

**NEW MILFORD ZONING COMMISSION**

ADOPTED DECEMBER, 1971

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Amended as of: November 15, 2006

**NEW MILFORD ZONING REGULATIONS  
TABLE OF CONTENTS**

		<u>PAGE</u>
<b><u>ARTICLE I-GENERAL PROVISIONS</u></b>		
<b>Chapter 10: General Provisions</b>		
Section 010-010	Statement of Intent and Purpose	09
Section 010-020	Establishment of Zoning Districts	10
Section 010-030	Official Zoning Map	11
Section 010-040	Zone Boundaries	11
Section 010-050	Application of Zoning Regulations	11
Section 010-060	Rules of Interpretation of Language	13
Section 010-070	Performance Standards	13

**Chapter 15: Definitions**

Section 015-010	Definitions	15
-----------------	-------------	----

**ARTICLE II-BASE DISTRICT REGULATIONS**

**Chapter 20: Lot and Building Requirements**

Section 020-010	Lot and Area Tables	23
Section 020-020	Height and Area Regulations Miscellaneous Provisions	25
Section 020-030	Exceptions to Height and Area Requirements	26

**Chapter 25: Single Family Residence Districts  
(R-160, R-80, R-60, R-40, R-20, R-8, R-5)**

Section 025-010	Purpose	28
Section 025-020	Permitted Uses	28
Section 025-030	Lot Area	29
Section 025-040	Lot Frontage and Access	29
Section 025-050	Agricultural Uses	30
Section 025-060	Horses and Livestock	30
Section 025-070	Home Occupations	31
Section 025-080	Conversion of Existing Dwellings	33
Section 025-090	Accessory Apartments	36
Section 025-100	Special Permit Uses in Residential Districts	37
Section 025-110	Accessory Uses and Buildings Permitted in a Single Family Residential District	38

**Chapter 30: Two-Family Residence District (R-8-2)**

Section 030-010	Purpose	40
Section 030-020	Permitted Uses	40

**Chapter 35: Multiple Residence District (MR)**

Section 035-010	Purpose	41
Section 035-020	Use Classifications	41
Section 035-030	Application Requirements	41
Section 035-040	Site Requirements	41
Section 035-050	Building Requirements	42
Section 035-060	Accessory Buildings and Uses	43

Section 035-070	Parking Areas	43
Section 035-080	Refuse Collection Area and Facilities	43
Section 035-090	Landscaping and Recreation	43
Section 035-100	Affordable Housing Provisions	44

**Chapter 40: Restricted Business Zone (B-1)**

Section 040-010	Purpose	45
Section 040-020	Permitted Uses	45
Section 040-030	Standards	46

**Chapter 45: General Business Zone (B-2)**

Section 045-010	Purpose	48
Section 045-020	Permitted Uses	48
Section 045-030	Standards	49

**Chapter 50: Lake Business Zone (B-3)**

Section 050-010	Purpose	50
Section 050-020	Use Classifications	50

**Chapter 55: Business Zone (B-4)**

Section 055-010	Purpose	52
Section 055-020	Use Classifications	52
Section 055-030	Minimum Standards	52

**Chapter 60: Industrial/Commercial Zone (I/C)**

Section 060-010	Purpose	53
Section 060-020	Use Classifications	53
Section 060-030	Site Requirements	53
Section 060-040	Building Requirements	54
Section 060-050	Joint Use of Driveway	55
Section 060-060	Signs	55

**Chapter 65: Industrial District (I)**

Section 065-010	Purpose	56
Section 065-020	Use Classifications	56
Section 065-025	Widening of Danbury Road	57

**Chapter 66: Restricted Industrial Zone (RI)**

Section 066-010	Purpose	58
Section 066-020	Use Classifications	58
Section 066-030	Conditions and Standards	59

**Chapter 70: Motor Vehicle Junkyard District (MV)**

Section 070-010	Purpose	60
Section 070-020	Use Classifications	60
Section 070-030	Application Requirements	61

**Chapter 75: Airport District**

Section 075-010	Purpose	62
Section 075-020	Use Classifications	62
Section 075-030	Special Conditions	62
Section 075-040	Building and Lot Requirements	63

