

**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)*