follows:

    a. Special Permit Uses in all Residential zones which will require parking for more than 8 motor vehicles: 60 feet
    b. Business Zones (B-1, B-2, B-3, B-4): 60 feet
    c. Industrial Zones (I, I/C, RI): 60 feet
    d. When an industrially zoned (I, I/C, RI) or business zoned (B-1, B-2, B-3, B-4) parcel in excess of 5 acres abuts a residential zone where single family or multiple-family dwellings are currently located less than 150’ to the adjoining property line, the required minimum buffer depth shall be 100’ and the required number of plantings shall be proportionately adjusted.
    e. Airport Zone: 60 feet

2. The buffer area shall be left in a natural condition or planted in lawn and/or ground cover and contain one (1) plant unit for each one hundred feet (100’) of buffer length, or a portion thereof. For the purposes of this paragraph, “one plant unit” consists of:

    a. Four (4) canopy trees
    b. Six (6) understory trees
    c. Twenty four (24) shrubs
    d. Twelve (12) evergreens

e. A berm

3. At the Commission's sole discretion, where the existing topography and/or landscaping provide natural screening, which satisfies the purpose of this regulation, no additional screening will be required.

4. No structures, including but not limited to septic systems, stormwater detention basins, stormwater retention basins, water quality basins or infiltration systems may be located in any required buffer areas. The Commission may allow fencing or walls in the required buffer area if erection of such would assist in achieving the purpose of the buffer area.

Section 130-050 Bonding

When a bond is required, it must be presented prior to the issuance of a zoning permit for all approved site plans. This bond shall be in an amount equal to the full value of the plant material and installation. The form of bond shall be a bank check, cash, or savings or certificate passbook account. All landscaping bonds shall be held for a period of three (3) growing seasons. Prior to the release of the landscaping bond, a licensed arborist shall inspect all plant material and certify that all plants will survive and are healthy.

Section 130-060 Definitions

Unless specifically defined below, words or phrases used in the landscaping regulations shall be interpreted so as to give them the meaning they have in other parts of the Zoning Regulations, or where not otherwise defined, the meaning they have in common usage.

1. Canopy Tree: A deciduous shade tree planted at least two and one half inches (2 ½") in caliper measured at three feet (3') off the ground with a mature height of at least thirty-five feet (35').

2. Understory Tree: A deciduous shade tree or fruit tree planted at least two inches (2") in caliper measured at three feet (3') off the ground with a mature height of twelve feet (12').

3. Evergreen Tree: A coniferous species tree planted at least six feet (6') in height at the time of planting.

4. Shrub: A plant of either deciduous species planted at two and one half feet (2 ½') in height with a mature height of at least six feet (6') or a coniferous species planted at two and one half feet (2 ½') in spread. Shrubs must be at least five (5) gallons in size at the time of planting.

5. Lawn: An area planted and maintained in perennial grass.

6. Ground Cover: Plant materials generally not in excess of ten inches (10") high and used for decorative purposes or for their soil stabilization characteristics.

7. Berm: A raised, sloped landscape device made of earthen material designed to provide visual separation between areas and which may contain planted materials and such natural landscape architectural features as boulders, sculptures, timbers or stone walls all arranged to the satisfaction of the Commission.

Section 130-070 Modification of Standards

The Commission, in connection with the approval of a site plan under these regulations, may authorize modification of landscape requirements by special permit in accordance with the provisions of Chapter 180 as follows:

1. Additional Landscaping: The Commission may require additional landscaping or more mature plantings if unusual conditions dictate more extensive screening.

2. Reduced Landscaping: The Commission may reduce the landscaping requirements by not more than twenty five percent (25%) or elimination of a required berm, for excellence in building or space design. The Commission shall consider, among other features, the site characteristics, the compatibility of the proposed structure with surrounding architectural types, conservation of existing trees and site features, quality of building materials, and size and quality of landscape materials.

3. The Zoning Commission reserves the right to modify these specifications, in harmony with their general intent, in unique and unusual circumstances indicated by individual site conditions, technical complexities or by overriding considerations of safety and general welfare.

4. Where the subject property is located in an area of Danbury Road, which is not currently served by public sewer, and the applicant can demonstrate by means of documentation provided by the New Milford Sewer Commission that it is anticipated that the property will be served by public sewer within 5 years of the date of site plan approval, the Commission may allow a septic system to be installed in the front landscape area, provided that a bond is submitted to the Commission to cover the full anticipated cost of installing a landscape plan which complies with the zoning regulations in the event that the septic system location prevents installation of such.

(*Chapter Amended Effective: July 21, 2003; September 5, 2005; July 23, 2014*)

CHAPTER 131
OUTDOOR LIGHTING REGULATIONS

Section 131-010 Purpose

The purpose of these regulations is to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties due to light trespass, and to reduce glare, while at the same time providing adequate nighttime safety, utility and security. Except as herein provided, these regulations shall apply to any outdoor lighting fixture installed, modified, refurbished, repaired or serviced within the Town of New Milford. This regulation applies to all properties with the exception of those parcels used for a single family residential dwelling.

Section 131-020 Definitions

Except as specifically defined below, words or phrases used in the Outdoor Lighting Regulations shall be interpreted so as to give them the meaning they have in other parts of the Zoning Regulations or, when not otherwise defined, the meaning they have in common usage.

1. Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire.

2. Full Cut-Off Type Fixture: A luminaire that complies with the Illuminating Engineers Society of North America (IESNA) criteria for true cut-off fixtures. (90% of fixture light out-put within the 0-60% range from vertical.) No portion of the bulb or direct lamp image may be visible beyond two mounting heights from the fixture.

3. Fully Shielded Lights: Fully shielded luminaire light fixtures allow you to control the glare in any direction.

4. Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

5. Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.

6. Isodiagram: An isodiagram is a graphical representation of points of equal illuminance drawn as a single line, circular patters, or computer generated spot readings in a grid pattern on a site plan. Lighting designers and manufacturers

generate these diagrams to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site.

7. Lamp: The light source component of a luminaire that produces the actual light.

8. Light Trespass: Light that shines beyond the boundaries of the property on which the luminaire is located.

9. Light Pollution: General sky glow caused by poorly designed luminaries that scatter artificial light into the atmosphere; excessive artificial light.

10. Light Shield: Any attachment that blocks the path of light emitted from a luminaire or light fixture.

11. Lumen: A unit of measurement quantifying the amount of light emitted from a light source. Lamps are calibrated by their manufacturer in terms of the lumens emitted by the lamp. This measurement is expressed in terms of Initial Lumens and Mean Lumens as defined below.

12. Luminaire: A complete lighting system including a lamp or lamps and a fixture.

13. Outdoor Lighting: The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

14. Uplighting: Any light source that distributes illumination above a 90 degree horizontal plane.

15. Mean Lumens: The average light output of a lamp over its rated life. For example, fluorescent and metal halide lamps mean lumen ratings are measured at 40% of rated lamp life; for mercury, high pressure sodium, and incandescent lamps, mean lumen ratings are measured at 50% of rated lamp life.

16. Initial Lumens: The quantity of light output of a lamp measured after the first 100 hours of operation.

17. Net Acre: The usable area of a property after the area of buildings and other structures are subtracted.

Section 131-030 Lighting Plan

Outside lighting for non-residential and multifamily uses will be subject to a site plan review, in accordance with the provisions of Chapter 175 of the zoning regulations, unless waived by the Zoning Enforcement Officer, and shall be accompanied by a lighting plan showing:

1. The location, height, size, type, numbers of fixtures, and number of bulbs per fixture of any outdoor lighting luminaries, including building-mounted.

2. The luminaire manufacturer's specification data, including mean lumen output and photometric data showing cutoff angles.

3. The type of lamp.

4. The Commission may require an isodiagram showing the intensity of illumination expressed in lumens per square foot at ground level as well as the total lumens per acre.

Section 131-040 General Requirements

1. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light and glare across property lines.

2. All lighting for parking and pedestrian areas will be full cut-off type fixtures.

3. All building lighting for security or aesthetics will be full cut-off or a fully shielded/recessed type, not allowing any upward distribution of light.

4. Floodlighting is prohibited.

5. All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security.

6. Lighting designed to highlight flagpoles shall be low level and should be targeted directly at the flag.

7. The height of a luminaire, except streetlights in public right of ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 16 feet with a two foot (2') base.

8. The maximum height of a luminaire near a property boundary shall be determined by the formula H=(D/3)+3 feet or 16 feet, whichever is shorter. In this equation, "D" equals the shortest distance to the property boundary in feet.

9. The maximum amount of illumination from an installed luminaire shall not exceed 60,000 mean lumens per net acre. The recommendations of the IESNA (Illuminating Engineers Society of North America) shall be used wherever applicable to those properties specified in Section 131-010 as guidelines for design. The illumination limit per net acre specified above shall be used as a maximum for any lighting plan submitted for approval regardless of design methodology used.

10. Parking lot lights for businesses, municipal buildings, and industrial buildings shall be turned off one (1) hour after closing.

11. No mercury vapor lights shall be used in any zone.

12. All lighting fixtures illuminating a parcel shall be located on that parcel.

13. Security lights must be indicated as such and be connected to a motion detector with a timer which ensures the light will go off 15 minutes after the motion detector sensor is triggered.

14. A bond may be required by the Commission or Zoning Enforcement Officer to ensure compliance with the regulations contained within this chapter. Any such bond shall be released upon satisfactory compliance with these regulations as determined by the Zoning Enforcement Officer.

15. Luminaires placed adjacent to a residential property boundary shall have adequate shielding, as determined by the Zoning Commission or the Zoning Enforcement Officer to minimize glare and light trespass to the adjacent property.

Section 131-050 Modification of Standards

The Commission, in connection with the approval of a site plan under these regulations may authorize modification of outdoor lighting standards by Special Permit in accordance with the provisions of Chapter 180 as follows:

1. Where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists;

2. Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;

3. Where a minor change is proposed to an existing nonconforming lighting installation such that it would be unreasonable to require replacement of the entire installation;

4. Where special lighting is indicated for historic buildings;

5. Where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity;

6. Where ornamental uplighting of sculpture, buildings or landscape features will enhance the character of the area;

7. Where lighting of outdoor fields including but not limited to baseball, soccer, and football fields cannot reasonably comply with the above standards and provide sufficient illumination for safe use. In such cases the recommendations of the IESNA (The Illuminating Engineering Society of North America) for that type of field shall apply.

Section 131-060 Exceptions

The only exception to the above standards shall be lighting for construction, agricultural, emergency, or holiday decorative lighting. Such lighting must be temporary in nature and shall be discontinued seven (7) days after completion of the project, event, or holiday.

(*New Chapter Effective: August 15, 2005*)

CHAPTER 135
OFF-STREET PARKING AND LOADING REGULATIONS

Section 135-010 Purpose

Off-street motor vehicle parking facilities and off-street loading spaces, together with adequate exits and entrances thereto and interior aisles, shall be provided and permanently maintained for each building hereafter erected, enlarged or altered and for any land or premises hereafter used for any one (1) or more of the purposes set forth in Section 135-030 in accordance with the provisions of this Article. The intended method and manner of providing such off-street parking facilities and off-street loading spaces shall be set forth in the application for a zoning permit. (*Effective: March 7, 1985*)

Section 135-020 Existing Off-Street Parking Facilities and Loading Facilities

Where, as of the effective date of this Article, off-street motor vehicle parking and off-street loading spaces are provided conforming in whole or in part to the provisions of Section 135-030, such off-street parking facilities and off-street loading spaces shall not be altered or reduced in area below the requirements set forth in Section 135-030. In the event, however, that there shall be an enlargement or alteration of any building served by such off-street motor vehicle parking facilities or off-street loading spaces, or a new or changed use of the property, requiring additional off-street parking facilities or off-street loading spaces under the provisions of Section 135-030, such additional off-street parking facilities or off-street loading spaces shall be provided as required under said section.

Section 135-030 Amount of Off-Street Parking Space and Loading Space to be Provided

The off-street motor vehicle parking facilities and off-street loading spaces required under Section 135-010 shall be as follows:

1. Multiple residences shall have at least two (2) parking spaces usable and accessible at all times of the year for each dwelling unit in the building or buildings.

2. Hotels shall have at least one (1) parking space for each guest sleeping room and at least one (1) loading space.

3. Hospitals, sanatoriums or nursing homes shall have at least one (1) parking space for each five (5) beds, at least one (1) parking space for each two (2) employees and associated professional personnel and at least one (1) loading space. (*Effective: April 23, 1991*)

4. Plane and railroad stations shall have at least one (1) parking space for each two (2) employees, at least one (1) parking space for each one hundred (100) square feet of total platform and station area and at least one (1) loading space.

(*Effective: April 23, 1991*)

5. Restaurants, Class I and III: One (1) space for every three (3) seats plus two (2) for every three (3) employees on the maximum shift. Restaurants, Class II: One (1) space for every two (2) seats plus two (2) spaces for every three (3) employees on the maximum shift. Restaurants providing drive-in service shall also have at least six (6) queuing-up spaces so designed that they shall not interfere or obstruct interior traffic flow. (*Effective: April 23, 1991; Amended Effective: December 20, 1991*)

6. Bowling alleys shall have at least five (5) parking spaces for each bowling lane. (*Effective: January 4, 1999*)

7. Retail business establishments shall have at least one (1) parking space for each 200 square feet of sales area and at least one (1) loading zone. Excluded from the gross total shall be the areas devoted to offices, storage, repair, service areas not open to the public, entrance and exit foyers, employee's lounges and dressing rooms and toilet facilities. (*Effective: April 23, 1987; Amended Effective: June 16, 2001*)

8. Banks and office buildings shall have at least one (1) parking space for each two hundred (200) square feet of total office floor area.

9. Office buildings shall have at least one (1) parking space for each two-hundred (200) square feet of total office area. (*Effective: April 23, 1987*)

10. Industrial, wholesale or manufacturing establishments shall have at least one (1) parking space for each one (1) employee during the daily workshop period, with visitors' parking areas to be determined by the Commission in its review of site plans, and at least one (1) loading zone. (*Effective: November 2, 1989*)

11. Medical offices or clinics, other than those provided for in Subsection F. or H. of these regulations, shall have at least five (5) spaces, screened from abutting residentially zoned parcels for each practitioner. (*Effective: March 7, 1985*)

12. Shared Use: Shared use of the same off-street parking and loading facilities may be permitted by the Commission for uses, which have different, noncompeting times of operation. Such shared use of facilities must be guaranteed to the Commission by means of a Restrictive Covenant to which the Commission is a party, so that such shared use may not be terminated without the consent of the Commission. (*Effective: June 16, 2001*)

Section 135-040 Amount of Off-Street Parking and Loading Facilities to be Provided When Not Listed in Section 135-030

For any use not enumerated in this section, the required off-street motor vehicle parking

facilities and off-street loading spaces shall be as determined in each case by the Zoning Commission, which shall be guided in its determination by the requirements of this section applicable to comparable uses.

Section 135-050 Location of Off-Street Parking Facilities and Off-Street Loading Spaces

The off-street motor vehicle parking facilities and off-street loading spaces required by this Article shall be on the same land as the use or building served thereby, except that the Zoning Board of Appeals may permit two (2) or more properties, each of which abuts one (1) or more of the others, to be served by a common facility situated on one (1) or more of said properties; and the Zoning Board of Appeals may permit parking facilities to be on land within three hundred (300) feet of a building or use, if it determines that it is impractical to provide parking facilities on the same land where the building or use is located.

