

**CHAPTER 105: PLANNED RESIDENTIAL DEVELOPMENT
(PRD)**

Section 105-010 Purpose

It is the intent of this Chapter of the Zoning Regulations to provide an opportunity for flexibility of development through the option of Planned Residential Development in all residential zones, provided that the total number of units developed shall be no more than would be permitted under the conventional development of the premises.

Section 105-020 Procedures for Establishment of PRD

The Planning Commission may grant a special permit, to permit the establishment of a Planned Residential Development in any residential district, involving permanent reservation of land for open space purposes concurrent with reduction of lot area and shape requirements applicable in such district. The Planning Commission shall follow the procedures herein specified and, before granting a special permit, shall find that the standards and conditions herein specified have been met and that the special permit will accomplish the open space purpose set forth herein and will be in harmony with the purpose and intent of the Zoning Regulations. (Effective 7-17-86).

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

Section 105-030 Lot and Building Requirements

1. Acreage shall be sufficient to allow at least eight (8) conventional homes to be built on the tract using the criteria for conventional development.
- ~~2. A minimum of one-hundred-foot buffer zone shall be provided around the complete development unless it is shielded by natural barriers.~~
3. There shall be a maximum of twelve (12) bedrooms or six (6) living units in a cluster.
4. All dens or studios shall be considered as bedrooms.
5. There shall be at least fifty (50) feet between each building.
6. The number of bedrooms that will be permitted shall be no more than five (5)

- bedrooms for each lot that would be allowed in a convention development.
4. Dwelling unit size shall not be less than those permitted in multiple-resident districts.
 8. No building shall exceed a height of thirty-five (35) feet, and no space having its floor level below the finished grade shall be used for dwelling purposes.
 9. All interior spaces used for dwelling purposes shall have a clear ceiling height of not less than seven (7) feet, six (6) inches throughout the entire floor area thereof.
 10. Each dwelling unit shall have two (2) separate and remote means of egress, each leading directly outdoors or to stairways or corridors meeting a two-hour fire-resistant as provided in the Building Code.

Section 105-040 Utility Requirements

1. The water supply shall be approved by the Planning Commission and the Town Director of Health. The water supply system shall be so designed and constructed as to provide adequate fire protection with hydrants, or fire ponds shall be provided to the satisfaction of the Planning Commission.
2. All electric, telephone and cable television utilities shall be placed underground.

Section 105-050 Sewage Disposal

The planned residential development shall be served by a sewage disposal system meeting Town and State Department of Health regulations and, as applicable, regulations of the State Department of Environmental Protection. The system shall be approved by both the Planning Commission, Town Health Department and state agencies. In addition, leaching fields or other in-ground disposal facilities shall be located at least fifty (50) feet from any existing wetland or watercourse, shall be located on land having a slope of less than fifteen percent (15%) and shall be constructed so that the primary contact for leaching is to suitable soil, at an elevation not less than four (4) feet above bedrock and two (2) feet above seasonal high-water table. (Effective 7-17-86)

Section 105-060 Circulation and Access

1. Development of more than one hundred (100) bedrooms shall have a second access to a town or state-maintained highway.
2. All access roads and interior roads that are proposed for acceptance by the town shall be built to the standards of the Road Ordinance.
3. Off-street parking shall be provided at a minimum of two and zero-tenths (2.0) spaces per dwelling unit.

Section 105-070 Landscaping

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

Section 105-080 Open Space

All land not used for construction of dwellings, roads, parking or private yards shall be considered open space. Except when required for town use, it shall be dedicated for use by the residents of the Planned Residential Development with adequate controls to assure its maintenance and with restrictions or covenants prohibiting or restricting building on it.

Chapter 107: CLUSTER CONSERVATION SUBDIVISION DISTRICT (CCSD)

Section 107-010 Purpose

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

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

Section 107-020 Definitions

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

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

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

Section 107-030 Establishment

1. Any application seeking to change the zoning classification of a parcel or parcels of land to a Cluster Conservation Subdivision District shall be submitted in writing to the Zoning Commission and will be processed in the same manner as any other application for a change of zone, in accordance with Chapter 200.
2. Prior to the submission of a formal application, a pre-application review through staff meetings with land use officers and land use agencies is encouraged.
3. Any application seeking to establish a Cluster Conservation Subdivision District (CCSD) shall be accompanied by:
 - A. An area map drawn to scale of at least 200 feet to the inch, covering the area of the proposed change and all areas within 500 feet of the proposed change, and

showing for such area the existing and proposed district boundary lines, the existing property lines, and the names of the current property owners of all properties as indicated in Town of New Milford Assessor's Records.

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

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

C. A site assessment analysis to include:

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

D. A site context map to include all parcels within a one mile radius of the proposed CCSD that includes road names, the subject CCSD, streams and water bodies, parks, open space, greenways, trails, historical/archeological and cultural features, the presence of any natural resource features that could affect the design of the site, and any other significant features.

- E. A site context report demonstrating how the proposed CCSD will benefit the community, how this proposal will conform with the character and harmony of the community, and how the proposed CCSD achieves the objectives listed in Section 107-010 of this regulation.
- F. A comparison plan of a conventional subdivision layout applied to the site to determine the maximum number of house lots that could be developed on the subject property. The comparison plan must comply with the conventional subdivision regulations as outlined in the Subdivision Regulations of the Planning Commission of the town of New Milford, dated June 2, 2001, and as amended, and must comply with all other Town and State regulations. To ensure the site would support the number of lots identified on the comparison plan, the Commission may require the applicant to conduct standard septic system perk tests for up to 10% of the proposed lots. The lots chosen would be at the discretion of the Commission to determine the feasibility of development.
- G. Regulations to be applicable within the proposed district, in form suitable for adoption as an amendment to these regulations, containing standards for no less than the following:
 - 1. Location and size of the proposed detached single-family dwellings and other accessory structures.
 - 2. The area, shape and frontage of lots.
 - 3. Proposed buffer areas.
 - 4. Front yard, rear and side yard requirements.
 - 5. Maximum building height.
 - 6. Maximum site coverage.
 - 7. Proposed utilities.