**Chapter 80: Village Center District**

Section 080-010	Purpose	64
Section 080-020	Use Classifications	64
Section 080-030	Application Requirements	65
Section 080-040	Special Conditions	66
Section 080-050	Building Requirements	68
Section 080-060	Procedures and Basis for Determination and Approval	68

**ARTICLE III OVERLAY DISTRICT REGULATIONS**

**Chapter 85: Government Service District (GSD)**

Section 085-010	Purpose	70
Section 085-020	Use Classifications	70

**Chapter 90: Town Landmark District (TLD)**

Section 090-010	Purpose	71
Section 090-020	Definition and Standards	71
Section 090-030	Permitted Uses	71
Section 090-040	Application Requirements	71
Section 090-050	Method of Identification	75
Section 090-060	Special Enforcement Procedures	75

**Chapter 95: Housatonic River District (HRD)**

Section 095-010	Purpose	76
Section 095-020	Use Classifications	76
Section 095-030	Permit Procedures	77
Section 095-040	Requirements and Standards	77

**Chapter 100: Route 7 Driveway and Access Management Overlay Zone**

Section 100-010	Intent and Purpose	79
Section 100-020	Location	79
Section 100-030	Maps as Standard Provision	79
Section 100-040	Requirement for Compliance	79

**Chapter 103: Litchfield Road (Route 202) Corridor District**

Section 103-010	Purpose	80
Section 103-020	Overlay Area	80
Section 103-030	Conditions and Standards	81

**Chapter 104: Candlewood Lake Watershed District (CLWD)**

---

Section 104-010	Background	82
Section 104-020	Purpose	82
Section 104-030	Land to Which These Regulations Apply	83
Section 104-040	Compliance	83
Section 104-050	Permitted Uses	83
Section 104-060	Required Stormwater Management Plan and Data	83
Section 104-070	Best Management Practices	84
Section 104-080	Approval Considerations	84

## ARTICLE IV SPECIAL DISTRICTS

### **Chapter 105: Planned Residential Development (PRD)**

Section 105-010	Purpose	86
Section 105-020	Procedures for Establishments of PRD	86
Section 105-030	Lot and Building Requirements	86
Section 105-040	Utility Requirements	87
Section 105-050	Sewage Disposal	87
Section 105-060	Circulation and Access	87
Section 105-070	Landscaping	88
Section 105-080	Open Space	88

### **Chapter 107: Cluster Conservation Subdivision District (CCSD)**

Section 107-010	Purpose	89
Section 107-020	Definitions	89
Section 107-030	Establishment	89
Section 107-040	Standards	91
Section 107-050	Open Space Ownership and Preservation	92
Section 107-060	Modifications	93
Section 107-070	Final Subdivision Approval	93

### **Chapter 110: Planned Development District (PDD)**

Section 110-010	Purpose	94
Section 110-020	Use Classifications	94
Section 110-030	Application Requirements	95
Section 110-040	Standards and Conditions	96

### **Chapter 116: Active Adult Community Zone (AACZ)**

Section 116-010	Purpose	99
Section 116-020	Establishment	99
Section 116-030	Permitted Use	99
Section 116-040	Standards	100
Section 116-050	Open Space Requirements	102
Section 116-060	Zoning Map	103
Section 116-070	Completion of Work	103

### **Chapter 117: Major Planned Residential Development District Number 1 (MPRDD#1)**

Section 117-010	Purpose	104
Section 117-020	Procedures for Establishment of a MPRDD	104
Section 117-030	Permitted Uses	106
Section 117-040	Design and Development Standards	107
Section 117-050	Open Space Ownership and Preservation	110
Section 117-060	Contribution-in-Lieu-of-Affordable-Housing	112
Section 117-070	Zoning Map	112
Section 117-080	Time for Completion and Reversion to Prior Zone	112

## ARTICLE V-REGULATIONS APPLYING TO ALL DISTRICTS

### **Chapter 120: Floodplain Management Regulations**

Section 120-010	Purpose and Objectives	113
Section 120-020	General Provisions	113
Section 120-030	Definitions	114
Section 120-040	Application Procedures	116
Section 120-050	Provisions for Flood Hazard Reductions	117
Section 120-060	Enforcement Provisions	119
Section 120-070	Miscellaneous Provisions	119