Section 135-060 Off-Street Parking and Facilities Specifications

All off-street motor vehicle parking facilities and off-street loading spaces shall comply with the following requirements:

1. The area required for the parking of one (1) motor vehicle shall be nine feet (9') wide and twenty feet (20') long where the facility is out-of-doors and ten feet (10') wide and twenty feet (20') long where the facility is provided by garage or other covered space, and such area shall be exclusive of and in addition to the area required for exits, entrances and interior aisles serving the facility, which exits, entrances and interior aisles shall be adequate to permit safe and convenient ingress and egress by both the vehicles and persons using the facility.

2. The required off-street parking facility shall be back of the front setback lines or building lines as now or hereafter established. Where the required parking space is provided by garage or other covered space or by roof parking, the location of such garage, other covered space or roof parking shall be in conformity with the Zoning Regulations relating to the zone and class of building involved.

3. Except for private residences, every parking facility shall be graded, hard-surfaced, drained and permanently marked to delineate both the individual parking spaces and the uses served thereby and shall be maintained by the owner of the premises as directed by the Commission.

4. Where required parking areas abut upon public highways or sidewalks, permanent barriers or bumpers shall be provided.

5. The size of each off-street loading space shall be not less than ten feet (10') in width and twenty-five feet (25') in length, with a height clearance of not less than fourteen feet (14'). The Zoning Enforcement Officer may require the provision of

more off-street loading spaces in addition to those required under Section 135-030, if, in his opinion, such additional off-street loading spaces are necessary to meet adequately the traffic needs of the location where they are to be provided.

6. No exit from or entrance to an off-street motor vehicle parking facility or off-street loading space shall be so laid out as to constitute or create a traffic hazard or a nuisance, and every such parking facility and loading space shall otherwise conform to all town ordinances applicable thereto.

7. Exterior lighting shall be provided and maintained by the owner at all access points to streets, parking areas, building entrances and elsewhere, where required for the safety of vehicular or pedestrian traffic. No exterior lighting, as required herein, shall be directed into any abutting properties.

8. Completion of the off-street motor vehicle parking facilities and off-street loading spaces required by this Article shall be a condition precedent to the issuance of the certificate of compliance. (*Effective: April 23, 1987*)

Section 135-070 Modification of Standards

The Commission, in connection with the approval of a site plan under these regulations may authorize modification of off-street parking and/or loading standards as follows:

1. The number of spaces provided on the approved site plan are sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of the land, buildings or other structure as shown on the approved site plan.

2. There is a sufficient and suitable area on the lot to provide the full number of spaces required in this chapter of the zoning regulations designated on the approved site plan as reserved for future parking and/or loading.

3. The modification granted hereunder shall be applicable to only the particular use or occupancy of the land, buildings or other structures shown on the approved site plan and any modifications granted hereunder shall become null and void in the event that such use or occupancy is changed to another use or occupancy. (*Effective: June 16, 2001*)

CHAPTER 140
EXCAVATION OF EARTH PRODUCTS

Section 140-010 Purpose

The purpose of these regulations is to regulate the conditions and operations of excavating, grading, filling and removal of earth, sand, stone, gravel, soil, minerals, loam, clay, peat moss and any other earth products. This section further is intended to conserve and preserve water storage areas, assure that erosion and sedimentation is minimized, that water pollution is prevented, that hazards inherent to open pits and steep slopes of loose earth are prevented, that nuisances such as excess traffic, noise odor, dust are minimized, that visual blight is controlled, and that the productive usage of land is maintained. Furthermore, nothing in these regulations shall be construed as eliminating the need for any other regulatory permit. (*Effective: October 9, 1999*)

Section 140-020 Permitted Excavations

Section 140-020-1 Excavation in Connection with Building and Construction

A. After the issuance of a zoning permit, or after the approval of a subdivision, materials excavated from roads, foundations, basements and other construction areas may be removed from the premises subject to all of the conditions listed below.

B. A nonrenewable permit for the excavation of not more than seven hundred (700) cubic yards of material on any lot shall be exempt from these regulations, provided that excavation is confined to a six (6)-month period, and provided that an application is made to the Zoning Enforcement Officer, in writing and without fee, stating the intent and purpose of the excavation. Should this excavation exceed the aforementioned seven-hundred (700) cubic yards, application will be made to the Zoning Commission for a Special Permit and except for the six (6) month time limitation, shall be subject to the same limitations as stated above. The provisions of this regulation requiring a permit shall not apply to the Town of New Milford. All other provisions of this regulation shall apply to the Town of New Milford. (*Amended Effective: June 20, 1985; Amended Effective: January 29, 1988; Amended Effective: January 18, 1991; Amended Effective: August 25, 2003*)

C. In approving any Special Permit for site development or site improvement excavation activities, the Zoning Commission may impose such conditions as may be applicable under Section 140-050 to Commercial Excavation Permits as the Commission deems necessary and appropriate to protect the public health, safety, convenience, welfare and property values in the neighborhood. (*Effective: August 25, 2003*)

Section 140-020-2 Excavation by Owner on Premises

A. Materials may be excavated and used by the owner on the premises without a permit, provided that the Zoning Enforcement Officer is given notification, in writing, of the purpose and reason for the excavation and that the amount of material to be excavated and used is less than one thousand (1,000) cubic yards.

B. In each of the above-mentioned uses, the Zoning Enforcement Officer may insist on such safety measures, as he/she deems necessary.

Section 140-030 Prohibited Excavations

Commercial Excavation Permit. Except as provided in Sections 140-020-1 and 140-020-2 above, excavation and removal from the premises of sand, loam, gravel, peat, stone or other earth product is not permitted in any zones. (*Amended Effective: June 20, 1985*)

Notwithstanding such prohibition, the provisions of Section 140-040, Section 140-050 and Section 140-060 shall continue to apply to any commercial excavation use existing as a nonconforming use after June 20, 1985. (*Effective: August 25, 2003*)

Section 140-040 Excavation Permit Application Requirements

1. An application for a permit to excavate and remove any of said products shall be made to the Commission by the property owner or his legally authorized agent with power of attorney.

2. Any such application shall be accompanied by a map or maps and other documentation, giving the following information:

    a. Location of the premises, names of owners, within five hundred feet (500') of the perimeter, and an estimate of the amount of material to be excavated and/or removed.
    b. Grading plan showing existing contours in the area to be excavated and proposed contours in the area after operations have been completed. Such plans shall include the area to be excavated, as well as the surrounding area within fifty feet (50') of the excavation, and shall be drawn to a convenient scale with contours shown at intervals of not more than five feet (5').
    c. To determine the type of material, the results of deep hole tests, at least three (3) per acre, to a minimum depth of ten feet (10'), certified by an engineer licensed to do business in the State of Connecticut, shall be submitted to the Commission.
    d. Existing and proposed drainage of the site and the protection of the same.
    e. Proposed truck and other access to the site.

f. The location and type of any temporary buildings or temporary machinery to be erected or otherwise brought onto the site.
g. An estimate of the number and type of trucks and other equipment to be used on the site.
h. Details of final grading and planting of the site to prevent erosion and otherwise stabilize and restore the premises.
i. Written authorization to the Commission for inspection of the site at any reasonable time by a duly authorized representative of the Commission.
j. An affidavit to be filed with the Commission, stating that notice of the proposed excavation operation has been given to the holders of any mortgages or other encumbrances on the property to be excavated.
k. Any application calling for a public hearing would require the petitioner, at his expense, to send notice of 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. The above notice shall be mailed at least fifteen (15) days prior to the date set for said public hearing. At the time of the public hearing, a copy of the notice sent, together with return receipts, shall be presented to the Zoning Commission to show compliance. An honest effort to reach the owner of record at his last known address would suffice with postal regulations governing. The property shall also be placarded with a sign of three 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 a 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 placed at least fifteen (15) days prior to the public hearing and removed immediately after the hearing is closed. The wording of the required sign may be changed at the discretion of the Zoning Commission to suit the circumstances involved.
l. Before a permit is issued, both owner and operator shall submit to the Commission a letter signed by them, which authorizes the Commission, if in its sole judgment Section 140-050-2.F is not complied with, to call any and all bonds posted for this permit and to use such funds to have the site entered upon and restored. (*Amended Effective: June 20, 1985*)

Section 140-050 Regulations Concerning Conduct of Operations

1. In considering any such application, the Commission shall consider the effect upon the premises and adjacent property, upon property values, health, safety, public welfare and any effect upon the future of the premises involved.

2. The Commission may approve the plan only when it is satisfied that the following conditions will be complied with in the undertaking of such excavation:

a. All operations, including screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises between the hours of 7:30 a.m. and 5:30 p.m., seasonal time only, Monday through Friday inclusive and Saturday 7:30 a.m. to 12:00 noon. No operation is to take place on Sundays and the following holidays: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day, except with special permission of the Commission or the Zoning Enforcement Officer. Equipment and machinery shall not be started prior to 7:30 a.m. (*Amended Effective: June 20, 1985; Amended Effective: August 25, 2003*)
b. No stationary machinery shall be erected or maintained within one hundred feet (100') of any property line, permit area line or street line, except in the industrial area and this only with the express written consent of the Commission after its having examined the site plan showing the premises and those adjacent to it.
c. No excavation shall take place within fifty feet (50') of any property or highway line regardless of elevation, and no shrubbery, grass or trees shall be removed from the fifty-foot (50') strip until restoration begins.
d. When the depth of the excavation exceeds twenty feet (20'), the distance from the property line or highway line shall be increased not less than one foot (1') for each additional vertical foot of excavation. The maximum depth of the cut shall not be greater than a vertical distance of thirty feet (30'), and if excavation exceeding a vertical distance of thirty feet (30') is desired, a second cut shall be made beginning no closer than twenty feet (20') from where the first cut ends. If the property is used for a commercial excavation, quarrying or mining operation, a maximum cut of fifty feet (50') shall be allowed, and the distance to a second cut shall be made beginning no closer than thirty feet (30') from where the first cut ends. These distances shall apply to all succeeding cuts. (*Amended Effective: November 24, 2003*)
e. Staking by a surveyor licensed to do business in the State of Connecticut shall be required at all corners of the permit area, with secondary staking forty-five feet (45') inside the permit area, in a manner acceptable to the Commission, in order to maintain the fifty-foot (50') setback.
f. When excavation and removal operations, or either of them, are completed, or if a permit has expired and/or has not been renewed, the excavated area shall be graded to within twenty-five feet (25') of the permit line, adjacent property line and/or highway lines, so that the slopes and disturbed areas shall be no steeper than one to three (1:3) (vertical to horizontal), but if the excavated area consists of stable material the slope may have a grade of one to two (1:2) vertical to horizontal. In stone quarries or where ledge is encountered, steeper slopes may be permitted, provided a properly maintained heavy wire fence, at least six feet (6') height, is erected and maintained at the top of the slope by the owner and/or operator. A layer of topsoil shall be spread over the excavated areas, except exposed rock surfaces, to a minimum depth of three inches

(3”), in accordance with the approved final grading plan. The Commission may approve other such methods in writing in advance of the final restoration. The area shall then be seeded with suitable grass mixtures containing at least fifty percent (50%) permanent grasses. If benching of the site exists as provided in subsection d., then the benched areas may be maintained as a final grade, provided that the benches are seeded and trees are planted on each bench. This restoration shall take place within one (1) calendar year following the completion of work or the expiration or non-renewal of a permit, unless the Commission allows a longer period of time or there is intent by the owner or operator to resume excavation or removal operations and apply for renewal of a permit for that area within a reasonable period of time. Said area shall be maintained and all bonds shall remain in force until the area is stabilized for at least two (2) years and approved, in writing, for release by the Commission, provided that the Commission may determine that the area is sufficiently stable that the part of the bond that covers that area may be released in less than two (2) years. (*Amended Effective: November 24, 2003*)

g. No building except a field office or temporary shelter or machinery, shall be erected on the premises, and no screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises in any zone, except as may be permitted by the Commission. Any such building, shelter or machinery shall be removed from the premises within thirty (30) days of the completion, expiration or non-renewal of a permit. (*Amended Effective: June 20, 1985*)

h. At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent the harmful effects upon surrounding properties or roads. Any lockage of drainage ditches or culverts, or materials from trucks, or erosion on any highway, shall be immediately removed by the owner or operator of the site. Should the Commission be required to cause the removal of such material, for the safety of the public or for any other reason, the cost of such work shall be paid by the owner and/or operator of the site.

i. During the period of excavation and removal barricades, fences or a grassed berm, at least six feet (6’) in height, shall be erected, as deemed necessary by the Commission or the Zoning Enforcement Officer, for the protection of pedestrians and vehicles. As well, such barricades, fences or berms may be required to further buffer adjacent properties from the operation.

j. At no time shall overhang be permitted on any face, and at no time shall slopes in excess of one to two (1:2) (vertical to horizontal) be present on any face, except the face where active excavation is being carried on. (*Amended Effective: November 24, 2003*)

k. During the period of excavation and removal, the owner and/or operator of the site shall provide, at his own expense, such special police, flagmen, barricades and fences, for the protection of pedestrians and vehicles, as deemed necessary by the Commission or the Zoning Enforcement Officer,

to protect the public health, safety, convenience and property values.

l. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of any access road within the area of operation shall be treated to minimize dust. The Commission may require a road, hard surfaced, to allow settling of the loads and to ensure further control of dust.

m. Proper measures shall be taken to minimize the nuisance of noise and dust or rock. Such measures may include limitations upon the stockpiling of excavated materials upon the site, except that the stockpiling of materials obtained from commercial quarrying or mining on the same site shall be not prohibited. Every loaded truck leaving the site shall be covered. Material may not be stockpiled higher than sixteen feet (16'), but the stockpiling of materials obtained from a site used for commercial quarrying and mining activities may be allowed by the Commission up to a height of forty feet (40'). (*Amended Effective: June 20, 1985; Amended Effective: November 24, 2003*)

n. The owner and/or operator shall be liable for the cost of repairing any damage to any public highway resulting from its operation.

o. Such other appropriate safeguards as the Commission may deem necessary to protect the public health, safety, convenience and property values.

Section 140-060 General and Specific Provisions

1. Every application shall contain full information regarding the preceding conditions, plus other such information as the Commission may require.

2. No more than four (4) acres may be opened up and excavated at one (1) time without specific authorization from the Commission.

3. Where leveling off is the intent of the permittee(s) and where doing so would improve the properties of both, the permittee(s) and the adjacent property owner(s) may, after formal application and approval by the Commission, excavate and grade within the fifty-foot (50') setback area.

4. Where there is an operation, either new or existing, adjacent to another operation, either existing or formerly mined, the Commission may require the owner(s) or operator(s) of the two (2) contiguous properties to mine through, removing the materials within the fifty-foot (50') buffer strips and blend the contiguous property lien into a common grade.