Section 107-040 Standards

- 1. All Cluster Conservation Subdivisions shall be considered as subdivisions and subject to all other applicable land-use regulations of the Town of New Milford in addition to the requirements of these regulations.
- 2. Number of lots: The maximum number of building lots that may be approved in a Cluster Conservation Subdivision shall not be greater than would be allowed under the conventional subdivision regulations as outlined in the Subdivision Regulations of the Planning Commission of the town of New Milford, dated June 2, 2001, and as amended. A preliminary conventional subdivision plan must be submitted for comparison purposes.
- 3. If at least 70% of the land is maintained as contiguous, undivided conservation open space, the Commission may allow a building density bonus of 10% of total dwellings.
- 4. Each dwelling shall be served by an individual septic system located on the lot.

Section 107-050 Open Space Ownership and Preservation

1. The open space preserved as Conservation Open Space under a Cluster Conservation Subdivision shall be maintained in a natural state and used for the following purposes only:
 - a. Protection of areas with unique or environmentally sensitive features.
 - b. Protection of the quality and quantity of underground and surface waters.
 - c. Conservation of soils, wetlands or marshes.
 - d. Protection of natural drainage systems for assurance of safety from flooding.
 - e. Preservation of sites or areas of scenic beauty or historic interest.
 - f. Conservation of forest, wildlife, agricultural and other natural resources.
 - g. Pedestrian pathways.

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

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

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

4. Deed Restrictions: Any land dedicated for open space purposes shall contain appropriate covenants and deed restrictions (approved by the Town Attorney for Town dedicated property) ensuring that:
 - a. The open space area will not be further subdivided in the future.
 - b. The use of open space will continue in perpetuity for the purpose specified.
 - c. Appropriate provisions will be made for the maintenance of the open space.
 - d. Rights of public access to the open space are provided when appropriate.

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

Section 107-060 Modifications

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

Section 107-070 Final Subdivision Approval

The Zoning Commission, in connection with the establishment of a Cluster Conservation Subdivision District, may specify a time period within which an application seeking final subdivision approval must be submitted to the Planning Commission; if not so specified such application to the Planning Commission shall be made within five years from the effective date of the establishment of the District. The Zoning Commission may extend such time period after a public hearing for good cause shown. In the event of failure to meet such time period, as may be extended, the Zoning Commission is deemed authorized by the owner of the land in the District to amend these regulations and the Zoning map, deleting the Cluster Conservation Subdivision District and establishing in its place the previous or another zoning district.

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

CHAPTER 110: PLANNED DEVELOPMENT DISTRICT (PDD)

Section 110-010 Purpose

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

1. To permit tracts of land of considerable size to be developed and designed as harmonious units consistent with: the character of the town and neighborhood; the purpose and meaning of the Zoning Regulations; and any plan of development which may have been adopted by the Planning Commission.
2. To permit the establishment of certain uses that would not be considered as permitted for said areas under the present Zoning Regulations, but which would be beneficial to and consistent with the orderly development of the town and the immediate neighborhoods involved may be permitted.
3. To permit the design, layout and construction of buildings, structures and facilities that, by virtue of their location, orientation, design characteristics, concept, construction features and landscaping, would be consistent with the character of the town and the neighborhood and which show unusual merit.
4. To facilitate the development of areas which may have on-site or off-site conditions, which would cause normal development to be extremely difficult or virtually impossible under these regulations.

Section 110-020 Use Classifications

Uses are restricted to the following:

1. ~~Research and development laboratories, including research and development of manufactured, processed or compounded products, and their assembly and distribution for sale. Such research and development laboratories shall consist~~
only of such buildings and structures containing only such facilities and equipment as may be required for the purposes of such laboratories, including pilot experimental facilities, or the processing and assembling of other related units, which require the supervision of the staff of such laboratories.
2. The assembly of precision electrical or electro-mechanical equipment.
3. The assembly of optical goods, business machines, precision instruments, surgical and dental instruments.

4. Printing, engraving, bookbinding and other reproduced services. (NOTE: The making, processing, assembling or handling of materials or products shall not involve the reduction, conversion or manufacturing of primary raw materials and shall be confined to the making of finished products or parts thereof, from component parts and semi-finished products.)
5. Corporate headquarters with or without accompanying research facilities.
6. Data processing facilities.
7. Buildings accessory to the uses stated above.

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

Section 110-030 Application Requirements

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

1. ~~Statement: A written statement specifying in detail the particular provisions of those Zoning Regulations, which it is proposed be modified, and setting forth any additional standards, which are proposed concerning the use of the land, buildings and other structures, and the location and size of the buildings and other structures: ten (10) copies shall be submitted.~~
2. General plans. A plan of the proposed development, including a site plan complying with Chapter 175 of the Zoning Regulations indicating thereon proposed buffer zones, architectural work ups, layouts and other items as may be relevant, in sufficient detail to show the nature of the Planned Development District. Said general plans will state the procedures, which will be taken, both on and off-site, to ensure conformance with the purpose set forth herein: ten (10)

copies shall be submitted.