### **Chapter 125: Erosion and Sediment Control Regulations**

Section 125-010	Purpose	121
Section 125-020	Definitions	121
Section 125-030	Activities Requiring an Erosion and Sediment Control Plan	122
Section 125-040	Contents of Erosion and Sediment Control Plan	122
Section 125-050	Standards for Review of Plan	123
Section 125-060	Procedures for Approval of Plan	124
Section 125-070	Conditions Imposed on Plan	124
Section 125-080	Inspection Procedures	124

### **Chapter 130: Landscaping, Screening and Buffer Area Standards**

Section 130-010	Purpose	126
Section 130-020	General Requirements	126
Section 130-030	Parking Lot Landscaping Requirements	127
Section 130-040	Buffer Areas	128
Section 130-050	Bonding	130
Section 130-060	Definitions	130
Section 130-070	Modification of Standards	130

### **Chapter 131: Outdoor Lighting Regulations**

Section 131-010	Purpose	132
Section 131-020	Definitions	132
Section 131-030	Lighting Plan	133
Section 131-040	General Requirements	134
Section 131-050	Modification of Standards	135
Section 131-060	Exceptions	135

### **Chapter 135: Off-Street Parking and Loading Regulations**

Section 135-010	Purpose	136
Section 135-020	Existing Off-Street Parking and Loading Facilities	136
Section 135-030	Amount of Off-Street Parking Space and Loading Space to be Provided	136
Section 135-040	Amount of Off-Street Parking and Loading Facilities to be Provided When Not Listed in Section 135-030	138
Section 135-050	Location of Off-Street Parking Facilities and Off-Street Loading Spaces	138
Section 135-060	Off-Street Parking and Facilities Specifications	138
Section 135-070	Modification of Standards	139

### **Chapter 140: Excavation of Earth Products**

Section 140-010	Purpose	140
Section 140-020	Permitted Excavations	140
Section 140-030	Prohibited Excavations	141
Section 140-040	Excavation Permit Application Requirements	141
Section 140-050	Regulations Concerning Conduct of Operations	143
Section 140-060	General and Specific Provisions	146
Section 140-070	Grading and Re-Grading of Property	147

Section 140-080	Filling of Land	148
Section 140-090	Processing of Earth Products in Connection with Building and Construction	149

#### **Chapter 145: Signs**

Section 145-010	Purpose	150
Section 145-020	Definitions	150
Section 145-030	Exempt Signs	152
Section 145-040	Prohibited Signs	153
Section 145-050	Permitted Signs	154
Section 145-060	Application Procedure	155
Section 145-070	Additional Standards	156
Section 145-080	Non-Conforming Signs	156

#### **Chapter 150: Telecommunications Facilities**

Section 150-010	Purpose	157
Section 150-020	Definitions	157
Section 150-030	Permitted Uses	157
Section 150-040	General Provisions	158
Section 150-050	Application Requirements	158

#### **Chapter 155: Separation Distances**

Section 155-010	Purpose	162
Section 155-020	Regulated Uses	162

#### **Chapter 160: Nonconforming Uses and Structures**

Section 160-010	General Provisions	163
Section 160-020	Nonconforming Use of Land	163
Section 160-030	Nonconforming Use of Structures	163
Section 160-040	Restoration of Damaged Structures	164
Section 160-050	Registration of Nonconforming Use of Land or Structures	164

#### **Chapter 165: General Provisions**

Section 165-010	Conformance with Open Space Requirements	165
Section 165-020	Lot Area	165
Section 165-030	Lot Frontage and Access	165
Section 165-040	Lots in More than One Zoning District	166
Section 165-050	Temporary Uses	166
Section 165-060	Improving or Widening a State Road	167
Section 165-070	Common Driveways in Business and Industrial Zones	167

#### **Chapter 170: Special Provisions**

Section 170-010	Alcoholic Beverages	168
Section 170-020	Mobile Homes and Mobile Home Parks	168
Section 170-030	Adult-Oriented Establishments	171
Section 170-040	Inclusionary Zoning – Affordable Housing Contribution	172

