

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*)