3. An application pertaining to the purpose set forth herein shall be located on a plot of a minimum of seventy-five (75) acres in a present residential zone and shall conform to the procedures, standards and conditions set forth herein. The maximum site coverage of all proposed structures shall not exceed twenty percent (20%) of the total land area in the proposed district. The Commission will require a minimum two-hundred-foot buffer strip, front, back and sides, from existing residential development or foreseeable future residential development. However, where a natural barrier exists on the site or is immediately bordering on adjacent property, the Commission may waive any part of such landscaped buffer strips when, in its judgment, the public convenience and welfare will be substantially served, and appropriate use of such neighboring property will not be substantially or permanently altered. The maximum height of any structure in the proposed district is a standard to be recommended by the applicant but shall be consistent with the character of the town and of the neighborhood in which the proposed district is to be located.
4. The application shall be submitted to the Commission and shall be accompanied by a fee sufficient to cover the publication cost of all required legal notices. In acting on any application, the Commission shall hold a public hearing on the application in the same form and manner as required by the General Statutes of the State of Connecticut for an amendment to these regulations. After review by the Planning Commission, and after public hearing, the Zoning Commission may approve, disapprove or approve with modifications. Any modifications by the Commission shall not amend the plan in any substantial manner. It is the intent of the Commission that the plan, as finally approved, shall be substantially the same as that presented at the public hearing. The Planned Development District, if approved by the Commission, shall modify and supplement the regulations of the Zoning Ordinance as they apply to the property applied for and the access to same.

Section 110-040 Standards and Conditions

1. ~~Conditions. The Commission may attach any condition or conditions to it's approval as it considers necessary, in order to protect the public health, safety, convenience and property values and in order to assure continuing conformance to the approved plan.~~
It may also require the posting of a suitable performance bond in accordance with the provisions of Chapter 180 of these regulations.
2. Filing requirements. A copy of the approved plan on good quality heavy linen cloth or other materials that would be suitable for filing in the public land records, on sheets twenty-five by thirty-six (25 x 36) inches, shall be filed, at the applicant's expense, in the office of the Town Clerk, and a copy on permanent tracing material, plus three (3) paper copies, shall be filed with the Zoning Enforcement Officer. Any plans not so filed within ninety (90) days after

approval by the Commission shall be null and void.

3. Notation of changes. A suitable notation shall be made in the Zoning Regulations and on the Zoning Map identifying any property for which a Planned Development District plan has been approved.
4. Amendments. Application for changes in approved plans shall be made and acted upon in the same manner and procedure as required for the initial application.
5. Time limit. Any Planned Development District authorized by the Commission hereunder shall be established and any construction authorized hereby shall be completed within a period of three (3) years from the date of approval. Any extension of time would require formal public hearing for good cause shown and Commission approval of same.
6. No dust, dirt, fly ash, smoke, gas or fumes shall be emitted into the air from any lot so as to endanger the public health and safety, to impair safety on, or the value and reasonable use of any other lot, or to constitute a critical source of air pollution.
7. No use on any lot shall cause interference with radio and television reception on any other lot, and any use shall conform to the regulation of the Federal Communications Commission with regards to electromagnetic radiation and interference.
8. Smoke or other air contaminant shall not be discharged into the atmosphere for a period or periods aggregating more than three (3) minutes in any one (1) hour which is as dark or darker in shade than as designated as No. 2 on the Ringelmann Chart, as published by the United States Bureau of Mines, or which is of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke designated as No.2 on the Ringelmann Chart.
9. Offensive odors, measured at two hundred (200) feet from the nearest exterior wall of the building involved, shall not exceed the standards established as a guide by Table III (Odor Thresholds) in Chapter Five of Air Pollution Abatement Manual, copyright 1951, by the Manufacturing Chemists Assoc., Inc., Washington, D.C. Should this permitted use adjoin a residential use, there shall be no offensive odors noticeable at the boundaries of said permitted use.
10. All sources of light and heat shall be screened so as to be confined to the room, building or portion of the plant site in which it is located, or which it serves.
11. No vibration noticeable shall exceed the standards developed by the United States Bureau of Mines, Bulletin 442, or any revision thereof. Should this permitted use adjoin a residential use, there shall be no vibrations and/or excessive noise noticeable at the boundaries of said permitted use.

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

CHAPTER 116: ACTIVE ADULT COMMUNITY ZONE (AACZ)

Section 116-010 Purpose

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

Section 116-020 Establishment

1. Request for establishment of an Active Adult Community Zone constitutes a petition for legislative action to amend these regulations in accordance with Chapter 200. The petition shall be submitted to the zoning commission and shall be signed by the owner or owners of all lots within the proposed zone, provided however, that the zone may also include existing street, highway and utility rights-of-way not owned by the petitioner. Upon receipt, the zoning commission shall refer the petition to the planning commission and shall hold a hearing and act thereon in the same manner as required for the amendment of these regulations.
2. The use, buildings, structures and site development authorized in an Active Adult Community Zone are permitted subject to administrative approval of a detailed site plan prepared in accordance with the provisions of Chapter 175 of the zoning regulations and compliance with the following standards which are in addition to the other standards and requirements applicable to the zone:
 - a. Neighborhood – the use of land, buildings and other structures, the location and bulk of the buildings and other structures and the development of the lot shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.
 - b. Provision shall be made for vehicular access to the lot and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and upon the lot, to avoid traffic congestion on any street and to provide safe and convenient circulation upon the lot.