### **ARTICLE VI-ADMINISTRATION**

#### **Chapter 175: Site Plan Approval**

Section 175-010	Purpose	173
Section 175-020	Site Plan Application Requirements	173
Section 175-030	Criteria for Site Plan Approval	174
Section 175-040	Duration of Site Plan Approval	175

**Chapter 180: Special Permits**

Section 180-010	Purpose	176
Section 180-020	Uses Requiring Special Permit	176
Section 180-030	Special Permit Application Requirements	176
Section 180-040	Standards for Review of Special Permit Application	177
Section 180-050	Procedure for Approval of Special Permit	178
Section 180-060	Public Hearing Notice Requirements	178
Section 180-070	Performance Bond Requirements	178

**Chapter 185: Administration, Enforcement and Penalties**

Section 185-010	Application for Use Permit	179
Section 185-020	Duration of Use Permit	180
Section 185-030	Pending Application for Building Permit	180
Section 185-040	Certificate of Use Compliance	180

**Chapter 190: Fee Schedule**

See Appendix B		181
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**Chapter 195: Zoning Board of Appeals**

Section 195-010	Powers and Duties	182
-----------------	-------------------	-----

**Chapter 200: Amendments**

Section 200-010	General Provisions	183
Section 200-020	Application for Zone Change	183
Section 200-030	Public Hearing Requirements	183

<b>Chapter 205: Validity</b>		185
------------------------------	--	-----

<b>Chapter 210: Effective Date</b>		186
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**APPENDICES**

Appendix A Trip Multiplier Table	Appendix A-1	187
Appendix B Schedule of Fees	Appendix B-1	190
Appendix C Dates of Amendments	Appendix C-1	192
Appendix D Tree Planting Details	Appendix D-1	193
Appendix E Cluster Conservation Subdivision Districts #1	Appendix E-1	194
Appendix E Cluster Conservation Subdivision Districts #2	Appendix E-2	195



## 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 10-23-99)
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 6-26-87)
MV	Motor Vehicle Junkyard District
I	Industrial Zone
Airport	Airport District
RM	Multiple-Residence District
VC	Village Center District
TLD	Town Landmark District
GS	Government Service District (Assessor's Map #147 - Lots 30, 31, 32 and 33 Assessor's Map #149 - Lots 71B, 70A and 14 on the east side of Young's Field Road consisting of 8.21 acres) Effective 6-22-89
SCDD	Shopping Center Design District (Deleted Effective 12-4-99)
IC	Industrial/Commercial Zone (Effective 12-23-96)
RI	Residential Industrial Zone (Effective 9/18/99)
RT7	Route 7 Paving and Access Management Overlay Zone
RT202	Route 202 Corridor District (Effective 1/14/2000)
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 3/1/05)
CCSD#1	Cluster Conservation Subdivision District #1 (Effective 12/27/04)
CCSD#2	Cluster Conservation Subdivision District #2 (Effective 12/27/04)

**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.
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**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 3-7-85)

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. (Eff. 8/1/77; 2/26/2000)
  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 2-26-2000)
  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.
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## **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 6-26-87)

## 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 11-20-99)

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 11-20-99)

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Adult Amusement Machine: Any amusement machine that is regularly used for resending 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 11-20-99)

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 11-20-99)

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 11-20-99)

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 11-20-99)

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 11-20-99)

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 Oct. 31, 1991, 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 3-7-85)

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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 11-20-99)

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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 3-7-85)

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 6-26-87)

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. (Eff. 2/5/81)

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 11-20-99)

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 hour emergency call system, optional nursing, housekeeping and laundry services. (Effective 11-20-99)

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 housed for remuneration.

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Convenience Market: Any retail store with 5,000 square feet or less selling foodstuffs and various household supplies. (Effective 9/9/96)

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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.

Extended Stay Motel: A building(s) containing six 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 sum of the horizontal area of the several floors of a dwelling unit measured from the outside, excluding cellar floor areas, basement rooms, garage, porches and open attics or unfinished rooms, and for which a certificate of occupancy has been issued as habitable living quarters. In split-level houses, the first two (2) levels may be counted as one (1) floor, provided that the difference in floor levels is less than five (5) feet.

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 8-6-99)

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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.

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Hillside: Land having an average of greater than 25% for 200 feet or more. (Effective 11-20-99)

Home Occupation: (Effective 3-7-85) (Deleted 2/11/03).