5. Before a permit is issued, the applicant and his operator shall post, separately, performance bonds in form and amount satisfactory to the Commission as surety conditioned on the carrying out of all above conditions and any other safeguards imposed. The Commission, as it deems fit, may require a cash bond or letter of credit or a combination of the two (2). (*Amended Effective: June 20, 1985*)

6. Permit approval may be granted in two (2) stages by the Commission:

    a. Permit approval to the owner may be granted only after submission of all the required documents and requested information and the necessary public hearing.

    b. Permit approval of the operator may be granted only after his furnishing to the Commission evidence of proper bonding and insurance.

7. No permit shall be issued by the Commission for a period exceeding three (3) years, but, upon application, the permit may be renewed by the Commission for additional three (3)-year periods, provided that within such three (3) year period the Commission may require the permit holder to submit another permit application if after inspection of the permit location the Commission decides to review the use of the property area covered by the permit. A fee of seven hundred fifty dollars ($750.00) shall be paid for each permit and renewal. Areas previously worked upon for extraction of earth materials shall not be renewed for a period of five (5) years after closure. (*Amended Effective: June 20, 1985; Amended Effective: March 22, 1991; Amended Effective: July 18, 2005*)

8. Updated topo maps may be required by the Commission prior to renewal of any permit.

9. The Commission, or the Zoning Enforcement Officer, may require as is topo maps at any stage of the operation.

10. An as-built topo map, done by a surveyor licensed to do business in the State of Connecticut, showing conformity with the requirements for restoration, may be required prior to the release of any bonds.

11. If the excavation is abandoned for three (3) years, or if no substantial activity, as determined by the Commission and the Zoning Enforcement Officer, takes place within three (3) years after the granting or renewal of the permit, the permit may be revoked. Prima facie evidence of activity shall be the excavation of three thousand (3,000) cubic yards of materials per year.

12. Failure to comply with the plans and conditions as approved, or any deviation therefrom, shall be a violation, and the Commission or the Zoning Enforcement may order the stoppage of all excavation, and the Commission may revoke the permit.

13. Said area shall be maintained and all bonding may be required to remain in force until the area is stabilized for at least two (2) years and approved in writing by the Commission for release. After the area has been initially graded, top soiled, seeded and fertilized in accordance with the provisions of these regulations, the

Commission may, based on the review and recommendation of the Director of Public Works or other designated agent, accept substitute bonding of a lesser amount, but which would assure complete restoration. (*Effective: June 26, 1987*)

Section 140-070 Grading and Re-Grading of Property

1. No person, firm, entity, or corporation shall grade or re grade any lot or parcel of land except as described herein, without first having secured a permit for such activity from the Zoning Commission.

2. Earth grading exemption from the provisions of this section shall be limited to the necessary alteration of a building or structure on the same premises for which a Zoning Permit has been issued; a roadway or parking facility installation of essential septic systems, water lines, sewer pipe, storm drainage systems including dry wells, subsurface drainage, structures (curtain drains, etc.), public utility surface and to home landscaping project carried out by or for the owner of the premises upon which such activity is to occur which requires fewer than 100 cubic yards of earth material for completion or in the alternative consists of entirely finished grading or topsoil not altering the existing land contours by more than six inches (6").

3. Prior to approval, a letter of intent with a sworn statement of purity shall be submitted to the Commission. A cash bond or letter of credit in an amount to be determined by the Zoning Commission or its agent to ensure that all of the safeguards and conditions imposed by these regulations will be satisfied shall be presented to the Commission before a zoning permit is issued.

Section 140-080 Filling of Land

1. The purpose of this section is to conserve and preserve water storage areas by helping to maintain the ground water level and stream flow, to secure the safety of traffic movement and to control any fill operations that may create a safety or health hazard to the public or adjacent property owners, or be detrimental to the immediate neighborhood or the town.

2. The Commission may grant a special permit for the filling of land subject to the following conditions and the provisions of Chapters 175 and 180 of the Zoning Regulations. A special permit is required except in the following circumstances:

    a. Where the filling of land involves an amount of earth material, which is less than one hundred (100) cubic yards.
    b. Where the filling activities are associated with construction of a residential subsurface sewerage disposal system, activities approved as part of an approved site plan by the Commission, or activities approved as part of an approved subdivision plan by the planning commission.

3. Procedure for applying for a special permit for Filling of Land:

a. The applicant shall submit a site plan of the area to be filled pursuant to the provisions of Chapter 175 of the Zoning Regulations and also showing finished grades at the completion of filling, type of fill material, and proposed access for vehicles and hours of operation, as well as any other information considered necessary by the Commission for adequate study of the proposal.
b. The plan shall provide for proper drainage of the operation, during and after completion. No bank shall exceed a slope of one foot (1') of vertical rise in two feet (2') of horizontal distance. Necessary precaution against erosion shall be shown.
c. At the conclusion of the filling operation, the disturbed area shall be covered with not less than three inches (3") of topsoil and seeded with a suitable cover crop.

4. Before a special permit is issued, the applicant and his operator shall post, separately, performance bonds in form and amount satisfactory to the Commission as surety conditioned on the carrying out of all above conditions and any other safeguards imposed. The Commission, as it deems fit, may require a cash bond. (*Amended Effective: September 22, 2001*)

Section 140-090 Processing of Earth Products in Connection with Building and Construction

1. A zoning permit may be issued by the Zoning Enforcement Officer for a period of up to sixty (60) days for the processing of earth products in conjunction with on-site construction activities approved as part of an approved site plan by the Commission, or activities approved as part of an approved subdivision plan by the Planning Commission. This permit may be renewed, provided that the total period allowed for the processing of earth products in connection with such construction activities shall not exceed a total of 180 days. The application for said permit must be accompanied by a statement of use detailing the type, amount and source of the material to be processed and the duration of time required for this activity, as well as the purpose of the activity. (*Amended Effective: August 25, 2003*)

2. The processing activities authorized in section 1 hereof may include crushing, screening and sifting of on-site material only. No off-site earth material may be brought on-site for crushing, screening and/or sifting

3. No earth material may leave the site other than as permitted in section 140-020-1 B of the zoning regulations.

4. All applications for a zoning permit shall be accompanied by a plot plan in duplicate, drawn to a scale of at least one inch (1") equals fifty feet (50'), prepared by a Connecticut licensed land surveyor, showing the location of the

proposed activities.

5. All operations must be confined to the hours of 8:00 a.m. to 5:30 p.m. Monday through Friday.

6. All activities authorized herein must be at least 500 feet from any residence.

7. No operation is to take place on Sundays, Saturdays, or New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day or Christmas Day, except with special permission of the Zoning Enforcement Officer.
   (*Effective: September 22, 2001; Amended Effective: August 25, 2003*)

CHAPTER 145
SIGNS

Section 145-010 Purpose

The purpose of this section is to promote the public safety and welfare by providing standards to control the location, surface area, number, illumination, height, and overall design of signs. Benefits of such standards include assurance that emergency personnel may quickly locate an address; motorists are not hindered by an excess of signage or associated lighting when attempting to locate a specific business or address; motorist safety on roadways and when exiting and entering business parking lots is enhanced; signs are compatible with the size and type of businesses being identified and advertised; aesthetic values of the community are honored; and blight upon the business community is prevented.

Section 145-020 Definitions

Sign: The term "sign" shall include any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks, or any other graphic representation which is in the nature of an announcement, advertisement or other device used to attract the attention of the public. The term "sign" shall also include any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations.

Billboard: A sign designed or intended to direct attention to a business, product, activity or service that is not sold, rented, offered or existing on the property where the sign is located, including the billboard structure and all attached sign faces.

Building Frontage: The length of the side of the building from which primary access to the building is gained.

Directional Sign: A small freestanding sign typically used to denote entrances and exits to a business or property. A directional sign may be no more than two (2) square feet in area and three feet (3') in height. A directional sign may be placed at each entrance and exit to a parking lot or driveway and/or used for the purpose of aiding traffic circulation within a parking lot. Directional signs may not contain advertising. They may be illuminated provided they are designed, located, installed and directed in such a manner as to prevent objectionable light and glare.

Directory Sign or Way-finding Sign: A sign containing the names of tenants and a directional indication of their location on a property with two (2) or more businesses or professional buildings. Directory signs may not contain advertising. Directory signs may be illuminated provided they are designed, located, installed and directed in such a manner as to prevent objectionable light and glare. The maximum size of a directory sign

shall be twenty-four (24) square feet, with a maximum of four (4) square feet per tenant name, and a maximum height of eight feet (8'). Up to three (3) directory signs with no more than two (2) faces per sign shall be allowed per lot. Directory signs shall be uniform as to size, shape, color and material used. Directory signs may not be located closer than 50 feet from the front property line. Such signs may also be erected in an industrial or institutional complex with more than two buildings.

Freestanding Sign: A sign placed on the ground or supported by a structure other than a building placed in or on the ground. A freestanding sign may be located within the front setback/landscape area at least ten feet (10') from the front property line in all zones. The emergency response address may be included* and shall not be considered part of the total square footage provided it does not exceed ten (10) square feet in area. The maximum allowable height and area of a freestanding sign can be found in Sections 145-050, 145-090, and 145-100. *Refer to §5-13(c) of the Town Charter.

Gasoline Price Sign: One (1) price sign per lot where gasoline is legally sold, not larger than twenty four (24) square feet in area and fifteen feet (15') in height. A gasoline price sign may be a separate, second freestanding sign, or the additional 24 square feet may be incorporated into the permitted freestanding sign provided the height does not exceed fifteen feet (15'). Only the gasoline price may be LED/LCD illuminated.

Illuminated Sign: A sign lit from within typically constructed of plastic or other translucent or opaque material shall be considered internally or directly illuminated. A sign lit by an indirect source shall be considered externally or indirectly illuminated. Illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light and glare. Any illumination of signs shall be confined to the surface of the illuminated sign in compliance with Chapter 131 of these regulations and be approved by the Zoning Enforcement Officer.

Interior Illuminated "Open" Sign: An illuminated or neon sign on the interior of a building, not exceeding two (2) square feet in area that is used to indicate a business is open. Such signs must be turned off when the business is closed and may not flash, blink, oscillate, and/or rotate.

Interior Window Sign: A sign, affixed to the interior of a window, for the purpose of advertising goods or services sold or provided from the premises. Such sign(s) shall not exceed twenty-five percent (25%) of the window surface they are visible through.

Lot Frontage: The length of the front lot line. Where a building is located on a lot having frontage on two (2) public streets (corner lot), the Zoning Enforcement Officer or Land Use Inspector shall determine which lot line shall be used in determining compliance with these regulations.

Off-site sign: A sign located on a parcel of land which directs the public to a business or public attraction/location that is located on another parcel of land for the purpose of safety and convenience.

Pennants/Banners: Signs composed of fabric, plastic or similar sheeting materials that are hung from or otherwise mounted on or attached to buildings or poles, including flags and banners.

Political Signs: Political campaign signs or signs concerning a matter of public interest or controversy including any poster, writing, notice, insignia, and any other device, to announce the candidacy of any persons seeking public office or to state a position or opinion on a matter of public interest or controversy. Each sign shall not exceed thirty-two (32) square feet in area.

Public Information Sign: A sign not exceeding two (2) square feet in area attached flat against a principal building to identify hours of operation or other basic information of a non-advertising nature.

Public Signs: Signs of a non-commercial nature, erected in the public interest by or on the order of a public official, in the performance of his/her duty, including temporary signs legally required by a board or commission, including, but not limited to safety, trespassing, traffic control signs, and signs of memorial or historic interest, not to exceed sixteen (16) square feet.

Residential Dwelling Sign: A sign located on a residential property. It is suggested that the emergency response address be indicated on such sign. One (1) ground sign per lot is permitted, not to exceed one and one-half (1 ½) square feet, and one building face sign per parcel is permitted, not to exceed one (1) square foot.

Sandwich Board Sign/"A" Frame Sign: A Freestanding tent sign typically placed on the sidewalk or in the front landscape area.

Sign: See definition at the beginning of this section.

Special Event Signs: For temporary public, charitable, educational, or religious events conducted in the Town of New Milford. Such signs are limited to an activity scheduled for specific dates and not for continuous activities or on-going programs. One (1) sign not exceeding twenty (20) square feet in area on the same lot as the event, plus a maximum of five (5) other signs, no larger than six (6) square feet in area each at other locations (with the permission of the property owner), provided that said signs are posted no sooner than fifteen (15) days prior to the event, and removed within three (3) days of the close of the event. No such signs shall be placed a manner that obstructs traffic lines of sight. No special event signs shall be illuminated.

Temporary Advertising Sign: A sign not permanently affixed and displayed for a limited period of time by a business. A temporary advertising sign is intended to advertise, announce or identify a special event or promotion. Such sign must be located on the same lot as the business it promotes.

Wall Sign: Sign mounted directly on the building's façade as opposed to being constructed as a free-standing structure. Such signs may be illuminated. Canopies and awnings are considered part of the building to which they are attached and any sign face on such shall be considered a wall sign and subject to these regulations.

Wall-Hung Sign: A sign attached to a building that is perpendicular to the building's façade. Such signs must be located a minimum of 84 inches from the ground level at its lowest point.

Warning Sign: Property control signs located on private property, not exceeding two (2) square feet in area that are used to indicate the private nature of a property or use.

Way-finding Sign: See "Directory Sign" above

Section 145-030 Exempt Signs

The following signs do not require a zoning permit provided such sign meets the sign definition as found in section 145-020, where so noted:

1. Interior window signs and interior illuminated "Open" signs
2. Directional signs
3. Directory signs/way-finding signs
4. Political signs
5. Public information signs
6. Public signs
7. Special event signs
8. Residential dwelling signs
9. Warning signs
10. Historic plaques
11. Illustrations, insignia or lettering which is an integral and permanent part of the architecture of a building constructed prior to 1950
12. Flags, insignia or pennant of any government unit
13. Building contractors and real estate sale or lease signs, provided that:

a. In all Residential Zones, the Village Center Zone, B-4 Zone, Litchfield Corridor Overlay District, and the Town Landmark District the size does not exceed six (6) square feet in area and four feet (4') in height and is located at least ten feet (10') from the front property line, or if the building is located closer than 10' to the front property line, such sign shall be placed on the building.
b. In the B-1, B-2, B-3, R-I, I, IC, Airport, MV, HRF zones, and any future non-residential zones which may be established, the size does not exceed fifteen (15) square feet in area or five feet (5') in height and is located at least ten feet (10') from the front property line, or if the building is located closer than ten feet (10') to the front property line, such sign must be located on the building.
c. All such signs must be removed with three (3) days of finalization of sale, signing of lease, or completion of construction. Signs may not be illuminated, and one (1) sign is permitted per lot and must be located on the lot that is for sale/lease or under construction.

14. Signs for advertisement of goods and services at a public facility for spectator sports such as a baseball field, softball field, football field and/or soccer field, provided the signs are intended for viewing by the spectators within the facility. Such signs may be made of fabric or plastic material.

15. Wall hung directory signs in Village Center Zone up to four (4) square feet in area.

Section 145-040 Prohibited Signs

The following signs are prohibited in all zones:

1. Flashing signs

2. Moving signs, which include, but are not limited to, permanent spinners, streamers, feather flags, wind and/or air dancers, and revolving signs.

3. Portable or mobile signs, including any sign which is mounted on wheels, or is collapsible, including "A" frame signs or sandwich board signs, with the exception of those Temporary Advertising Signs permitted under Section 145-100 and sandwich board signs permitted in the Village Center Zone under Section 080-040.