Section 116-030 Permitted use

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

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

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

- 2) One child 21 years of age or older may reside with his or her parent (s).
- 3) In no event may a dwelling unit be occupied by more than three residents.
- 4) Nothing in this Section shall excuse compliance with the "housing for older person" requirements of 42 U.S.C. State Statute 3607 (including any amendments thereto after the effective date of this Chapter) and the regulations adopted thereunder. The burden of complying with said law and regulations shall be on the owner or user of the property affected by this Chapter.

Section 116-040 Standards

1. Lot Area: The minimum lot area is 5 acres.
2. Dwelling Units: The maximum number of dwelling units shall be determined by subtracting the area of wetlands and area of slopes in excess of 25% from the gross parcel area. This net acreage figure shall then be multiplied by 2, which shall be the maximum number of dwelling units permitted.
3. Building Coverage: The aggregate ground cover for all dwellings and accessory buildings shall not exceed twenty-five percent (25%) of the lot area.
4. Units Allowed: Single family detached or two attached single units.

- ~~5. Living Area: The minimum living area of each dwelling unit shall be no less than the living area requirements for the R-8 zone.~~
6. Height of Buildings: The maximum height of a building shall be thirty-five feet, and no space having its floor level below the finished grade shall be used for dwelling purposes.
7. Distance between buildings: The minimum distance between buildings shall be fifty (50) feet (excluding open patios and decks not exceeding 125 square feet, and steps and walkways).

8. Ceiling Height: All interior spaces used for dwelling purposes shall have a clear ceiling height of not less than seven (7) feet, six (6) inches throughout the entire floor area thereof.
9. Bedrooms: There shall be a maximum of two (2) bedrooms per living unit.
10. Parking: There shall be at least two parking spaces provided for each dwelling unit. All driveways shall be a minimum of twenty (20) feet in length (measured from the interior edge of the sidewalk, if any). An attached garage serving a unit shall count as one (1) parking space. A driveway serving a unit shall count as one (1) parking space.
11. Site Lighting: All site lighting fixtures shall be full cutoff, downward aimed and fixed in a downward facing position where the fixture is nonadjustable. Light fixtures shall not be located at a height of more than 16 feet from the ground. All developers of parcels for an Active Adult Community shall retain a lighting consultant to be approved by the Commission to review the site lighting plan and shall follow the recommendations of this lighting consultant with regard to the site lighting.
12. Buffer Area: The Commission may require along the perimeter of the development a front buffer yard of sixty (60) feet in width and a side or rear buffer yard of sixty (60) feet in width, provided that no buffer shall be required for a front, side and/or rear yard if the existing topography and/or landscaping provide natural screening or the yard is adjacent to another Active Adult Community Development permitted pursuant to this Chapter. The buffer area shall conform to the standards for buffer areas as set forth in Section 130-040 (2) of these Regulations. No structures, including but not limited to septic systems, stormwater detention basins, stormwater retention basins, water quality basins or infiltration systems may be located in any required buffer area.
13. Investment Purchases Prohibited: The purchase of a dwelling unit for investment purposes, i.e., by a person or entity not intending to occupy the unit, is prohibited except that a nonresident family member may purchase up to one unit for persons who will reside in the unit and who otherwise comply with the provisions of these Regulations.

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

- require the applicant to submit any or all of this documentation prior to or during the hearing.
15. Community Areas for Recreation: The developer shall provide an area or areas for passive and/or active recreation for the residents of the Active Adult Community Development. Such areas shall include, as a minimum, sitting areas (covered or uncovered) and paths for walking.
 16. Utilities: The water supply shall be approved by the Town Director of Health and the State Department of Health.
 17. Sewage Disposal: The development shall be served by a sewage disposal system (s) meeting Town Health Department and State Department of Health Services regulations and, as applicable, regulations of the State Department of Environmental Protection.
 18. Circulation and access: Development of more than one hundred (100) bedrooms shall have a second access to a town or state maintained highway. Interior roads and access ways serving more than two (2) dwelling units shall have a paved surface of a least twenty (20) feet wide, a minimum slope of one percent (1%) and a maximum slope of ten (10) percent, and shall have a sidewalk on one side if deemed reasonably necessary by the Commission.
 19. Location The Active Adult Community Development shall have 50 feet of road frontage along a State or town highway. (Effective December 23, 2000).
 20. Reimbursement of Town Expenses: The applicant shall reimburse the Town of New Milford for any expenses incurred for unusual costs by Town staff for the administration of the Active Adult Community and reasonable expenses of consultants and attorneys retained by the Town to review the site plans application, and to undertake site inspections related to the Active Adult Community.
 21. A phasing plan shall be provided, as deemed necessary by the Zoning Enforcement Officer, prior to the issuance of zoning permits.
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22. An operations plan shall be provided to the Zoning Enforcement Officer prior to the issuance of zoning permits.
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Section 116-050 Open Space Requirements

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

Section 116-060 Zoning Map

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

Section 116-070 Completion of Work

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

Amended Effective August 15, 2005

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

Section 117-010 Purpose

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

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

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

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

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

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

Section 117-020 Procedures for Establishment of a MPRDD

Request for the establishment of a Major Planned Residential Development District constitutes an application to amend the Zoning Regulations and the Zoning Map, and the approval of a general development plan, and shall be signed by the owner or owners of all lots within the proposed zone provided, however, that the zone may also include existing street, highway and utility rights-of-way not owned by the petitioner.