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 3-7-85)

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 2-26-2000)

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

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Lot Coverage: The area of a site covered by buildings or roofed areas. (Effective 11-20-99)

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.” (1-29-80)

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 September 8, 2001).

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

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

Nonconforming Use: A use of land or a structure, 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.

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.

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Planned Senior Housing: A residential complex consisting of one or two bedroom dwellings, each owned and inhabited by at least one household member of age fifty-five years or older and deed restricted to maintain this age standard for ownership and occupancy. No children under the age of eighteen 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 12-20-91)

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. Eff: 1/13/96

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.

Convenience Market: Any retail store with 5,000 square feet or less selling foodstuffs and various household supplies. (Effective: 1/13/96)

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 3-7-85)

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Rural Country Road: A road identified as such in the New Milford Plan of Conservation and Development, as amended. (Effective 11-20-99)

Sign: The term "sign" shall include every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag or other device, however made, displayed, painted, supported or attached and intended for use for the purpose of advertisement, identification, publicity or notice, when visible from any street or from any lot other than the lot on which the sign is located.

The term "sign," however, shall not include any flag, pennant or insignia of any governmental unit or nonprofit organization, any traffic or directional sign located within the right-of-way of a street when authorized by the Town of New Milford or the State of Connecticut nor any illustrations, insignia or lettering which are an integral and permanent part of the architecture of any building approved under a special exception. (Effective 3/7/85).

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 3-7-85).

Temporary: A use of land not exceeding five consecutive days in any calendar month for the purpose of announcing or promoting special events. (Effective 6-19-95).

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: An open space on the same lot with a structure which lies between said structure and the nearest lot line, and which is unoccupied except as may be specifically authorized in this ordinance. In measuring a "yard," as hereinafter provided, the line of structure shall be deemed to mean a line parallel to the nearest lot line, drawn from a point of a structure nearest to such lot line. Such measurements shall be taken at a right angle from the line of the structure, as defined herein, to the nearest lot line.

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 10-31-91].

## 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	Maximum Bldg. Height	Minimum Lot Frontage	Minimum Yard Setbacks			
				Front	Side	Rear	Side Corner
R-160	160,000sf	35'	200'	100	60'	80'	70'
R-80	80,000 sf	35'	200'	50'	40'	50'	50'
R-60	60,000 sf	35'	150'	50'	40'	50'	50'
R-40	40,000 sf	35'	150'	40'	30'	40'	30'
R-20	20,000 sf	35'	100'	40'	20'	25'	25'
R-8	8,000 sf	35'	60'	15'	10'	25'	10'
R-8-2	8,000 sf	35'	60'	15'	10'	25'	10'
R-5	5,000 sf	35'	40'	10'	5'	20'	10'

(Effective December 23, 1996; Amended effective August 1, 2003)

There is no maximum lot coverage in a residential zone.

#### Minimum Living Area Per Residential Dwelling Unit

Zone	Minimum Total		Minimum Building Footprint for	
	Floor Area	1 Story Dwelling	1 ½ Story Dwelling	2 Story Dwelling
R-160	2,000 sq. ft.	2,000 sq. ft.	1,500 sq. ft.	1,000 sq. ft.
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

(Effective 10-31-91)

**B. Non-Residential Districts**

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

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)

**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.

Lot Area In Acres	Maximum Lot Coverage Permitted as a Percentage Of Lot Area
<u>2</u>	<u>25</u>
<u>7</u>	<u>26</u>
<u>12</u>	<u>27</u>
<u>17</u>	<u>28</u>
<u>22</u>	<u>29</u>
<u>27</u>	<u>30</u>
<u>32</u>	<u>31</u>
<u>37</u>	<u>32</u>
<u>42</u>	<u>33</u>
<u>47</u>	<u>34</u>
<u>52</u>	<u>35</u>
<u>57</u>	<u>36</u>
<u>62</u>	<u>37</u>
<u>67</u>	<u>38</u>
<u>72</u>	<u>39</u>
<u>77+</u>	<u>40 (maximum)</u>

#### 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 any industrial zone where a lot fronts on a town, state or federal highway, a front landscape area shall be provided in accordance with the provisions of Chapter 130. This area shall extend fifty (50) feet back, beginning at the front lot line and extending along the entire frontage of the lot. Refer to Chapter 130 for landscaping details. Parking areas are permitted between the front landscape area and the front of the buildings situated on said lot.