4. Any sign attached to a building or structure which extends above the roofline or parapet.

5. Pennants and banners with the exception of temporary banners as specified in Section 145-100(2)(b) and 145-100(3) and signs within a public facility for spectator sports under Section 145-030(14).

6. Signs with electronic displays, image displays (LED, LCD etc) or moving, scrolling, and/or continuous strip lights with the exception of permitted gasoline price signs under Section 145-020.

Section 145-050 Permitted Signs

All signage described in this section requires a zoning permit.

1. **Residential Zones:** In a residential district, MR District, AACZ, MPRDD, CCSD, R-MH, or any future residential zone which may be created, one (1) sign is permitted for legally existing uses as follows:

    a. One (1) sign not exceeding four (4) square feet in area is permitted for legally pre-existing home occupations, professional offices, bed and breakfast inns, riding academies, farm stands, and general home occupations. The sign may be either free standing, wall-hung, or a wall sign. A free-standing sign may not exceed a height of eight feet (8') from the ground to the top of the sign.
    b. One (1) sign not exceeding sixteen (16) square feet in area and ten feet (10') in height for a freestanding sign may be permitted for churches, schools, colleges, farms, public libraries, community buildings, public parks, public playgrounds, public recreation buildings, stadium or athletic field, golf course, nursery, hospitals, nursing homes, convalescent homes, cemeteries, marinas, municipal buildings, and other philanthropic organizations.
    c. One (1) freestanding sign posted at the entrance to a residential subdivision, multiple-residence development, or active adult community, not to exceed twelve (12) square feet in area and three feet (3') in height noting the name of the complex or development and may include the property's address.

2. **Business, Industrial, Airport, and Motor Vehicle Junkyard Zones:** In a B-1, B-2, B-3, B-4, I, IC, RI, Airport and MV zones, and any future non-residential zones which may be established, the following signs are permitted, as follows:

    a. All signs permitted in residential zones.
    b. Freestanding signs, provided that only one (1) free-standing sign is allowed per lot. Freestanding sign exceptions: properties where gasoline is legally sold (not to exceed 24 square feet); properties approved to host an off-site sign in accordance with section 145-090; freestanding signs allowed as temporary under section 145-100.
        i. The maximum allowable area of a freestanding sign shall be determined as follows: the length of the lot frontage multiplied by 0.2 equals the maximum square footage allowable for the surface area of a free standing sign, up to a maximum size of

forty (40) square feet in area, with the exception that in the B-4 zone, free standing signs may not exceed sixteen (16) square feet in area. Refer to sections 145-090 (Off-Site Signs) and 145-100 (Temporary Advertising Signs) for additional standards.

ii. The maximum allowable height of a freestanding sign shall be fifteen feet (15') from the ground to the top of such sign unless otherwise specified by these regulations.

c. Wall signs and wall hung signs, provided the total area of all wall and wall-hung signs on a building, excluding those exempt signs listed under section 145-030, shall not exceed one (1) square foot for each linear foot of building frontage. In a multi-tenant building the frontage of the tenant unit shall determine the allowed square footage of such sign(s).

i. Where a building is located on a lot having frontage on two (2) public streets (corner lot), the maximum total sign area which may be permitted, on or parallel to the building frontage, shall not exceed the provision of subsection c. above. An additional wall sign may be permitted provided that such sign does not exceed one (1) square foot for each linear foot of building frontage to the abutting street and that in no case shall exceed twenty five (25) square feet in total surface area.

3. **<u>Village Center Zone</u>:** In the Village Center Zone the following signs are permitted and the following special standards shall apply:

a. All signs permitted in residential zones.
b. Permitted businesses with a front lawn or front landscape area may choose from either a freestanding sign or a wall sign. The maximum size for either type of sign shall not exceed sixteen (16) square feet in area. The maximum height for a freestanding sign shall be ten feet (10').
c. Permitted businesses with buildings that front directly on the sidewalk may choose from either a wall sign or a wall-hung sign. One (1) sign is permitted per business. The maximum size allowed of a wall sign is one (1) square foot of area for each foot of building frontage, not to exceed sixteen (16) square feet. The maximum size of a wall-hung sign, excluding its structure is six (6) square feet, and must be located a minimum of 84 inches from the ground level at its lowest point, and may not project more than 36 inches from the building face.
d. No signs, including interior window signs, shall be illuminated or neon with the exception of one (1) interior illuminated "Open" sign not exceeding two (2) square feet in area. Such signs must be turned off when the business is closed and may not flash, blink, oscillate, and/or rotate.
e. It is recommended that signage be designed to be consistent with the architectural style, character and composition of the façade of which it is a part.

f. Sandwich board signs as permitted by Section 080-040(2)(g) of these regulations.
g. In addition to the signs permitted above, one (1) additional wall-hung directory sign up to four (4) square feet in area shall be permitted per business.

Section 145-060 Application Procedures

Unless otherwise provided in this regulation, no sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until a zoning permit has been issued for such sign. Every application for a sign permit shall include the following information and exhibits in addition to a completed sign application form:

1. For a freestanding sign, a plot plan depicting the proposed location of the freestanding sign on the lot.

2. For a wall or wall-hung sign, an illustration of the location of the wall/wall-hung sign on the building.

3. A rendering showing the design, area, height, width, structural details, dimensions and lighting of the proposed sign.

4. Any other information deemed necessary by the Zoning Enforcement Officer to issue the permit.

Section 145-070 Additional Standards

1. Signage shall be consistent with and complementary to the architectural style and general design scheme for the building or buildings within the site. A uniform sign plan shall be created for all permitted signs located in a multi-tenant building or on a multi-building property. Such plan shall provide for consistency between all signs upon the lot and upon the building or buildings in terms of standardized location, lighting, generalized design features, etc.

2. No sign shall extend beyond any lot line with the exception of permitted wall-hung signs in the Village Center Zone.

3. No signs, including those not requiring permits, shall be placed in such a position as to endanger traffic on a street or public way by obscuring a clear view or by interference with official street or highway signs or signals.

4. No signs, for which a zoning permit is required, shall be erected or maintained within street or highway right of ways with the exception of signs granted an encroachment permit by the CT Department of Transportation.

5. Signs may advertise, identify or give publicity or notice only with respect to a use of land, buildings or structures located on the lot where the sign is located with the exception of off-site signs permitted in accordance with Section 145-090 of these regulations and applicable exempt signs in accordance with Section 145-030(4), (7) and (14).

6. The permitted size of a sign is measured by determining the surface area of the rectangle, circle or triangle of the actual sign face to determine its square footage, excluding any structure necessary to support the sign. When a free-standing sign is double-faced, only one side shall be counted to determine square footage.

7. It shall be prohibited to erect, cause to erect, or allow to remain erected:
    a. Any sign for which a zoning permit is required and has not been issued.
    b. Any sign which, once erected, does not comply with the specifications or any other permit requirement on which basis a permit was issued.
    c. Any sign, lights, or supports thereof which identify a use which no longer exists or has been abandoned for a period of more than three (3) months.

Section 145-080 Nonconforming Signs

Any sign which legally existed upon the effective date of these regulations or any amendment thereto, and not in conformance with its provision, shall be deemed a nonconforming sign. Such nonconforming sign may be repaired, repainted and re-lettered, however, no nonconforming sign shall be structurally altered, relocated or replaced except in compliance with these regulations, with the following exception:

1. If the nonconforming sign advertises a business located on the same property as said sign, and the business has been in continuous operation, replacement of said sign may be permitted so as not to be more nonconforming, subject to acquisition of a zoning permit.

Section 145-090 Off-Site Signs

1. When a permitted business is located on a parcel of land in the B-1, B-2, I, IC or RI zone and has no frontage on a State or Town road, but some portion of the property is located within 1,000 feet of a State or Town right-of-way, application may be made to locate one freestanding sign on a host property that has frontage on a State or Town Road, provided:

    a. The size of the off-site sign may not exceed twenty (20) square feet in area and fifteen feet (15’) in height from the ground level to the top of the sign.
    b. If the host property contains a permitted freestanding sign structure, the off-site sign may be added to said structure but may not exceed or cause the host sign to exceed fifteen feet (15’) in height.
    c. A host property may not allow more than one (1) off-site sign.

d. The non-frontage property may not have more than one (1) corresponding off-site sign.
e. The applicant for an off-site sign permit must apply for and obtain site plan approval in accordance with the provisions of Chapters 175 of these regulations.

2. For public attractions/locations (non-business/non-commercial) open to members of the general public application may be made to erect an off-site sign for the purpose of public safety and information provided:

    a. The size of the off-site public attraction sign may not exceed six (6) square feet in area and four feet (4') in height and may contain no advertisement.
    b. An off-site public attraction sign may be located on private property with permission of the property owner or on public property with permission from the Department of Transportation for State property or from the Department of Public Works and/or Mayor for Town property.

Section 145-100 Temporary Advertising Signs

Temporary Advertising Signs, either attached or freestanding, are allowed for permitted businesses in any business or industrial zone with frontage on Route 7, Route 202, south of Route 109, Still River Drive, and Grove Street. Grand Opening/New Management and temporary seasonal farm signs are allowed in all zones.

1. All temporary advertising signs are subject to the following conditions:

    a. For single tenant/business properties, one (1) temporary advertising sign may be displayed at any given time.
    b. For multi-tenant/business properties, one (1) temporary advertising sign may be permitted for every fifty feet (50') of property frontage, up to a maximum of four (4) per property at any given time.
    c. No temporary advertising sign may be illuminated.
    d. All temporary advertising signs must be professionally prepared and secured and/or anchored.
    e. A temporary advertising sign must be located on the lot where the business it advertises or the event it promotes is located.
    f. A temporary advertising sign or banner may not be affixed to an existing freestanding sign structure or placed within ten feet (10') of the front property line.
    g. All temporary advertising signs shall be brought inside at the end of each business day when the business is not open.

2. The following types of temporary advertising signs are allowed subject to the above conditions:

a. A non-permanent freestanding advertising sign that must be constructed of rigid material and may not exceed eight (8) square feet in surface area and five feet (5') in height.
b. A non-permanent wall mounted banner that must be constructed of fabric or plastic material and may not exceed twenty (20) square feet in surface area.
c. A non-permanent sandwich board or A-frame sign no larger than thirty inches (30") in width and thirty-six inches (36") in height

3. Grand opening or new management signs or banners may be displayed as a one-time occurrence for a period not to exceed thirty (30) days. Wall mounted banners shall be constructed of fabric or plastic material and may not exceed twenty-four (24) square feet in surface area. Freestanding signs may not exceed twelve (12) square feet in area and five feet (5') in height. No more than one (1) temporary new business sign is allowed per business. Such signs are allowed for permitted businesses in all zones.

4. A temporary non-permanent sign advertising the seasonal sale of farm or forestry products may be displayed on the property were the sale is occurring. The sign must be constructed of rigid material and may not exceed eight (8) square feet in surface area and five feet (5') in height. Such signs are allowed in all zones.

(*Chapter Amended Effective: April 25, 2013*)

CHAPTER 150
TELECOMMUNICATIONS FACILITIES

Section 150-010 Purpose

This regulation establishes standards and requirements to permit the location of wireless communication facilities, including antennas and towers in the Town of New Milford while protecting the public, health, safety, and general welfare of the community;

1. To accommodate the need for wireless communications facilities while not unreasonably regulating their location and number;

2. To encourage the joint use of any existing or new facilities;

3. To assure proper design, siting, and vegetative screening for wireless communications facilities;

4. To avoid potential damage to adjacent properties from tower failure from falling ice through careful siting of facilities;

5. To site facilities below visually prominent ridge lines;

6. To reduce the number of facilities needed in the future.

Section 150-020 Definitions

When used in this section, the following words or phrases are defined as follows:

1. Antenna: A device used to receive or transmit electromagnetic waves associated with personal communications services (PCS).

2. Antenna Height: The vertical distance measured in feet from the base of the antenna support structure at grade to the highest point of the antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used to calculate height.

3. Facility: The tower, antennas and all associated equipment and equipment buildings.

4. Tower: Anything intended to support antennas greater than 45 feet tall and wider than 27 inches for the purpose of these regulations.

Section 150-030 Permitted Uses

Structures of all types for television reception and radio use are permitted as a residential

accessory use without a zoning permit to a height of 45 feet above grade and at a width no greater than twenty-seven (27) inches for all uses in all residential zoning districts.

Section 150-040 General Provisions

1. The following standards, application requirements, procedures and considerations for approval shall apply to the placement height, setbacks, construction and screening of telecommunications on towers and antennas that may be permitted within the Town of New Milford.

2. All new facilities must comply with the minimum lot area requirements and building requirements set forth in section 020-020 of the zoning regulations.

3. The proposed support structure shall be designed to hold additional antennas including those of other wireless communication companies, local police, fire and ambulance needs, unless it is determined to be technically unfeasible.

4. Upon submission of an application involving the construction of a new facility or in other situations over which the Commission has jurisdiction, the Commission may require independent, outside evaluation of the application to aid it in reaching its decision. This evaluation shall be made at the applicant's expense and shall be payable prior to decision on the application by the Commission.

5. Antennas shall be located on existing towers, high voltage electric transmission structures, telephone poles, water towers or other high buildings or structures. All towers shall meet the minimum set back requirements for the zone. In addition, a tower shall be set back from all property lines a distance equal to 1.5 times the tower height. If an antenna is proposed to be located on the roof of a building or structure, the Commission must be satisfied that the antenna will not present any danger to surrounding properties or to the public in general and will not adversely affect the architectural quality or visual resources of the use.

6. All applications for a facility shall require a special permit in accordance with Chapter 180 of the New Milford zoning regulations and shall include the information and comply with the requirements and criteria set forth in section 150-050 of these regulations.

Section 150-050 Application Requirements

1. A description of the service area for each communication system on the proposed tower location.

2. All new facility applications shall demonstrate that the service proposed cannot be provided by adding the proposed antenna and all accessory equipment to an existing tower, high voltage electric transmission structure, telephone pole, water tower or other high building or structure.

3. Location of tall structures within one-quarter mile of the site.

4. Documentation that the owners of such structures have been contacted and have been asked for permission to install a facility and that this permission has been denied. This documentation shall include the reasons for such denial.

5. Documentation that the antenna height is the minimum required to function satisfactorily.

6. An analysis comparing the site to alternative sites within the proposed service area.

7. A soil report complying with the Geotechnical Investigations Manual standards as amended, verifying the design specifications of the tower foundation and anchors for the guyed wires, if used.

8. Documentation assuring the proposed facility meets all requirements of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and the National Environmental Policy Act (NEPA).