Simultaneously with the filing of said application, the applicant shall file a general development plan, which plan may, but need not necessarily, show the degree of detail required by the provisions of Chapter 175 of these regulations, but which shall include at a minimum the following maps, plans and data:

1. A Boundary Survey meeting the A-2 accuracy standards;
2. A Topographic Survey having not less than 10-foot contour intervals based on a 40-scale two-foot intervals meeting the T-2 or T-3 accuracy standards, such survey showing the location of such features as stone walls, identification of areas

- of significant vegetation, and sufficient other information demonstrating the character of the property;
3. A map showing the boundaries of the inland wetlands identified by a certified soil scientist and field surveyed by a licensed surveyor;
 4. A map showing slopes over 25%;
 5. A traffic impact report prepared by a professional engineer experienced in traffic engineering;
 6. An open space plan;
 7. A recreational facilities plan;
 8. A preliminary plan showing location of buildings, streets including the graphic delineation of the relocated Rocky River Road, sidewalks and other pedestrian routes and other similar information;
 9. Conceptual plans showing the design and general character of the proposed buildings and structures;
 10. A zoning data table showing the proposed number of units; number of bedrooms for each unit; height, area and yard requirements; coverage and floor area ratio; and other similar data;
 11. Information and reports showing the methods for supplying water and the general location of water mains, the method for disposing of sanitary wastes including the general location of the proposed on-site subsurface sewage system or sewer mains, as applicable; and the method for managing the stormwater quantity and quality.
 12. Other maps, plans and data the Zoning Commission may request in order to determine the appropriateness of the proposed development.

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

If the application and general development plan are approved, or are approved with modifications, the applicant shall place on file with the Commission prior to the effective date of the MPRDD revised general development plans incorporating all standards and conditions that have been approved by the Commission.

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

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

Section 117-030 Permitted Uses

The following uses shall be permitted in the MPRDD:

1. Single-family detached dwellings.
2. Townhouse dwellings not to exceed 30% of the total number of residential units for the MPRDD.
3. Multi-family dwellings not to exceed 24 residential units per building and not to exceed 40% of the total number of residential units for the MPRDD.
4. Accessory uses as referred to in section 117-040-10.
5. Each dwelling unit in the MPRDD shall be occupied by:
 - a. Persons who are 55 years of age or older.
 - b. A spouse of an occupant who is 55 years of age or older.
 - c. An occupant pursuant to b. above who is survived by his or her spouse.
 - d. An occupant pursuant to b. above whose spouse has entered into a long-term continuing care facility.
 - e. In c and d. above, remaining spouses who remarry or cohabitate shall meet all occupancy requirements.
 - f. One child 21 years of age or older may reside with his or her parent(s).
 - g. In no event may a dwelling unit be occupied by more than three residents.

Nothing in this section may excuse compliance with the "Housing for Older Person" requirements of 42. U.S.C. State Statute 3607 (including any amendments thereto after the effective date of this Chapter) and the regulation adopted thereunder. The burden of complying with said regulations shall be on the owner or user of the property affected by this Chapter.

Section 117-040 Design and Development Standards

1. Lot Area: The minimum lot area shall be 150 acres.
2. Dwelling Units: The maximum number of dwelling units shall be no greater than four per acre.
3. Building Coverage: The aggregate ground cover for all buildings and structures, including accessory buildings and structures, shall not exceed 25% of the area of the MPRDD.
4. Height of Buildings: The following maximum building height requirements, computed pursuant to the provisions of Section 015-010 of the Zoning Regulations, as amended, shall apply to the MPRDD. In the event that the Commission permits buildings to be greater in height than 35 feet, the setbacks of such buildings from the property lines shall be increased by five feet for each one-foot of height above 35 feet.
 - a. Single-family Detached Dwellings 35'
 - b. Townhouse Dwellings 40'
 - c. Multi-family Dwellings 50'

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

5. Parking: There shall be at least two parking spaces provided for each dwelling unit. All driveways shall be a minimum of 20 feet in length measured from the interior edge of the sidewalk, if any, or from the edge of the travelway of the street. An attached garage serving a unit shall count as one parking space. A driveway serving a unit shall count as one parking space.
6. Site Lighting: All site lighting fixtures shall be full cutoff, downward aimed and fixed in a downward facing position where the fixture is nonadjustable. Light fixtures shall not be located at a height of more than 16 feet from the ground. All developers of parcels for a MPRDD shall retain a lighting consultant to be approved by the Commission to review the site lighting plan and shall follow the recommendations of this lighting consultant with regard to the site lighting.
7. Buffer Area: The Commission may require along the perimeter of the development a front, side and rear buffer yard having a minimum width of 60 feet, provided that no buffer shall be required for a front, side or rear yard if the Commission determines that the existing topography or landscaping provide natural screening. The buffer area shall conform to the standards for buffer areas as set forth in Section 130-040 of these Regulations.

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

9. Village Green: The following Accessory Uses are permitted within the MPRDD in order to create a Village Green designed to complement active adult residential uses and to exist primarily for the benefit of the residents of said community. The accessory uses in total shall not exceed 22,000 square feet. These uses may include the following:
 - a. Postal area (post office)
 - b. Coffee shop
 - c. Meeting hall/clubhouse
 - d. Nondenominational chapel
 - e. Library
 - f. Barbershop/hairdresser
 - g. Caning and potting sheds
 - h. General store
 - i. Amphitheater
 - j. Arts and crafts gallery

10. Community Areas for Recreation: The developer shall provide an area or areas for passive and/or active recreation for the residents of the MPRDD. Such areas may include the following:
 - a. Sitting areas (covered or uncovered)
 - b. Walking paths and trails
 - c. Croquet lawn
 - d. Other dedicated public lawns and green space
 - e. Tennis courts
 - f. Exercise room and equipment
 - g. Swimming pool
 - h. Billiards room
 - i. Bicycle racks