In an industrial 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.

**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 9-1-06*
  
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 9-1-06 and 11-15-06*
  
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 3-7-85).
  
4.      Exception to the height limitations shall be through special permit only.  

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Structures already existing as of the enactment of this regulation shall be construed as legally non-conforming 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 7-16-99)

  - a.      Any solar equipment that extends above the 35' height limitation shall be permitted. (Amended effective 11-2-89).
  
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 non-conforming 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 11-14-89).
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 2/5/93).

## **CHAPTER 25: SINGLE FAMILY RESIDENCE DISTRICT**

(R-160, R-80, R-60, R-40, R-20, R-8, R-5)

*Amended Effective 9-15-06*

### **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 11-20-99)

### **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.

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

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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 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 date: 09/15/06

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 lots, but no more than six 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 Date 09-15-06).

**Section 025-050      Agricultural Uses**

The following agricultural uses are permitted in any residential zone subject to the limitations and conditions of these regulations:

Farming, forestry, truck gardening, nursery gardening and the display and sale of farm and garden produce raised on the premises.

1. Any parcel of land intended for these noted agricultural uses must contain at least three-fourths (3/4) of an acre.
2. Any buildings to be erected associated with said uses or any produce to be displayed and any parking areas must be located in conformance with the minimum yard setbacks for the zone.
3. Off street parking must be adequate and arranged in a manner which does not present a hazard.
4. Issuance of a zoning permit by the Zoning Enforcement Officer.
5. All products sold from the property must be grown or raised on the premises; no products may be imported for resale.

**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 non-resident may be employed in connection with the home office or studio.
  3. No more than one 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.
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### **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 non-resident may be employed in connection with the traditional home enterprise.
3. No more than one 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.

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

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1. The accessory building proposed for use must have existed on the property prior to 1950.
2. Only one 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 1500 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 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.

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## **Section 025-080      Conversion of Existing Dwellings**

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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 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 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 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 dwelling unit and a maximum of two 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 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.
  - 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 on-site parking space shall be provided for each guestroom with two 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 and 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 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 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 750 square feet.
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 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 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 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.
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## **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.

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**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 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 9-1-06*



**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 3-7-85, 3-11-96)

**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 3/10/92). 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 3-7-85)

**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

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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 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**

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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 Statutes 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 10-31-91]

**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.

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  - 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. Fabrication and installation of glass
- M. Restaurants, Class I and II
- N. Assembly hall
- O. Public recreation building
- P. Veterinary hospital or clinic
- Q. Funeral home
- R. Outside storage and display of inventory as an accessory use to any B-1 use which is permitted as a matter of right
- S. 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, 7<sup>th</sup> 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 provisions of Chapter 180, and subject to compliance with the following standards:
  - I. Said lot must contain lot area of 40,000 square feet or greater.
  - II. One residential dwelling unit is permitted per property.
  - III. The residential dwelling unit must be located within the same building as the business use.

5. Administrative Sign Off:

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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 revisions approved effective 9-1-06*

**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.

**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 Revisions Effective 9-1-06*

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**CHAPTER 050: 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 1-14-2000)

**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.

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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:

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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 11/17/92).

2. The establishment of an area or areas for temporary recreational residences. Such recreational residential use is limited to the six-month period between May 1<sup>st</sup> and October 31<sup>st</sup>. (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 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 Nov. 20, 1999)

### **Section 060-020 Use Classifications**

1. The boundaries of the Industrial/Commercial zone encompass all B-1, B-2, and industrial parcels of land located on or having access to Danbury Road from the proposed interceptor of the Lanesville connector (Still River Drive) and Danbury Road (Conn. Route 7) south to the Brookfield town line.
2. 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 170 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.

### **Section 060-030 Site Requirements**

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 building, 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 020-040 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.