9. Site Plan: A site plan meeting the requirements of Chapter 175 shall show the following:

    a. The antenna and/or tower location and guyed wires, above ground wires, cables, ducts and utility and signal cables.
    b. Areas of construction and drainage improvements including the access road to the site.
    c. The boundaries of the tower fall zone.
    d. The location of any approved or proposed buildings or construction adjacent to the site with compliance of the required setbacks for the specific zone.
    e. The following areas on, or adjacent to the site, shall be shown either on the site plan or a separate existing conditions map:

        1. Protected and/or sensitive areas.
        2. All inland wetlands and water courses.
        3. Critical habitats for plants and animals
        4. Historic structures or sites, unusual features, buildings, monuments, or area of local interest.
        5. Permanently protected lands, such as State Park and forestlands, land protected by a land trust.
        6. Scenic Roads

10. Other Requirements:

    a. Commercial advertising shall not be allowed on an antenna or tower.

b. Signal lights or illumination shall not be permitted unless required by the FCC or FAA.
c. All other uses not clearly necessary to the operation/maintenance of the facility are prohibited, including but not limited to a business office, a maintenance depot or vehicle storage. A related unmanned equipment and/or storage building(s) may be permitted providing it contains not more than 750 square feet of gross floor area and is not more than 12 feet in height.
d. A wireless telecommunication facility, which was permitted by special permit and is not in use by a personal wireless service provider for 12 consecutive months shall be removed by the landowner at their expense. This removal shall occur within ninety (90) days of the end of such 12 month period. The Commission shall require a bond or other surety satisfactory to the Town of New Milford prior to the issuance of any zoning permit to the applicant to guarantee removal of the tower and restoration of the site to its previous appearance, and where appropriate revegetated to blend with the surrounding area. The amount of the bond shall be adjusted annually to conform to changes in the consumer price index.

11. Tower Dimensional Rendering: A rendering drawn to scale depicting the tower showing all antenna(s) with details and dimensions, including any lighting, colors, and accessory elements, as well as the following:

    a. Protected and/or sensitive areas.
    b. All inland wetlands and watercourses.
    c. Critical habitats for plants and animals.
    d. Historic structures or sites, unusual features, buildings, monuments, or areas of local interest.
    e. Permanently protected lands, such as State park, forest lands, land protected by a land trust.

12. Landscaping and Screening Requirements: For a new facility a fence with a minimum height of eight feet (8') shall be provided. Existing vegetation on and around the site shall be preserved to the greatest extent possible. A landscaping plan shall be provided to screen building(s), fuel tanks, and other man-made structures and as much of the tower as possible. The plan shall show an evergreen screen surrounding the site. The screen shall be a row of evergreen trees (planted 10 feet on center minimum). The evergreens shall have a minimum height of six feet (6') at planting and be of a type that grows to a minimum of fifteen feet (15') at maturity. The Commission may accept any combination of existing vegetation, topography walls, or evergreen screen requirements.

13. Site Plan Map: A site plan prepared by a Connecticut licensed engineer showing construction and drainage improvements, including the access road and construction or drainage improvements, including above ground wires, cables,

ducts, utility and signal cables and guying and guy-anchor details. A statement from the applicant indicating that, weather permitting, the applicant will raise a balloon with a diameter of at least three (3) feet to the proposed tower height, at the proposed tower site. Such balloon shall be raised at least three (3) continuous days prior to the date of the public hearing to visualize the proposed facility. The plan shall also contain other information deemed necessary by the Commission, including the public need for the proposed facility and any environmental or community effects associated with its construction.

14. A facility maintenance plan describing maintenance needs including frequency of service, personnel needs equipment needs and traffic, noise or safety impacts of such maintenance shall also be required.

15. Twice yearly the owner/operator/lessee of the facility shall provide the Commission and the Director of Health, Town of New Milford with EMR readings taken at the site for three (3) consecutive days. These reports shall be made no fewer than five (5) and no more than seven (7) months apart

16. The Commission and/or the Director of Health, Town of New Milford, may initiate, at any time, independent EMR investigation, the cost being borne by the owner/operator/lessee.

17. Any failure of the installation to meet FCC standards shall result in an immediate shutdown of the facility until retestings show the facility to be in compliance. (*Effective: February 3, 2001*)

CHAPTER 155
SEPARATION DISTANCES

Section 155-010 Purpose

The purpose of this section of the Zoning Regulations is to regulate the use of land, buildings and/or structures for the uses listed in section 155-020 of the regulations in a manner designed to lessen traffic congestion on any street in the Town of New Milford by restricting the number of high trip multipliers to be located therein. The uses listed in section 155-020 of these regulations are high trip generators of traffic and as such are only permitted subject to site plan approval by the Commission and the issuance of a special permit by the Commission.

The Trip Multiplier Table attached as Appendix B 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.

Section 155-020 Regulated Uses

Notwithstanding any other provision in the Zoning Regulations to the contrary, the following uses of land shall not be located within one linear mile (5,280 ft.) of each other. The separation distance of 5,280 ft. is to be measured in a direct line from any portion of the lot on which any of the following uses are located to any portion of the lot on which any of the following uses are proposed to be located.

1. Fast food restaurants with or without a drive thru window.
2. Gasoline service stations with or without a convenience market and with or without a car wash.
3. Convenience market with or without gasoline pumps

Pursuant to the provisions of section 8-6 of the General Statutes, no variance shall be granted by the Zoning Board of Appeals, which would allow any use of land prohibited by the provisions of this section.

Section 155-030 Exceptions

The one mile separation distance shall not apply to:

1. Parcels that are zoned B-1, B-2, I, IC, or RI with frontage or direct driveway access on Danbury Road and located between the south side of the intersection of Bridge Street and Danbury Road and the Brookfield Town Line.

2. Parcels that are zoned B-1, B-2, I, IC, or RI that have fully signalized, direct access to a state highway.

(Effective May 9, 1998, Amended Effective: September 3, 1999; September 8, 2001; September 1, 2008; September 10, 2013)

CHAPTER 160
NONCONFORMING LOTS, USES, BUILDINGS, AND/OR STRUCTURES

Section 160-010 Purpose

The purpose of these regulations is to bring all nonconforming uses, lots, buildings and structures to conformity as quickly as possible and in no way to allow the extension or enlargement of the nonconformity unless specifically authorized by these regulations. It is the intent of these regulations, however, to minimize undue hardship for those whose purchase, ownership, or use of the property predated applicable provisions of these regulations.

Section 160-020 Nonconforming Uses

1. No Extension or Enlargement. Any nonconforming use, as defined by these regulations, shall be permitted to continue, notwithstanding any other provision of these regulations or any amendment hereof, provided, however:

    a. Such use was lawfully existing at the time of its establishment, and has not been abandoned, as defined herein.
    b. Such use shall not be enlarged or extended as defined by these regulations.
    c. Such use shall not be altered in such a manner as to increase the nonconformity of such use (see section 3 regarding substitution).
    d. No nonconforming use shall be moved to any portion of a building, structure, or any part of a parcel of land where such use did not previously exist.
    e. A nonconforming use, if changed to a use in conformance with these regulations shall not thereafter be changed back to a nonconforming use.

2. Restoration and Repair of Buildings Containing Nonconforming Use. A building or structure containing a nonconforming use may be altered or improved, but may not be extended or enlarged, and may be repaired or reconstructed as made necessary by normal wear and tear or deterioration.

    Any building or structure containing a nonconforming use, which has been destroyed or damaged by fire, explosion, flood or any act of God or public enemy may be restored to the same dimensions, floor area and cubic volume lawfully existing immediately prior to such damage or destruction, provided such restoration is commenced within 2 years of such damage or destruction. Failure to commence construction within such time frame shall be construed as an intention by the owner to abandon the nonconforming use.

3. Substitution. Any nonconforming use may be replaced with a use less nonconforming than its present use, following acquisition of a Special Permit by the Zoning Commission in accordance with Chapter 180 of these regulations,

provided that such replacement use is consistent with the public health, safety and welfare; with the character of the neighborhood, adjacent properties and zones; with the appropriate and orderly development of the neighborhood, adjacent properties, and zones; and provided, further that such replacement use creates no greater impact on the property, the neighborhood, adjacent properties and zones, in terms of parking, volumes and types of traffic, property values, hours of operation, exterior appearance of the building, structure or lot, and any other factors considered by the commission, pursuant to chapter 180 of these regulations.

4. Abandonment by Non-Use or Change of Use. Any nonconforming use shall lose its nonconforming status and shall thereafter conform to these regulations if a) said use ceases for a period of 24 consecutive months and b) the owner does not intend to reestablish the nonconforming use or the nonconforming use is changed to a conforming use. For any nonconforming use which has ceased operation or existence for any period of time, the Zoning Enforcement Officer may require evidence that there was no intent to abandon the nonconforming use prior to issuance of a certificate of zoning compliance or issuance of a cease and desist order. Refusal or granting of such a certificate or issuance of a cease and desist order may be appealed by any aggrieved party to the Zoning Board of Appeals.

Section 160-030 Nonconforming Buildings and Structures

1. No Enlargement or Alteration. Any nonconforming building or structure existing as of the effective date of these regulations shall be permitted to continue notwithstanding any provision of these regulations or any amendment hereof, provided, however, that such nonconforming building or structure shall not be enlarged or altered in such a manner as to increase the nonconformity of such building or structure.

2. Restoration and Repair of Nonconforming Buildings and Structures. Nothing in these regulations shall be deemed to prohibit the repair and maintenance of a nonconforming building or structure, provided such repairs or maintenance do not increase the nonconformity of such building or structure. Any nonconforming building or structure which has been destroyed or damaged by fire, explosion, flood, or any act of God or act of public enemy may be restored to the same dimensions, floor area, cubic volume, density, and site location as existing immediately prior to such damage or destruction, provided such restoration is commenced within two (2) years, of such damage or destruction. The commission, for good cause shown, may grant one or more extensions of the preceding time limits.

Section 160-040 Nonconforming Lots

1. No Increase in Nonconformity. Except as set forth in Subsection 2 of this section, no lot or parcel shall hereafter be decreased in size, by sale, devise, descent, gift

or otherwise, so that it or any part of it, or so that any structure or building thereon, shall fail to comply with these regulations or shall increase the extent of any nonconformity.

2. Nonconformity as a result of improving or widening of a State Road.
   Any portion of a lot acquired by the State of Connecticut or the Town of New Milford for the purpose of improving or widening a State Road, or for the construction of sewer pump stations or other sewerage facilities associated with improving or widening a State Road, shall not be deemed under any circumstances to render the remaining portion of such lot or the buildings located thereon nonconforming with respect to the minimum lot area, lot frontage, or any yard requirements of these regulations. Any portion of a lot thus acquired by the State of Connecticut or Town of New Milford shall be included as part of the lot as it existed prior to such acquisition for purposes of determining compliance with any provision of these regulations.

3. Use of Nonconforming Lots
   The erection of a single family dwelling in any residential zone shall not be prohibited on a parcel of land separately recorded by deed or depicted on a subdivision map approved by the Planning Commission and duly filed in the office of the Town Clerk prior to the effective date of these regulations, or any amendments thereto, which lot fails to meet the lot area, frontage, width or any other applicable requirements of these regulations pertaining to lots, provided further that all buildings are so designed and erected as to conform with the provisions of these regulations.

4. Merger Provision
   Where two (2) or more nonconforming lots of record are contiguous and in single ownership at the time of the adoption of these regulations or at any time thereafter, and such lots taken together would form one or more conforming lots, such lot or lots must be joined and used to comply with the lot area, lot frontage and lot width requirement to the extent possible irrespective of subsequent change in ownership.

Nothing in these regulations shall be intended to abrogate the provisions of Section 8-26a of the Connecticut General Statutes.

Section 160-050 Nonconforming Signs

Any sign which legally existed upon the effective date of these regulations or any amendment thereto, and not in conformance with its provision, shall be deemed a nonconforming sign. Such nonconforming sign may be repaired, repainted and relettered, however, no nonconforming sign shall be structurally altered, relocated or replaced except in compliance with these regulations, with the following exception:

- If the nonconforming sign advertises a business located on the same property as said sign, and the business has been in continuous operation, replacement of said sign may be permitted so as not to be more nonconforming, subject to acquisition of a zoning permit.

(*Chapter Amended Effective: November 1, 2007*)

CHAPTER 165
GENERAL PROVISIONS

Section 165-010 Conformance with Open Space Requirements

No lot shall be so reduced in area that any required open space will be smaller than is prescribed in these regulations for the district within which it is located.

Section 165-020 Lot Area

The minimum lot area shall be determined by the definition of "lot area" found in Chapter 15 of these regulations and the Lot Area Table found in Section 020-010 of these regulations.

Section 165-030 Lot Frontage and Access

1. No building to be used in whole or part as a dwelling in a residential zone shall be erected on any lot, except as noted in this section, unless the lot abuts a street, as defined in these regulations, and has safe and direct access to the street by its own private driveway. The entire driveway must be located on the lot that it serves, except as noted in this section.

2. Rear Lots: No building to be used in whole or in part as a dwelling in a residential zone shall be erected on any rear lot, except as noted in this section, unless this rear lot has its own separate and individual unobstructed right-of-way, which is everywhere not less than 20 feet in width connecting to a street adequate to accommodate fire apparatus or other emergency equipment. The lot line from which the right-of-access leads shall be considered the front line of the rear lot.

   Each rear lot created after the enactment of this section shall also comply with the following: The front lot line of a rear lot must conform to the frontage length as defined in these regulations and as noted in the Lot Area table found in Section 020-010. The twenty foot (20') accessway width shall be included for purposes of meeting the frontage requirement. Such rear lot shall conform to all the requirements prescribed in the zone in which it is located. (*Effective: September 15, 2006*)

3. Common Driveway: A common driveway is defined as a privately owned and maintained driveway located on a strip of land which is everywhere not less than 20 feet in width, connecting to a street serving at least two (2) lots, but no more than six (6) lots. All common driveways must be designed and built pursuant to the design standards and construction standards set forth in the subdivision regulations which standards are incorporated and made part of these regulations.

4. Reduced Frontage Exception: Each lot created after the enactment of this section shall meet the minimum frontage for the zoning district within which it is located, except when such lot or lots will have frontage partly or totally on a cul-de-sac or road curve, such frontage shall be not less than one hundred feet (100') when measured along the arc of the curve or circle, or except when such lot is a rear lot as defined by these regulations. A lot allowed a reduced frontage in accordance with this regulation must have an average width equal to at least the length of the required lot frontage for the zone. (*Effective: September 15, 2006*)

Section 165-040 Lots in More than One Zoning District

Where a lot of record, at the time of passage of these regulations or any amendments thereto, falls into two (2) or more zoning districts, the regulations regarding the more restrictive zone shall apply, with regard to use, lot area, yard setbacks, and lot frontage, unless the district boundary lines are fixed by dimensions as shown on the Zoning Map.

Section 165-050 Temporary Uses

The following temporary uses may be permitted subject to issuance of a zoning permit by the Zoning Enforcement Officer. The Zoning Enforcement Officer may place stipulations on any such permit which is issued to protect the health, safety and welfare of the neighborhood.

1. A circus, carnival, or similar type of entertainment for a period of not more than 10 days. Said event may only be held on a property which can accommodate parking for all attendees of said event. Prior to issuance of any permit for such an event the applicant must submit proof to the Zoning Enforcement Officer that the New Milford Police Department and the Fire Marshal have been consulted and have no objection to such use.

2. A temporary nonconforming construction trailer or other temporary structure associated with construction projects which have received all necessary local and state permits may be permitted. Said permit may not be issued for a period exceeding six (6) months, however, if sufficient necessity is demonstrated, the Zoning Enforcement Officer may issue six (6) month renewals of said permit. The Zoning Enforcement Officer may require proof that the applicant has consulted with the Fire Marshal, Building Inspector, or the Director of Health prior to issuance of said permit.