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

12. Water Supply: The MPRDD shall be served by a water supply system that shall be designed and installed at the applicant's expense and shall be approved by the New Milford Director of Health and, if required, the Connecticut Department of Public Health. Fire hydrants or other fire suppression devices shall be installed in locations approved by the New Milford Fire Marshal.
13. Sewage Disposal: The MPRDD shall be served by a municipal sanitary sewer system or by an on-site subsurface sewage disposal system(s) that is designed and installed at the applicant's expense and approved by the Connecticut Department of Environmental Protection and the New Milford Water Pollution Control Authority. If the MPRDD is to be served by an on-site subsurface sewage disposal system, it shall be for the exclusive use of the subject MPRDD and no other uses shall be connected to the system.
14. Road Access: The principal access to the MPRDD shall be from Route 7 via Rocky River Road. Rocky River Road shall be reconstructed to conform to the construction methods and requirements, material specifications, administration process, requirements for as-built road plans, and any other applicable standards or procedures outlined in Chapter 18, Article II of the Code of the Town of New Milford in effect at the time of approval of the final site plans. During the Rocky River Road construction, a water main, a gravity sewer line and a force main sewer line for possible future use, and all other public utilities shall be installed to serve the proposed Dunham Farm MPRDD.
15. Zoning Permits Prior to Construction: No zoning permits will be issued until such time as either a permit for an on-site sewage disposal system has been issued by the Department of Environmental Protection or the New Milford Water Pollution Control Authority has issued a permit to connect to the municipal sewer system. In addition, the reconstruction of Rocky River Road shall be completed to a level that will permit safe passage to the MPRDD as determined by the Director of Public Works and the Zoning Commission.
16. Progress Reports: Reports shall be submitted to the Zoning Enforcement Officer beginning within one month following the approval of the MPRDD and each subsequent month thereafter providing an update as to the progress made toward the submission of the final site plan application. In addition, interim design plans shall be submitted for review and comment by the Commission's staff and consultants.
17. Submission of Final Site Plan: The final site plan application shall be submitted to the Zoning Commission within six months of either (a) the date of Department of Environmental Protection approval for the on-site subsurface sewerage disposal system or (b) the date of the issuance of a permit from the New Milford Water Pollution Control Authority to connect to the municipal sewer system. The Commission, in its sole discretion, may grant an extension of the time for the submission of the final site plan for an additional six months or other reasonable period of time.

18. Submission of Legal Documents: Simultaneous with the submission of a final site plan application, the applicant shall submit documentation satisfactory to the Commission's attorney, demonstrating compliance with the requirements for establishing an age-restricted development; the preservation, maintenance and control of open space; and the creation of the common interest ownership community.
19. Reimbursement of Town Expenses: The applicant shall reimburse the Town of New Milford for any expenses incurred for unusual costs by Town staff for the administration of the MPRDD and reasonable expenses of consultants and attorneys retained by the Town to review the application, general development plans, final site plans, and to undertake site inspections related to the MPRDD.
20. Phasing Plan: A phasing plan shall be included with the final site plan application.
21. Operations Plan: An operations plan shall be included with the final site plan application and that said operations plan shall specifically address the management of construction traffic associated with the development with the goal of limiting traffic on Candlewood Mountain Road.
22. Bonding: The Commission may require the applicant to post bonds for the completion of public improvements and other site improvements prior to the sale or offering for sale of any residential unit in the MPRDD. If the development is to occur in phases, only the improvements within a phase shall be subject to a bond.

Section 117-050 Open Space Ownership and Preservation

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

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

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

2. Other Open Space Areas: Other Open Space Areas may be used for the following purposes:
 - a. Leaching fields for on-site subsurface sewage disposal systems
 - b. Storm water management
 - c. Active recreation facilities
3. Open Space Connections: Small areas of open space scattered throughout the development shall be avoided. To the extent possible, a contiguous system of open space areas shall be achieved by linking open space areas with pedestrian pathways. When open space exists in a development that adjoins the MPRDD, the open space in the MPRDD shall be connected to the open space in the adjoining development when such connection is deemed by the Commission to be feasible.
4. Open Space Ownership and Maintenance: Land in the MPRDD not allocated to building and streets shall be permanently reserved as open space and shall be transferred to a common interest association of the homeowners. Membership in said association shall be mandatory. The association shall be liable for all maintenance costs of the open space. In the event that the association fails to maintain the open space in accordance with the provisions of the final site plan, the Town may elect to undertake such maintenance. Any costs incurred by the Town because of default on the part of the association shall become a lien on the property of the homeowner and/or the association and said lien may be foreclosed by the Town in exactly the same manner in which unpaid real estate taxes due the Town are encumbered and foreclosed. Open space transferred to an association of homeowners shall be made in accordance with the standards established by the Commission to include, but not be limited to, the following:
 - a. Creation of the homeowners association under the Common Interest Ownership Act (CIOA).
 - b. Mandatory membership by the original homeowner and any subsequent buyer.
 - c. Powers to assess and collect from each homeowner a fair share of the associated costs.
 - d. ~~Permanent restrictions of the use and development of such open space ensuring that the use of open space shall continue in perpetuity for the specified purpose.~~
 - e. Responsibility for liability insurance, local taxes and the adequate maintenance of recreational and other facilities.
 - f. Approval of Articles of Incorporation and deed restrictions by the Commission's attorney.
5. Deed Restrictions: Any land dedicated for open space purposes shall contain appropriate covenants and deed restrictions (approved by the Town Attorney for Town dedicated property) ensuring that:

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

Section 117-060 Contribution In Lieu of Affordable Housing

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

Section 117-070 Zoning Map

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

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

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

Regulation Approved January 27, 2005/Effective March 1, 2005.