**Section 060-040 Building Requirements**

1. Minimum lot area - two (2) acres
  2. Minimum frontage along Danbury Road - two hundred (200) ft.
  3. Minimum side yards – twenty (20) ft.
  1. Maximum height of buildings or structures - fifty (50) ft.
  2. Maximum lot coverage by all buildings and outside storage areas shall not exceed thirty (30)% of the total lot area except as otherwise provided herein.\*
  3. Minimum rear yard - thirty-(30) ft.
  7. Minimum front yard - one hundred (100) ft. except as otherwise provided herein.
  8. Any portion of a lot however acquired by the State of Connecticut or the Town of New Milford for the purpose of improving or widening Danbury Road, or for the construction of sewer pump stations or other sewage facilities associated with the improvement or widening of Danbury Road shall not be deemed under any circumstances to render the remaining portion of such lot or the buildings located thereon nonconforming or more nonconforming with respect to the minimum lot area, lot width or any yard requirements of these regulations. Any portion of a lot thus acquired by the State of Connecticut or 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. (Effective 3/17/2000; Amended 12/10/2002)
  9. If all off-street parking facilities are located to the rear of the buildings located along Danbury Road, the minimum front yard requirement shall be fifty (50) feet. If all off-street parking facilities or any portion thereof are located in the front of the buildings located along Danbury Road, the minimum front yard requirement shall be one hundred (100) feet.
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10. A service road serving two (2) or more lots may be located within the required front yard of said lots.
  11. Joint use of off-street parking facilities may be permitted provided that the area of such facilities shall not be less than eighty (80)% of the sum of the requirements of the various users computed in accordance with the off-street parking requirements of these regulations. Such joint use of facilities must be guaranteed to the Commission by means of a written agreement to which the Commission is a party, so that such joint use may not be terminated without the consent of the commission.

12. No lot shall have more than one (1) driveway for each two hundred (200) feet of frontage. In order to protect the public safety where traffic volumes, patterns, or street geometry warrants, the commission may require that only one (1) driveway serve any lot regardless of the length of the street frontage and may designate the location of any driveway.
13. 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.
14. Right-of-way for sidewalk purposes.
  - A. 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.
15. All buildings and structures where goods are sold or services rendered primarily at retail shall not exceed an area of 40,000 square feet.

\*Shared driveway 35% see Section 060-050

**Section 060-050      Joint Use of Driveway**

1. Joint use of one driveway by two (2) or more abutting lots is encouraged. The maximum permitted lot coverage for two (2) abutting lots using one driveway is thirty-five (35)%. The maximum permitted lot coverage for three (3) or more abutting lots using one (1) driveway is forty (40)%.

**Section 060-060      Signs** *(Deleted effective 1-1-06)*

## 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 11-20-99)

### **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 3-5-93)
2. Any use not clearly identified under the right of the zone shall require a special permit. (Amended effective 11-2-89, 12-21-90)

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 11-2-90)

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.

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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 020-040 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:
  - 1. The site shall be served by a public water supply and municipal sewer.
  - 2. 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.
  - 3. Any such recreational use would be limited to the six month period between May 1<sup>st</sup> and October 31<sup>st</sup>. (Amended effective 7/23/93)
  
- D. (Deleted as of April 1, 2004).

**Section 065-025 Widening of Danbury 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 Danbury Road, or for the construction of sewer pump stations or other sewage facilities associated with the improvement or widening of Danbury 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 width or any yard requirements of these regulations. Any portion of a lot thus acquired by the State of Connecticut or the Town of New Milford shall be included as part of any provision of these regulations. (Effective: March 18,2000; Amended 12/10/2002)

**Chapter 66: RESTRICTED INDUSTRIAL ZONE  
(R I)**

**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 020-040 for business zones. (Effective March 8, 2000)~~

## **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 020-040. A buffer of 60' shall be provided adjacent to any residential zone. (Effective date 9/18/99)

**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 11-20-99)

**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.

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  - 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 10<sup>th</sup> 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 11-20-99)

### 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 residence or apartment may be allowed for a caretaker (watchman) and his or her family. (Effective 4/16/90).

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.
  - a. 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.