3. One (1) recreational vehicle as defined by these regulations, may be parked and used for temporary occupancy by a visitor on a lot containing a single family dwelling. Said mobile home must be located in the driveway or rear yard in compliance with all applicable yard setbacks for the zone. This temporary occupancy may not exceed two (2) weeks in any calendar year.

Section 165-060 Improving or Widening of a Town Road

Any portion of a lot acquired by the Town of New Milford for the purpose of improving or widening a Town Road, or for the construction of sewer pump stations or other sewerage facilities associated with improving or widening a Town Road, shall not be deemed under any circumstances to render the remaining portion of such lot or the buildings located thereon non-conforming with respect to the minimum lot area, lot frontage, or any yard requirements of these regulations. Any portion of a lot thus acquired by the Town of New Milford shall be included as part of the lot as it existed prior to such acquisition for purposes of determining compliance with any provision of these regulations.
(Amended Effective: May 20, 2011; Amended Effective: November 14, 2014)

Section 165-070 Common Driveways in Business and Industrial Zones

Common driveways for business and industrial uses in the business and industrial zones shall be encouraged to reduce the number of curb cuts on state highways so as to improve safety and prevent traffic congestion. A common driveway to access properties used for business and industrial uses in a business or industrial zone may be permitted, provided such common driveway is constructed according to the following standards:

1. Such common driveway must be constructed to a minimum width of 24'on a strip of land not narrower than 50'.

2. All proposed subdivisions of land in the business and industrial zones to be used for business or industrial uses shall provide for a common driveway and interconnection of lots for common driveways.

3. Any lot which has the right to use a common driveway shall be required to use such common driveway.

4. Any proposal for development of parcels of land located in the business or industrial zones shall be required to show feasibility of interconnection with adjoining property, where practicable if the Commission determines such interconnection of properties would be beneficial to reduce curb cuts on state highways.

5. Such driveway shall conform to all other requirements of these regulations.

(*Chapter Rewritten Effective: September 15, 2006; Amended Effective: May 20, 2011*)

CHAPTER 170
SPECIAL PROVISIONS

Section 170-010 Alcoholic Beverages

1. The retail sales of alcoholic beverages to be consumed off premises such as package stores, grocery stores, gas stations, requiring alcoholic beverages to be consumed off premises, is a permitted use in a B-1, B-2, B-3, Industrial, Industrial/Commercial, Restricted Industrial, and Village Center Zone, provided that no structure shall be used for the sale of alcoholic beverages in any zone, if any part of such structure is situated within a two hundred and fifty foot (250') radius of any part of a lot used for a public or private school, a church, charitable organization, (whether supported by public or private funds) a hospital or library.

2. Retail sales of alcoholic beverages to be consumed on the premises under a service bar license shall be permitted in a B-1, B-2, B-3, Industrial, Industrial/Commercial, Restricted Industrial, and Village Center Zone provided that no structure or lot shall be used for the sale of alcoholic beverages in any zone, if any part of such structure or lot is situated within a two hundred and fifty foot (250') radius of any part of a lot used for a public or private school, a church, charitable organization, (whether supported by public or private funds) a hospital or library.

3. Retail sales of alcoholic beverages under a cafe license is permitted in a B-1, B-2, B-3, Industrial, Industrial/Commercial Zone, and Restricted Industrial Zone provided that no structure or lot shall be used for the sale of alcoholic beverages in any zone, if any part of such structure or lot is situated within a five hundred foot (500') radius of any part of a lot used for a public or private school, a church, charitable organization, (whether supported by public or private funds) a hospital or library.

   Retail sales of alcoholic beverages under a café license is permitted in the Village Center Zone provided that no structure or lot shall be used for the sale of alcoholic beverages if the lot on which the structure is situated is adjacent to a lot containing a public or private school, a church, hospital or library.
   (*Amended Effective: November 14, 2007*)

4. The provisions of this section, with respect to distance, shall not apply to structure or lots used for the sale of beer or wine for consumption with and secondary to the sale of food for consumption on the premises. Such a use would require a special permit if beer and/or wine were to be sold within a two hundred and fifty foot (250') radius of any part of a lot used for a public or private school, a church, charitable organization, (whether supported by public or private funds) a hospital or library. (*Effective: June 19, 1995; Amended Effective: February 11, 2003*)
   (Section Amended Effective: July 15, 2010)

Section 170-020 Mobile Homes and Mobile Home Parks

The use of mobile homes for human occupancy is permitted only in the following zones: R-20 Residential Zone, B-1 Restricted Business Zone, B-2 General Business Zone, Industrial Zone and Multiple Residence Zone. All mobile homes must be connected to a community water system and sanitary sewer system in accordance with state and local ordinances and, shall be approved in writing by the Health Officer of the Town.
Each mobile home and the lot on which it is located shall comply with all of the height and area regulations specified in the R-20 Residential Zone, as Set forth in Section 020-020 of these regulations, regardless of the zone in which it is located.

For the purposes of this section, certain words shall have the following meanings:

1. **Person** includes individuals, partnerships, corporations, owner, lessees, licensees and the agents of each of them.

2. **Licensee** means any person licensed hereunder to operate and maintain a mobile home park.

3. **Recreational vehicle** means a trailer or camping vehicle used for thirty (30) days or less as a temporary residence.

4. **Mobile home** means a unit that is equipped with running water, bath facilities, flush toilet and appropriate sanitary connections.

5. **Mobile home park** means privately owned land upon which two (2) or more mobile homes are, or are intended to be, parked and occupied as dwellings.

6. **Collector** means the Tax Collector of the Town of New Milford.

7. **Health Officer** means the appointed Health Officer of the Town of New Milford, Connecticut or his deputy.

An occupied recreation vehicle shall be permitted in a mobile home park for a period not to exceed thirty (30) days in any year.

A mobile home park may be permitted in the following zones: R-20 Residential Zone, B-1 Restricted Business Zone, B-2 General Business Zone, Industrial Zone and Multiple Residence Zone subject to the requirements hereinafter set forth and to site plan approval by the Zoning Commission as stated in Chapter 175.

An application to create or develop a mobile home park must be submitted to the Commission and acted upon in a manner required for a change of zone. All documents, plans and drawings to be presented by the applicant at any public hearing must be submitted to the Commission at least thirty (30) days prior to such hearing. The applicant

shall meet the following requirements. (*Amended Effective: June 6, 1985*)

A single mobile home unit may be permitted on farms or for the preservation of natural resources or open space, for use of the owner or caretaker of the above. It shall be connected to an approved sewage disposal system and an approved water system.

Application for a permit shall be made in writing to the Commission and shall contain the following information:

1. The name and address of the applicant and the name and address of the real party in interest, if other than the applicant or his authorized agent.

2. A plot plan made by a licensed land surveyor registered in the State of Connecticut under seal, showing the site of the mobile home park, roads, location, size, shape and identification number of the mobile home lots, location of sanitary provisions, and the names of abutting property owners within five hundred feet (500') according to the land records of the Town of New Milford. All final plans or maps shall be overall size, not larger than twenty-five by thirty-seven inches (25" x 37"), including border. They shall be drawn or traced on a good quality of white drawing paper mounted on muslin or on a good quality of tracing cloth and on a scale of not more than one hundred feet (100') to the inch. The tracings or drawings shall be made of waterproof black India ink. Four (4) blueprints or other types of copies must accompany the white drawing.

3. Proof of ownership, option or valid lease.

4. Fee of fifty dollars ($50.00).

Each mobile home park and extension thereof shall meet the following requirements:

1. The Mobile Home Park and each mobile home therein must be connected to a public water supply system and to a public sanitary sewer system.

2. The park shall be located on a site graded to ensure drainage of surface and subsurface water, sewage and freedom from stagnant pools.

3. A minimum of twenty thousand (20,000) square feet shall be provided for each mobile home lot.

4. Each mobile home lot shall be defined by a permanent corner stakes and shall be provided with a permanent market, displaying the lot number corresponding with the approved plot plan.

5. Each mobile home and the lot on which it is located shall comply with all of the height and area regulations specified in the R-20 Residential Zone, as set forth in Section 020-020 of these regulations, regardless of the zone in which it is located.

6. All mobile home parks shall abut on a roadway of not less than thirty feet (30') in width. (*Amended Effective: June 6, 1985*)

7. All roads within the park shall be well drained, provided with bituminous surface and maintained in good condition.

8. Each mobile home park shall be appropriately landscaped and screened from adjoining property by a fifteen foot (15') buffer zone and maintained by the owner of the mobile home park.

9. Free vehicular passage shall be provided and maintained from a public highway to each mobile home site. A parking space for at least one (1) passenger car per mobile home site shall be provided and located so as to permit free movement of vehicles to each other mobile and parking space. A parking space for each car shall be not less than five feet (5') from the mobile home it serves, not less than fifteen feet (15') from each other mobile home or permanent building and not less than fifty feet (50') from a street line or forty feet (40') from a side line or rear property line.

Upon completion of all the requirements of these regulations, and before issuance of a certificate of use and compliance, the owner shall file with the Town Clerk a map showing all physical installations as built, together with a certificate from the Health Officer showing compliance with the sanitary requirements of these regulations.

The owner of a mobile home park shall be responsible for the operation and the maintenance of the park in accordance with these regulations:

1. He shall provide all the required utilities and facilities. He shall provide metal containers with covers for refuse and waste materials and shall dispose of all garbage and refuse in accordance with local ordinances.

2. He shall keep and maintain a register, written in the English language, available at all times to federal, state and local authorities have jurisdiction. Such records shall be kept available for the last three (3) consecutive years of occupancy and shall contain for each site:

    a. The name of the lessee of the site or trailer.
    b. The permanent or last known address of such lessee.
    c. The name of each person customarily occupying the mobile home.
    d. State registry and marker number of mobile home and/or motor vehicle.
    e. Date of entry on or exit from the site or mobile home.

(See Chapter 36 – Mobile Home District)

Section 170-030 Adult Oriented Establishments

Adult oriented establishments as defined in chapter 15 are a permitted use subject to acquisition of a special permit and site plan approval in a Restricted Industrial Zone.

Adult oriented establishments are subject to the following standards:

1. The proposed use shall be a least 1,000 feet distant from any existing adult oriented establishment, as measured by a 1,000 foot radius from the outermost boundary of the parcel on which the use is proposed.

2. The proposed use shall be at least 1,000 feet distant from any residential property, school, church, charitable institution, hospital, library, public playground or other municipal building, as measure by a 1,000 foot radius from the outermost boundary of the parcel or which the use is proposed.

3. The proposed use shall not be conducted in any manner that permits observation from any public way of any material depicting human genitalia and pubic region, buttocks, anus or female breast or describing sexual activities including human genitalia in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, or bondage or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breasts. This provision shall apply to any other exterior display, decoration, sign, show window or other exterior opening.
   (*Effective: January 14, 2000*)

Section 170-040 Inclusionary Zoning – Affordable Housing Contribution

(*Deleted Effective: September 15, 2006*)

(*Chapter Amended Effective: July 15, 2011*)

CHAPTER 175
SITE PLAN APPLICATION

Section 175-010 Purpose

The following regulations shall apply to the submission and administrative control of site plans for the establishment of certain uses of land, buildings and other structures, as specified in these regulations. All provisions of this section are in addition to other provisions applicable in the district in which such use is located.

Section 175-020 Site Plan Application Requirements

In order to provide the Zoning Commission with a basis for evaluating whether the proposed project is in compliance with all of the requirements of the Zoning Regulations of the Town of New Milford an application for site plan approval must be submitted to the Zoning Commission for review. The following information and documentation must be submitted as part of a site plan application package, and such information provided and design standards used must comply with the noted standards:

1. **Site Plan Application:** A completed site plan application form prescribed by the Commission must be submitted. All site plan applications must include the signature of the applicant as well as the property owner. A letter may be submitted by the property owner authorizing the applicant to submit the subject application in lieu of the property owner's signature on the application. The Commission, in its sole discretion, may require the property owner's signature to be notarized if there is any question with regard to its validity.

2. **Application Fee:** An application fee as prescribed by the Town Ordinance which can be found in Appendix B of these regulations must be submitted.

3. **Supporting Documentation:** A site plan application package, composed of one (1) or more sheets measuring 24" x 36", folded to a size of approximately 12" x 9", and if the submission consists of more than 3 sheets, each sheet must be individually folded. The submission must also contain a transmittal form or cover letter indicating a listing of all documents which have been submitted. The site plan submittal shall conform to the following requirements, and contain the following information:

    a. **Property Survey**
    A property survey prepared and sealed by a Connecticut Licensed Land Surveyor, which survey shall be drawn at a scale of not smaller than forty feet to one inch (1"=40'), and which survey shall be certified to conform to the standards of map and survey accuracy, respectively, for Class A-2 as defined in the "Recommended Standards for Surveys and Maps in the State of Connecticut" as adopted by the Connecticut Association of Land

Surveyor, Inc. on September 26, 1996, or as the same may be amended from time to time. Said survey shall include the dimensions of the subject property, and its acreage and square footage. If the subject property exceeds an area of 5 acres, an additional survey map shall be provided at a scale of one hundred feet to one inch (1”=100’).

b. Location Map

A location map, at a scale of one inch equals one thousand feet (1”=1,000’), showing the location of the site in relation to existing roads, major watercourses, and adjoining properties, and other features which would assist the Commission and the public to orient themselves to the site and its boundaries.

c. General Information

i. The name and address of the applicant, property owner of record, the name of the development, and the names and addresses of the owners of record of all properties adjacent to, or across any street from, the subject property.
ii. Zoning classification.
iii. The name, address and professional seal of each design professional responsible for, or participating in, the design of the site.
iv. The date of the site plan, a north arrow, and the scale of the plan.

d. Site Features, Existing

An existing conditions map showing conditions on the site, including but not limited to the following:

i. All existing uses of land, including uses not requiring buildings or structures, such as outside storage, property lines, streets, utility lines, ledge outcrops, specimen tress, major tree or shrub areas, and other significant features of the site, both natural and manmade.
ii. Wetlands and Watercourses.
iii. Topographic contours of the land at intervals of two feet (2’) or less.
iv. Flood Hazard areas as designated on the most current Federal Flood Insurance Rate Map.
v. Stream Channel Encroachment Areas.
vi. Existing structures and their uses.
vii. The location of wells, public water supply watersheds, and other public or private water supplies and fire protection facilities.
viii. Soil Classifications as per the U.S. Soil Conservation Service, and a statement indicating the erodibility of the soils and a general indication of the need for erosion and sedimentation control.
ix. Existing roads, paths, major and unique natural, scenic, historic and open space features of the parcel.

x. Existing location of gas, electric, sewer and water pipes, subsurface sewerage disposal systems, wells, and other utilities, as may be determined.

e. Site Features, Proposed

A map depicting all proposed site improvements and any area off the site where any alteration is proposed. Such map shall include, but is not limited to the following:

i. Proposed uses of land, including uses not requiring a structure or building; the amount of land and/or buildings dedicated to each use; proposed grades at two (2') contours or less; any signs, accessory structures, fences, walls, sidewalks or other similar structures; location and details for the collecting and handling of refuse; the proposed location of gas, electric, and other utilities to be provided, and whether utility lines shall be placed above or beneath the ground, as well as sewer and water connections, wells, and subsurface sewerage disposal systems.