CHAPTER 120: FLOODPLAIN MANAGEMENT REGULATIONS

Section 120-010 Purpose and Objectives

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

1. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development, which may increase erosion or flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
6. To protect human life and health;
7. To minimize expenditure of public money for costly flood control projects;
8. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
9. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
10. To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
11. To insure that potential homebuyers are notified that property is in a flood area.

Section 120-020 General Provisions

1. These regulations shall apply to all special flood hazard areas within the jurisdiction of the Town of New Milford. The special flood hazard areas identified by the Federal Emergency Management Agency in its flood insurance study dated June 4, 1987 with accompanying flood insurance rate maps and

floodway maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of these regulations. The Zoning Enforcement Officer is hereby appointed to administer and implement the provisions of this regulation.

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

Section 120-030 Definitions

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

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

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

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

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the federal insurance administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

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

Lowest Floor: The lowest floor of the lowest enclosed area, including basement.
Manufactured Home: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

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

Recreational Vehicle: A vehicle that is:

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

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

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

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed the term does not, however, include either:

- 1) any project for improvement of a structure to comply with existing state or

local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or

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

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

Section 120-040 Application Procedures

1. Application for approval of a plan to construct or substantially improve any structure or for the development of any land located in any area of special flood hazard shall be submitted to the Zoning Commission and shall include the following:
 - A. (Effective 3-7-85) six (6) prints of a site plan or map drawn to scale by a professional engineer or surveyor licensed by the state of Connecticut showing:
 1. The shape, dimensions and elevation of the lot.
 2. The size and location of all existing and proposed structures, development areas, underground utilities, drainage facilities and land uses.
 3. Elevations in relation to mean sea level of the lowest floor, including basement, of all proposed structures.
 4. Elevation in relation to mean sea level to which any existing structure has been or any proposed structure will be flood proofed.
 5. Existing and proposed grades.
 6. The limits of the area of special flood hazard.
 - B. Certification by a professional engineer or architect licensed by the state of Connecticut that the flood proofing methods proposed for any nonresidential construction meet the criteria of Chapter 120.

 - C. A description of the extent to which any watercourse will be altered or relocated as a result of proposed construction or development.
 - D. Such other information as required by the Zoning Commission to determine compliance with the Floodplain Management Regulations.
2. When base flood elevation data is not available to the Zoning Commission in the Flood Insurance Study (namely, zone A as shown on the Flood Insurance Rate Map), the Commission shall obtain, review and reasonably utilize any base flood elevation data available from Federal, State or other source (and may require the

applicant to provide same, in order to administer the Floodplain Management Regulations.)

3. The Zoning Commission shall approve, disapprove or approve with modifications the proposed plan. One (1) copy of the approved plan, with the approval noted thereon, shall be attached to the zoning permit and provided to the building inspector. No building permit will be issued except in conformance with the approved plan.

Section 120-050 Provisions for Flood Hazard Reductions

No plan for the construction or substantial improvement of any structure nor for the development of any land located in any area of special flood hazard shall be approved by the Zoning Commission, unless the plan complies with the following standards:

1. All new construction and/or substantial improvements shall be constructed:
 - A. With materials resistant to flood damage; and
 - B. Utilizing methods and practices that minimize flood damage.
 - C. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
2. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
3. In any portion of a watercourse, which is altered or relocated the flood carrying capacity shall be maintained.
4. In all special flood hazard areas, where base flood elevation data has been provided the following provisions shall apply in addition to all the general standards contained above:
 - ~~A. Residential construction: New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.~~
 - B. Manufactured homes: Shall be placed on a permanent, adequately anchored foundation so that the lowest floor of the structure is elevated to or above the base flood elevation. The structure shall be securely anchored to the foundation system to resist flotation, collapse and lateral movement.
 - C. Recreational vehicles: Recreational vehicles placed on sites within the

special flood hazard area shall be on site for fewer than 180 consecutive days and be fully ready for highway use. A recreational vehicle is ready for highway use if it is on wheels, or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

- D. Non-residential construction: New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or, together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Where a non-residential structure is intended to be made watertight below the base flood level a registered professional engineer or architect shall review and/or develop structural design specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection. Such certification shall be provided to the Zoning Enforcement Officer.

5. Utilities:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.
- C. All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

6. Floodway:

- A. Floodways are located within special flood hazard areas as identified in the New Milford Flood Insurance Study prepared by the Federal Emergency Management Agency and delineated on floodway and flood insurance maps.
- B. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential, no encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless

certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall result in no increase in flood levels during occurrence of the base flood discharge.

Section 120-060 Enforcement Provisions

1. Prior to the issuance of any zoning permit under the provisions of Chapter 180 of the Zoning Regulations, the Zoning Enforcement Officer shall determine that the requirements of the Floodplain Management Regulations have been satisfied.
2. Whenever a plan for the construction or substantial improvement of any structure has been approved by the Zoning Commission and a zoning permit issued, the Zoning Enforcement Officer shall:
 - A. Obtain and record the actual As-Built elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures and whether or not the structure contains a basement. (effective 6-26-87).
 - B. For all new substantially improved flood proofed structures verify and record the actual As-Built elevation (in relation to mean sea level); and maintain the flood proofing certification as required in Chapter 175.
 - C. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If building site is flood prone, require applicant to meet requirements of these floodplain regulations.
 - D. Advise permittee that additional Federal or State permits may be required, and if specific Federal or State permit requirements are known, require that copies of such permits be provided and maintained on file with the building permit.
 - E. Notify adjacent communities and the Department of Environmental Protection, Inland Water Resources Management Chapter prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

- F. Assure that maintenance is provided with the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Section 120-070 Miscellaneous Provisions

1. In the interpretation and application of the Floodplain Management Regulations, all provisions shall be considered as minimum requirements and shall be construed so as to preserve and maintain the purpose and intent hereof.