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

### 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

1. Uses permitted in Village Center Zone I:
  - A. Any use permitted in a B-1 Restricted Business Zone.
  - B. The following use may be permitted by special permit in accordance with the provisions of Chapter 175, subject to site plan and landscaping plans and public hearing:

Multi-family housing may be permitted provided that such housing:

- 1) 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;
- 2) 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;
- 3) Is of such design as to harmonize with the neighborhood and preserve the beauty and appearance of the Village Center; and
- 4) Is not a conversion of an existing structure used and/or formerly used for business, commercial or industrial use. (Effective June 17, 1994)

2. 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 (1) does not obstruct the free use of any sidewalk, (2) does not protrude more than thirty-six inches from the front of the building, (3) complies with all of the provisions of the zoning regulations which are not inconsistent with the provisions of this section and (4) complies with all ordinances and regulations of the town of New Milford and/or the State of Connecticut. (Effective 6/19/95)



## 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 7-20-89)
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:

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- A.     The size and intensity of such use and its effect on the Town Plan of Conservation and Development.
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- 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 Bennett 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.

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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, 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 7-16-99)

**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 9-3-93, 6-19-95)

## **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 6-22-89, 10-05-92, 4-15-94)

## **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.

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### **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.

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- 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:

1. 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.

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2. 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 its 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.
3. 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 assure 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 95-010      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
    1.     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.
    2.     Game management, fishing, hunting where permitted, camping and picnicking in specified areas and other recreational activities.
    3.     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.
    4.     Maintenance or reconstruction of existing public and private ways, bridges and structures.

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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.

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2.     Outer Corridor: All properties lying north of Boardman Bridge, which are in the watershed of the Housatonic River.
  - A.     Uses
    1.     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 DRIVEWAY 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 this major interregional roadway 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 driveway 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 U.S. Highway Route 7 from the Brookfield town line northerly to the intersection of U.S. Route 7 with Connecticut Route 37.

### **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 Driveway and Access Management Plan, (Route 7 Access Plan) August 1997.

### **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.

## 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 the design to development within these areas, which is compatible with the character of the area. Where possible, access shall be controlled with the character of the area. Where possible, access shall be controlled to maintain safe traffic movement. The use of landscaping and natural buffers where present shall be used to screen development.

### Section 103-020 Overlay Area

The Litchfield road corridor district shall apply to all properties within B-1 and B-2 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.

1. Uses permitted as a matter of right subject to the issuance of a zoning permit by the zoning enforcement officer:  
Section 103-030 Use Classifications
  - A. Single family residence
2. Subject to the acquisition of a special permit and site plan approval, the following uses of land permitted as a matter of right in a B-1 zone are permitted in the B-1 and B-4 zones within the overlay district:
  - A. Bank
  - B. Office
  - C. Studio
  - D. Restaurant- Class I, II, and III (restaurant-fast food as defined in Chapter 15 is 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, including package stores, but excluding uses permitted in less restricted zones.
  - F. Shop for making articles to be sold at retail on premises in buildings and structures of 10,000 square feet or less
  - G. Funeral home
  - H. A combination of a residential and two (2) business uses is permitted. The more restrictive requirements of the two including but not limited to setbacks, sidelines and parking shall apply.
3. Subject to the acquisition of a special permit and site plan approval, the following uses of land permitted as a matter of right in a B-2 zone are permitted in the B-2 zone within the overlay district:



- A. Uses permitted in the B-1 zone as listed in section 103-030 2.
- B. Wholesale sales office or sample room
- C. Job printing
- D. Newspaper printing
- E. Electric substation
- F. Garage for the repair of motor vehicles, gasoline or motor fueling station.
- G. The processing of food in a farm included for sale to the retail consumer.
- H. Research laboratories
- I. Carpentry, woodworking and millwork manufacture
- J. Blueprinting, photography and similar reproduction service
- K. Manufacturing of art products of pottery or ceramics
- L. Fabrication and installation of glass
- M. A combination of residential and business uses provided the more restrictive requirements of the two (2), included but not limited to set back, sideline and parking shall apply.

**Section 103-030      Conditions and Standards**

In addition to the conditions and standards stated in section 010-070, 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. Where possible, points of access to uses within the overlay district shall be jointly used to limit such access points.
3. Where possible, existing structures shall be used in order to maintain the existing character of the area.

(Effective date: January 14, 2000)

**CHAPTER 104: CANDLEWOOD LAKE WATERSHED DISTRICT**  
(CLWD) Effective November 24, 2003

**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.

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

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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**

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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.