

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 (<i>Effective: October 23, 1999</i>)
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 (<i>Added Effective: June 26, 1987</i>)
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 (<i>Effective: June 22, 1989</i>)
SCDD	Shopping Center Design District (<i>Deleted Effective: December 4, 1999</i>)
IC	Industrial/Commercial Zone (<i>Effective: December 23, 1996</i>)
RI	Restricted Industrial Zone (<i>Effective: September 18, 1999</i>)
RT7	Route 7 and 202 Curb Access and Management Overlay Zone
RT202	Route 202 Corridor District (<i>Effective: January 14, 2000</i>)
HRD	Housatonic River District
CLWD	Candlewood Lake Watershed District
PRD	Planned Residential Development
PDD	Planned Development District
AACZ	Active Adult Community Zone (<i>Effective: June 16, 2001</i>)
MPRDD#1	Major Planned Residential Development District #1 (<i>Effective: March 1, 2005</i>)
CCSD#1	Cluster Conservation Subdivision District #1 (<i>Effective: December 27, 2004</i>)
CCSD#2	Cluster Conservation Subdivision District #2 (<i>Effective: December 27, 2004</i>)
R-MH	Mobile Home District (<i>Effective: November 1, 2008</i>)
HRFZ	Housatonic Riverfront Zone (<i>Effective: September 1, 2009</i>)

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*)