ii. The location, dimensions, square footage (both ground floor and total), height, and type of construction of all buildings or structures, including fences, walls, signs, lighting fixtures, flagpoles, and the like.

iii. The location of any proposed well and septic system.

iv. Any regrading, excavation, filling and the volumes of material to be brought onto or removed from the site. If earth materials to be removed from the site exceed 700 cubic yards the applicant must also submit a special permit application in accordance with the provisions of Chapters 140 and 180 of these regulations regarding Excavation of Earth Products.

v. The percentage of lot coverage, lot coverage with outside storage, and percentage of lot to be left in a natural state and/or landscaped.

vi. Proposed alterations to property boundary lines, easements, utilities, and the like.

vii. The location of any roads, curbs, sidewalks, driveways, parking and loading areas, paths, and similar improvements and any tie-ins to existing Town or State facilities.

viii. In any site plan requiring the erection of any structures, grading, drainage work, paving or other improvements, those aspects of the plan shall be prepared, signed, and sealed by a Connecticut Registered Professional Engineer.

ix. The areas of wooded portions of the site, or specimen trees, to be removed or retained, and the location, design, and content of landscaping to be created, including the size, number, and type of all landscaping material to be planted in accordance with Chapter 130 of these regulations.

x. Delineation of the following must also be overlayed on the proposed site plan: wetlands and watercourses, flood hazard areas, stream channel encroachment areas, and required yard setbacks.

f. Building Floor Plans and Renderings

Plans must be submitted which clearly depict the height, bulk, use and location of all buildings; typical floor plans or other plans for the use of interior spaces of proposed buildings; the exterior appearance of proposed buildings, including exterior elevations, roof plan, designation of materials, colors, and textures of exterior finishes, doors, windows, roofing, trim and the like; location of heating, air conditioning, ventilation, and similar equipment; and special exterior features, such as building-mounted signs, drive-in windows, building or roof lighting, roof drainage/gutters, and features on the interior of the building designed to be capable of being seen from the exterior.

g. Off-Site Parking and Loading:

i. The site plan shall include all information necessary to establish conformance with the requirements of Chapter 135, Off-Street Parking and Loading Regulations, and shall also include the calculations utilized to determine the parking and loading areas as depicted on the site plan.

ii. The site plan shall depict the dimensions of all parking and loading spaces, the total number of such spaces, and any proposed future or expansion parking or loading spaces.

iii. The Commission, in its sole discretion, may require a turning radius plan.

h. Stormwater Management:

Information and reports showing the method for managing the stormwater quantity and quality shall be presented and such methods shall be consistent with the 2004 Connecticut Stormwater Quality Manual, and as may be amended from time to time. It shall be demonstrated that the proposed conditions will not increase the peak flow of stormwater from the site in comparison to existing conditions for the 2 year, 5 year, 10 year, and 25 year storm events. Provisions shall be made to adequately handle the 50 year and 100 year storm events such that flows from the site will not adversely affect downstream properties. The site plan shall include the location, invert elevations, pipe sizes adequately sized for a 10 year storm event, flow calculations, and other similar information as may be required by the Commission, Town Engineering Staff, or the Commission's consulting engineering staff to properly evaluate the stormwater management plan for the site.

i. Lighting plan
A lighting plan in compliance with the provisions of Chapter 131 of these regulations shall be submitted.

j. Landscaping Plan
A landscaping plan indicating the type, species, size, numbers and location of all proposed plantings, including tree planting details, meeting the purpose and requirements of Chapter 130 of these regulations shall be submitted.

k. Traffic Report
A comprehensive traffic impact report prepared by a professional engineer experienced in traffic engineering shall be submitted. Such comprehensive traffic study shall include a speed and safety analysis, including accident data and overall how the proposed project will affect traffic conditions on area roadways and at major intersections. A level of service analysis must be prepared and submitted as part of the report.

l. Soil Erosion and Sediment Control Plan
A Soil Erosion and Sediment Control Plan consistent with the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002, and as may be amended from time to time shall be submitted.

4. **Access Review:** Any proposed development which creates a new access from a town road must have such access reviewed by the New Milford Department of Public Works and a statement from the DPW must be provided indicating review of such access. Any proposed development which creates a new access from a State Road must have such access reviewed by the State of Connecticut Department of Transportation or the State Traffic Commission and a statement must be provided in written form to the Zoning Commission indicating that at least preliminary discussions with the DOT/STC have occurred, or that an application to the DOT/STC is pending. The Commission, in its sole discretion, may make this item a condition of approval if it cannot be obtained prior to approval.

5. **Numbers of Copies**: A minimum of 9 copies of all items noted in subsection (3) above must be submitted as part of the application, unless the Zoning Enforcement Officer or her designee specifically allows fewer copies. The Zoning Enforcement Officer reserves the right to request additional copies of any items noted in subsection (3) above if additional copies are needed for consultants, commissioners, or staff review.

6. **Waiver of Required Information**: The Commission, upon written request by the applicant may, by resolution, waive the required submission of part of the information specified under subsection 175-020(3), if the Commission finds that the information is not necessary to determine compliance with the Zoning

Regulations and render a decision on the site plan application. Procedure: Waivers must be submitted in writing on a form prescribed by the Commission, or in letter form. The request must include the specific item to be waived and/or reference the corresponding subsection number of these regulations where that item is indicated, as well as the signature of the applicant.

7. **Additional Data**: The Commission may require the applicant to provide additional information and data for clarification purposes and to implement the purposes of the Zoning Regulations as set forth in Chapter 10 of these regulations.

Section 175-030 Criteria for Site Plan Approval

An application for site plan approval shall be considered and evaluated by the Commission under the following criteria:

1. Traffic Management:

    a. The capability of adjacent and feeder streets to accommodate the projected traffic volumes. The pre-development level of service shall be maintained or enhanced when compared to the post-development level of service.
    b. The location of any points of ingress and egress to off-street parking facilities so as to provide safe and convenient access for drivers and pedestrians. The commission shall consider the proximity of proposed driveways to existing driveways and intersections.
    c. The adequacy of design of the interior vehicular circulation system, to provide safe and convenient access for both pedestrians and drivers to all structures, uses, parking spaces and loading spaces.
    d. Accessibility for emergency vehicles and equipment.

2. Stormwater Management:
   The adequacy of design of the stormwater management system shall be reviewed and shall meet the following standards:

    a. The design of the stormwater management system shall be consistent with the 2004 Connecticut Stormwater Quality Manual, and as may be amended from time to time.
    b. The proposed conditions shall not result in an increase in the peak flow of stormwater from the site in comparison with existing conditions.
    c. The stormwater management system shall be adequately designed for the 2 year, 5 year, 10 year, and 25 year storm events. Provisions shall be made to adequately handle the 50 year and 100 year storm events such that flows from the site will not adversely affect downstream properties.
    d. Drainage pipe sizes shall be adequately sized to accommodate a 10 year storm event.

3. Utilities:

a. The availability and adequacy of public utilities such as, electricity, telephone, gas, water, and sanitary sewers.
b. The adequacy and feasibility of any proposed on site sewage disposal system or water supply.
c. The adequacy of the proposed provisions for solid waste and recyclable item pick-up. It must be demonstrated that dumpsters, including recyclable item storage containers are appropriately sized, located and screened so as to prevent visual blight, offensive odors, and vermin and other scavenger animal nuisances.

4. Completeness of application.

5. Compliance with the New Milford Zoning Regulations and the Zoning Map, also known as the Comprehensive Plan.

6. Consideration of the Plan of Conservation and Development.

7. Consideration of any report from the Inland Wetlands Commission.

Section 175-040 Duration of Site Plan Approval

Site plan approval granted hereunder shall be valid only if completed within five (5) years from date of approval. The Commission for good cause may grant one or more extensions of time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten years from the date such site plan is approved. For more details regarding duration of site plan approval Section 8-3 of the Connecticut General Statutes shall be referred to.

To request an extension, an applicant shall submit a request on a form prescribed by the Commission. If such form is not available, the applicant shall submit a letter to the Commission outlining their extension request. Such letter shall provide the property address, approved use, date of approval, name and address of the property owner, reason for the extension request, requested duration of extension, as well as the signatures of the applicant and property owner.

(*Chapter Amended Effective: November 1, 2007*)

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*)

CHAPTER 185
ADMINISTRATION, ENFORCEMENT AND PENALTIES

Section 185-010 Application for Use Permit

The Zoning Commission shall appoint the Zoning Enforcement Officer of the Town of New Milford. He/she shall have all of the powers, duties and responsibilities assigned to the Zoning Enforcement Officer by these regulations.

It shall be the duty of the Zoning Enforcement Officer, to enforce the provisions of these regulations.

The Zoning Enforcement Officer may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair or conversion of any building or structure, or the unlawful use of land to restrain, correct or abate such violations, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about the premises. Whenever such acts shall be in contradiction to the provisions of these regulations, penalties shall be as provided by the General Statutes

The Zoning Enforcement Officer shall require that the application for a permit, as required by Subsection 3 of this section, and the accompanying plot plan, shall contain all of the information necessary to enable him/her to ascertain whether the proposed building and/or use complies with the provisions of these regulations. The Zoning Enforcement Officer may waive the required submission of a plot plan for proposed construction involving a cost of less than one thousand dollars ($1,000.), or if such plan is deemed unnecessary to determine compliance with these regulations. In the enforcement of these regulations, a zoning permit may be combined with a building permit, and a certificate of use and compliance with the certificate of occupancy, without in any way affecting the fee to be charged for each permit or certificate. All applications for a permit shall be accompanied by the following:

1. Plot plan in duplicate, drawn to a scale of at least one inch equals fifty feet (1”=50’), prepared by a Connecticut licensed land surveyor, showing the dimensions, radii and angles of lot, size and location of buildings built or to be built, driveways, the approximate locations of sanitary facilities and water supply.

2. After excavation and before the actual pouring of concrete for the foundation of any building or structure, the contractor or owner must have the Zoning Enforcement Officer check the premises to ascertain that the location of such foundation, or any part of the building to be erected thereon, will not encroach upon the established building lines or in any way violate any of the regulations. No permit shall be approved by the Zoning Enforcement Officer for any new construction until the applicant has accurately placed stakes or markers on the lot indicating the location of proposed construction. The Zoning Enforcement Officer may require the applicant to place stakes or markers on the lot indicating

the location of lot lines. The Zoning Enforcement Officer may require the placement of stakes or markers to be made and certified by either a land surveyor or engineer licensed to practice in the State of Connecticut. After the foundation is poured, and before construction proceeds, the applicant shall submit an as-built survey to the Zoning Enforcement Officer showing that the foundation is in complete compliance with the Zoning Regulations.

3. No land use shall be established or changed, except for farming and gardening purposes, and no new buildings shall be used or erected nor any existing building or structure be enlarged, changed in use, structurally altered, demolished, moved or remodeled, wholly or partly, and no excavation for any building, structure or use shall be made, until a permit therefor has been issued by the Zoning Enforcement Officer.

Section 185-020 Duration of Use Permit

A permit shall be void, if construction or use is not started within a period of eighteen (18) months, and shall expire thirty-six (36) months from the date of issue. The Commission for good cause may grant one (1) extension for an additional period, not to exceed twelve (12) months.

Section 185-030 Pending Application for Building Permit

Nothing herein contained shall require any change in the plans, construction, size or designated use of a building for which a building permit has been granted, or for which plans were on file with the Building Inspector before the effective date of these regulations, and the construction of which from such plans shall have been started within six (6) months of such date.

Section 185-040 Certificate of Use Compliance

No land shall be occupied or used, and no building hereafter erected, altered or changed in use, shall be occupied or used, in whole or in part, for any purposes, until a map showing as-is conditions has been submitted, prepared by a Connecticut licensed land surveyor at a scale of one inch equals fifty feet (1”=50’), showing lot boundaries, the location of buildings and accessory buildings, driveway, well, septic tank, water or sewer mains, as the case may be, and until a certificate of use and compliance shall have been issued by the Zoning Enforcement Officer, stating that the premises or building complies with all provisions of these regulations. A certificate of use and compliance shall be applied for at the same time as the zoning permit is applied for and, if approved by the Zoning Enforcement Officer, shall be issued within ten (10) days after notification from the permittee that the premises are ready for occupancy.

CHAPTER 190
FEE SCHEDULE

See Appendix B.

CHAPTER 195
ZONING BOARD OF APPEALS

Section 195-010 Powers and Duties

The Zoning Board of Appeals shall have all the powers and duties as set forth in Section 8-5, 8-6 and 8-7 of the Connecticut General Statutes, as revised, hereby incorporated by reference only.

CHAPTER 200
AMENDMENTS

Section 200-010 General Provisions

These regulations may, from time to time, be amended, changed or repealed after a public hearing, as provided by Chapter 124 of the Connecticut General Statutes, Revision of 1958, as amended.

Section 200-020 Application for Zone Change

Notice of the time and place of such hearing shall be published in a newspaper having substantial circulation in the Town of New Milford at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such hearing.

If a protest is filed at such hearing with the Commission against such change, signed by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change or of the lots within five hundred feet (500') in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the Commission.

A plan giving proposed boundaries must accompany each application for a change in the zoning boundaries. There shall also be included on said plans names of all landowners within five hundred feet (500') and all landowners within said area change and location of land boundaries of said owners within five hundred feet (500') and within said area change, as shown on the Assessor's Map.

A fee of two hundred dollars ($200.00) plus publication costs shall be charged for each application to the Commission for a change of these regulations and a fee of three hundred dollars ($300.00) shall be charged for a change in the zoning map boundaries, and this must be paid at the time of submitting the application. (*Effective: March 22, 1991; Amended Effective: June 24, 2003; Amended Effective: July 21, 200*3)

Section 200-030 Public Hearing Requirements

Any application calling for a public hearing would require the petitioner, at his expense, to send notice of 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.

The above notice shall be mailed at least fifteen (15) days prior to the date set for said public hearing. At the time of the public hearing, a copy of the notice sent, together with the return receipts, shall be presented to the Zoning Commission to show compliance.

An honest effort to reach the owner of record at his last known address would suffice with postal regulations governing.

The property shall also be placarded with a sign of three 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 a 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 hearing is closed. The wording of the required sign may be changed at the discretion of the Zoning Commission to suit the circumstances involved.

CHAPTER 205
VALIDITY

Should any section of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole or any part thereof.

CHAPTER 210
EFFECTIVE DATE

The effective date of these regulations shall be December 1, 1971.

A copy of these Zoning Regulations and a revised map of the Town of New Milford, showing zones as herein described, are now on file at the office of the Town Clerk, Town Hall, New Milford, Connecticut.

APPENDIX A
TRIP MULTIPLIER TABLE

Assembling or finishing of articles made from previously prepared cellophane canvas, cork, fiber, glass, home, leather, paper, plastics, precious metals or stones, shells, textiles, wood, yarns, metals.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA

Banking institutions.

169 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA

Business or professional office.

12 PER 1,000 SQUARE FEE OF GROSS FLOOR AREA.

Convenience Market.

577 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Financial institution.

122 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Garden apartments, apartment houses, row houses and townhouses.

6 PER DWELLING UNIT

Grocery store.

125 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Hospital.

12 PER BED

Hotel, motel.

10 PER BED

Indoor theatre.

2 PER SEAT

Machine manufacturing.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Manufacture and assembling of toys, sporting goods, musical instruments, clocks and watches, and other office and artist's materials.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Manufacturing, compounding processing, packaging or treatment of candy, cosmetics, drugs, pharmaceuticals, or toiletries.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Manufacture of:

- Brick, tile, terra cotta and cement products.
- Electrical equipment.
- Felt for hats, and manufacture of hats.
- Glass, including installation.
- Insecticides, fungicides, disinfectants, detergents, and similar industrial and household chemicals and chemical products and inorganic fertilizers.
- Optical goods, business machines, precision instruments, surgical and dental instruments and equipment.
- Pottery or ceramic products.
- Silverware and similar products.
- Transportation equipment.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Medical office.

75 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Metal fabrication, sheet metal work.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Metal finishing, plating, grinding, polishing, cleaning and rustproofing, stamping and intrusion of small products.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Monument or stone cutting plants.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Nursing home.

3 PER BED.

Personal service.

31 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Plants for printing, engraving, bookbinding, and other reproductive services.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Processing of fur and wool.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Public services.

30 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Research or testing laboratories.

12 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Restaurant as an accessory use to a hotel or motel.

56 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Restaurant, fast food.

553 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Restaurant, excluding fast food.

56 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Retail package store.

65 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Smelting and refining of precious metals.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Retail stores or shops.

65 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Storage and sale of building materials.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Textile spinning, weaving, manufacturing, dyeing, printing and processing.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Tool and die making, including incidental casting.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Upholsterer, carpentry, woodworking and millwork.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Warehouse bakery.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Wholesale or distribution.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

APPENDIX B
SCHEDULE OF FEES

Zoning Commission Fees

(a) Zoning Permit Fees. The fee for zoning permits shall be based on the estimated cost of construction as determined by the Zoning Department in accordance with the following schedule:

DECLARED COST FROM	TO	FEE
$0	$2,500	$15.00
2,501	5,000	$30.00
5,001	25,000	$75.00
25,001	50,000	$150.00
50,001	100,000	$200.00
100,001	200,000	$250.00
200,001	500,000	$300.00
500,001	750,000	$350.00
750,001	1,000,000	$500.00
1,000,001	And up	$500.00 plus $50 for each $100,000 or portion thereof over $1,000,000

If the proposed construction includes earth disturbance and the foundation or slab exceeds 500 square feet, an additional $100 zoning permit fee will apply.

(b) Application for Site Plan Approval under Chapter 175 of the Zoning Regulations (This fee shall be in addition to the fee charged under subsection (a)).

Up to $100,000 cost of construction $100.00
Plus $100 per each additional $100,000 or portion thereof cost of construction.

(c) Application for Special Permit under Chapter 180 of the Zoning Regulations $250.00

(d) Application to Amend Zoning Regulations $250 plus publication costs

(e) Application to Amend Zoning Map $300

(f) Application for Approval of Home Occupation $25

(g) Application of Sign Permit $10.00 plus $2 per sq. ft. over 5 sq. ft.

(h) Application for Excavation Permit	**$200**
(i) Application for three year Commercial Excavation Permit	**$750**
(j) Excavation Permit	**$20/100 cubic yards Maximum $10,000 fee**
(k) Change of Use (No construction costs)	**$30**
(l) Fence Special Permit Application	**$60**

(m) State Fee $60 (or so much as State may from time to time establish)

(n) The Cost of a Copy of the Zoning Regulations shall be $15 and the Zoning Map $10.

(o) The Fees set forth above are the minimum fees required. The New Milford Zoning Commission reserves the right to hire, at the applicant's expense, outside consultants, of the Commission's choice in its sole discretion, including but not limited to attorneys and engineers, to assist in the review of any application submitted to the Zoning Commission or the Zoning Enforcement Officer. If the Commission or its staff believes the cost of processing or reviewing an application will exceed those fees set forth above, the Commission may require additional fees be paid at the time of application. When the actual cost of processing and reviewing an application exceeds the actual fees paid, the New Milford Zoning Commission shall bill the applicant for the actual excess amount. If all fees required herein are not paid, the Commission shall consider the application incomplete, and deny it. If the Commission approves an application with fees still owing, no zoning permits or certificates of zoning compliance shall be issued until such time as all outstanding fees are paid to the Commission. If the actual cost of reviewing and processing an application is less than the amount submitted by more than $100, and the applicant has paid more than the amount noted in (a) through (l) above, the excess fees paid will be refunded to the applicant, upon request.

(*Amended Effective: December 8, 2006***)**

APPENDIX C

DATES OF AMENDMENTS
NEW MILFORD ZONING REGULATIONS

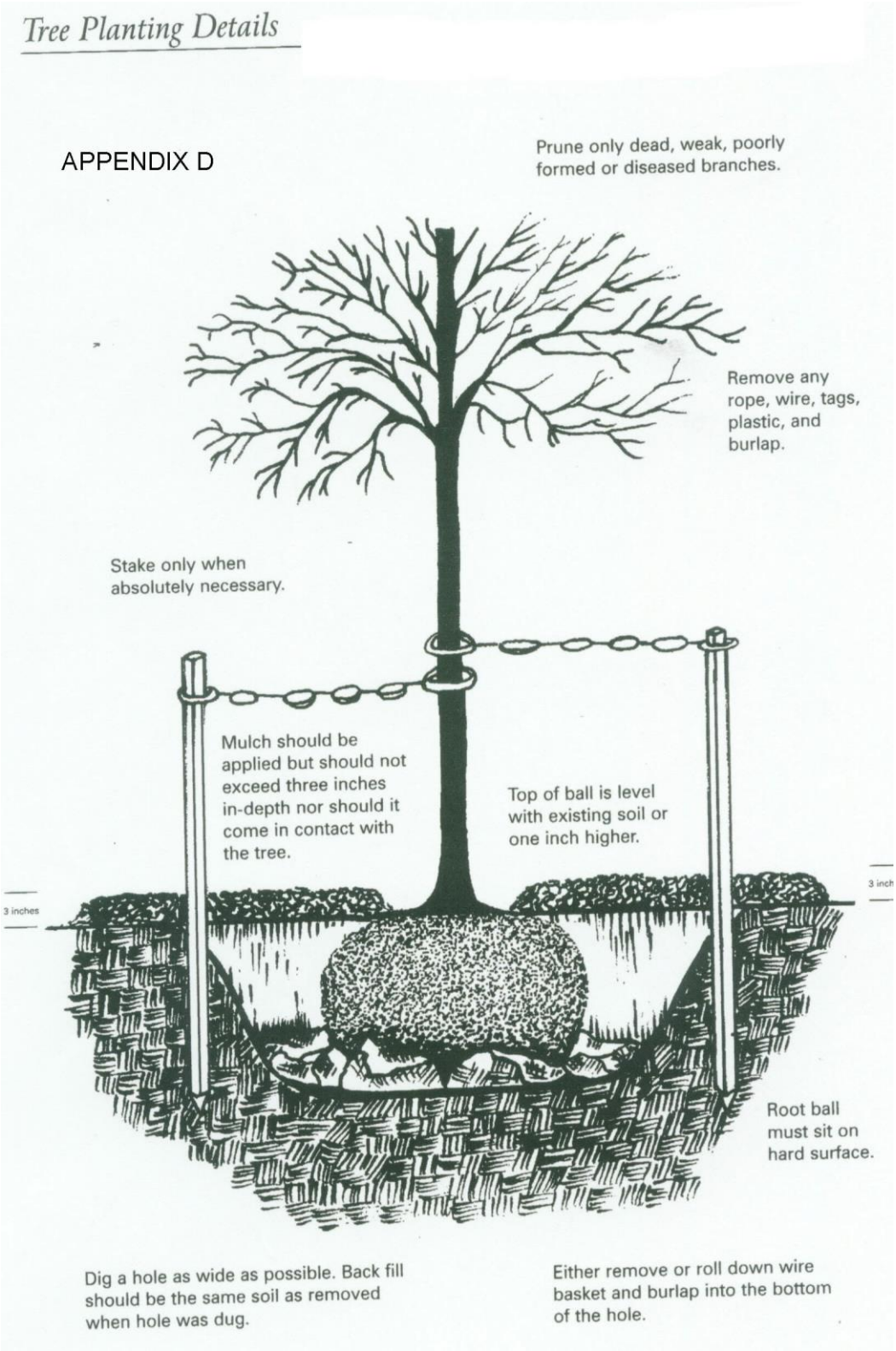
Amended Dates

March 15, 1972	August 28, 1972
October 27, 1972	March 15, 1973
January 21, 1976	March 1, 1976
January 19, 1979	July 31, 1980
January 29, 1981	April 23, 1981
March 4, 1982	April 27, 1982
July 27, 1982	August 10, 1982
February 3, 1983	August 27, 1984
February 26, 1985	March 7, 1985
June 6, 1985	June 20, 1985
August 13, 1985	September 17, 1985
December 10, 1985	February 25, 1986
July 1, 1986	July 17, 1986
November 24, 1986	April 14, 1987
April 23, 1987	June 2, 1987
June 26, 1987	April 5, 1988
February 19, 1989	April 18, 1989
May 23, 1989	June 22, 1989
July 20, 1989	August 15, 1989
November 2, 1989	November 14, 1989
April 6, 1990	April 16, 1990
September 20, 1990	March 22, 1991
October 31, 1991	December 10, 1991
January 24, 1992	April 24, 1992
September 25, 1992	November 27, 1992
February 5, 1993	March 5, 1993
June 18, 1993	July 2, 1993
July 23, 1993	September 3, 1993
November 5, 1993	December 17, 1993
April 15, 1994	May 27, 1994
June 17, 1994	October 21, 1994
March 10, 1995	April 24, 1995
June 9, 1995	June 19, 1995
January 13, 1996	March 11, 1996
April 22, 1996	May 20, 1996
June 24, 1996	July 8, 1996
August 5, 1996	September 9, 1996
November 18, 1996	December 23, 1996
January 6, 1997	September 8, 1997

February 9, 1998
September 8, 1998
January 27, 1999
March 5, 1999
November 20, 1999
January 11, 2000
May 6, 2000
October 21, 2000
May 22, 2002
December 1, 2003
March 1, 2005
April 1, 2006
May 2, 2008
August 10, 2011
June 24, 2014
June 20, 2016

June 9, 1998
January 4, 1999
February 19, 1999
October 9, 1999
December 4, 1999
April 8, 2000
June 17, 2000
June 16, 2001
July 21, 2003
March 31, 2004
October 14, 2005
November 15, 2006
May 20, 2010
June 10, 2013
June 26, 2015

APPENDIX D
TREE PLANTING DETAILS



APPENDIX E
CLUSTER CONSERVATION SUBDIVISION DISTRICT REGULATIONS

E-1: Cluster Conservation Subdivision District #1 (CCSD#1)

The following regulations shall be applicable within the Mill River Cluster Conservation Subdivision District (CCSD#1) as defined below:

Tax assessor's map #56, lot 143, and depicted on a map entitled "Cluster Conservation Subdivision, 67.392 acres, Papermill Road, New Milford – Connecticut, Development Feasibility Plan, Sheet 1 of 4, Project #040-2004, Scale: 1"=100', Date: August 17, 2004, Rev. 10/14/04', prepared by Trinkaus Engineering, LLC, Civil Engineers, 437 Bucks Hill Road, Southbury, Connecticut 06488".

All structures shall comply with the front, side and rear setbacks as specified below:

Minimum Lot Frontage:	50' or be served by a 20' accessway
Minimum Lot Area:	0.50 acres
Front Yard Setback:	40'
Side Yard Setback:	20'
Rear Yard Setback:	10'

No buffer areas are required

Maximum building height:	35' (method of measurement to conform to current Town of New Milford Zoning Definition)
Maximum site coverage:	10% (principal dwelling only)
Maximum building coverage:	20% (all buildings including outbuildings)
Maximum site coverage:	35% (all impervious surface)
Proposed Utilities:	All utilities (electric, telephone, cable TV) shall be underground.

(*Effective: December 27, 2004*)

E-2: Cluster Conservation Subdivision District #2 (CCSD#2)

The following regulations shall be applicable within the Walker Brook Farms Cluster Conservation Subdivision District as defined below:

Tax assessor's map #72, lot 2, and map 66, lot 3, and depicted on a map entitled "Area Zone Map Showing Adjoining Properties within 500' of Map 66, Parcels 2 and 3, Proposed 'Walker Brook Farm' New Milford, Connecticut. Scale 1"=500', June 26, 2004' prepared by Larry Edwards, L.S. #10937, L Edwards Associates, LLC 227 Stepney Road, Easton Connecticut 06612" located on the northerly side of Chestnut Land Road (Route 109) at the intersection with Walker Brook Road adjacent to the Washington Town Line.

1. Lot Area, Frontage and Yard Requirements:

   The minimum lot area is 40,000 square feet.
   The maximum building height is 35 feet.
   The minimum lot frontage is 150 feet. Irregular shaped lots and rear lots, as hereafter defined, are also permitted.
   The minimum front yard is 40 feet.
   The minimum side yard is 25 feet.
   The minimum rear yard is 40 feet.
   The minimum front and side yards on a corner lot is 30 feet.

   Irregular shaped lots having an area of 40,000 square feet and an average lot width of 125 feet are permitted provided that the lot has a minimum lot frontage of 50 feet on a street or highway. The lot line from which the right-of-access leads shall be considered the front line of the rear lot.

   Rear lots are permitted provided that the lot has its own separate and individual unobstructed right-of-way, which is everywhere not less than 20 feet wide connecting to a street or highway. The lot line from which the right-of-access leads shall be considered the front line of the rear lot.

   Front yards on corner lots. On corner lots, a front yard requirement of 30 feet shall be enforced on either street front. The width of the side yards shall not be less than thirty feet (30').

   There is no maximum lot coverage.

   There is not required buffer area.

   Common driveways as defined in section 165-050 3 are permitted.

2. Permitted uses:

The following uses are permitted:

A. Single Family Residence or Dwelling, together with such other buildings as are ordinarily appurtenant to a single family use.
B. Accessory Apartment, subject to a special permit and compliance with the standards and procedures applicable to approval of accessory apartments in other single family zoning districts (Section 025-030 3).
C. Home Occupations, including "Home Office or Studio", "Traditional Home Enterprise" and "General Home Occupation" subject to the standards, conditions and permit requirements otherwise set forth in the Zoning Regulations (Section 025-070 et seq.).

3. Accessory Uses:

No accessory building, including a swimming pool, shall be located in any required yard, except that an accessory building, including a swimming pool, may be located in the required rear yard provided that the same is brought no closer than twenty feet (20') from the rear lot line.

A building attached to the principal building by a covered passageway, or having a wall or a part of a wall in common with it, shall be considered an integral part of the principal structure and not an accessory building.

4. Utilities:

All lots shall be served by individual wells and septic systems approved by the New Milford Department of Health or such other public or private water supply or sewer system as may be available to provide water or sewer service to such lots. Electric and other utilities shall be provided by public service companies.

(*Effective: December 27, 2004*)