2. The degree of flood protection required by the Floodplain Management Regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not impose liability on the part of the Town of New Milford or the Zoning Commission or any officer or employee thereof.

3. Nothing in these regulations shall obviate any requirement for the applicant to obtain any other assent, permit or license required by law or regulation of the Government of the United States, the State of Connecticut or any political subdivision thereof. The obtaining of such assents, permits or licenses is solely the responsibility of the applicant. (Effective 6-26-87, 11-18-96)

CHAPTER 125: EROSION AND SEDIMENT CONTROL REGULATIONS

Section 125-010 Purpose

The purpose of this section is to establish standards and procedures for erosion and sediment control in the development of all parcels where the disturbed area of development is cumulatively more than one half (1/2) acre with the exception of a single-family dwelling that is not part of a subdivision. (Effective 1-14-00)

Section 125-020 Definitions

1. Certification means a signed, written approval by the New Milford Zoning Commission that a soil erosion and sediment control plan complies with the applicable requirements of these regulations. (Effective 10-3-85)
 2. Commission means the Zoning Commission of the Town of New Milford.
 3. County Soil and Water Conservation District means the Litchfield County Soil and Water Conservation District established under Subsection (a) of Section 22a-315 of the General Statutes.
 4. Development means any construction or grading activities to improved or unimproved real estate.
 5. Disturbed Area means an area where the ground cover is destroyed or removed leaving the land subject to accelerated erosion.
 6. Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.
 7. Grading means any excavating, grubbing, filling, (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its excavated or filled condition. (Effective 10-3-85)
 8. Inspection means the periodic review of sediment and erosion control measures shown on the certified plan.
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9. Sediment means solid material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion.
 10. Soil means any unconsolidated mineral or organic material of any origin.
 11. Soil Erosion and Sediment Control Plan means a scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

Section 125-030 Activities Requiring a Certified Erosion and Sediment Control Plan

1. A soil erosion and sediment control plan shall be submitted with any application for development when the disturbed area of such development is cumulatively more than one-half (2) acre.
2. Exception. A single-family dwelling that is not a part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

Section 125-040 Contents of Erosion and Sediment Control Plan

1. To be eligible for certification, a soil erosion and sediment control plan shall contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Alternative principles, methods and practices may be used with prior approval of the Commission. (Effective 10-3-85)
2. Said plan shall contain, but not be limited to:
 - A. A narrative describing:
 1. The development.
 2. The schedule for grading and construction activities, including:
 - a. Start and completion dates.
 - b. Sequence of grading and construction activities.
 - c. Sequence for installation and/or application of soil erosion and sediment control measures.
 - d. Sequence for final stabilization of the project site.
 3. The design criteria for proposed soil erosion and sediment control measures and storm water management facilities.
 4. The construction details for proposed soil erosion and sediment control measures and storm water management facilities.
 5. The installation and/or application procedures for proposed soil erosion and sediment control measures and storm water management facilities.

6. The operations and maintenance program for proposed soil erosion and sediment control measures and storm water management facilities.
3. A site plan map at a sufficient scale to show:
 - A. The location of the proposed development and adjacent properties.
 - B. The existing and proposed topography, including soil types, wetlands, watercourses and water bodies.
 - C. The existing structures on the project site, if any.
 - D. The proposed are alterations, including cleared, excavated, filled or graded areas and proposed structures, utilities, roads and if applicable, new property lines.
 - E. The location of and design details for all proposed soil erosion and sediment control measures and storm water management facilities.
 - F. The sequence of grading and construction activities.
 - G. The sequence for installation and/or application of soil erosion and sediment control measures.
 - H. The sequence for final stabilization of the development site.
 4. Any other information deemed necessary and appropriate by the applicant or requested by the Commission or its designated agent.

Section 125-050 Standards for Review of Plan

1. Plans for soil erosion and sediment control shall be developed in accordance with these regulations using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. ~~Soil erosion and sediment control plans shall result in a development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed and does not cause off-site erosion and/or sedimentation.~~
2. The minimum standards for individual measures are those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Commission may grant exceptions when requested by the applicant if technically sound reasons are presented. (Effective 10-3-85)
3. The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil

Erosion and Sediment Control (1985), as amended, shall be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Commission.

Section 125-060 Procedures for Approval of Plan

1. The New Milford Zoning Commission shall either certify that the soil erosion and sediment control plan, as filed, complies with the requirements and objectives of the regulation or deny certification when the development proposal does not comply with these regulations. (Effective 10-3-85)
2. Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 124A or 126 of the General Statutes.
3. Prior to certification, any plan submitted to the municipality may be reviewed by the County Soil and Water Conservation District, which may make recommendations concerning such plan, provided that such review shall be completed within thirty (30) days of the receipt of such plan.
4. The Commission may forward a copy of the development proposal to the Conservation Commission or other review agency or consultant for review and comment.

Section 125-070 Conditions Imposed on Plan

1. The estimated costs of measures required to control soil erosion and sedimentation, as specified in the certified plan, that are a condition of certification of any modified site plan, may be required to be covered in a performance bond or other assurance acceptable to the Commission in accordance with the provisions specified under Chapter 175 of the regulations.
2. Site development shall not begin unless the soil erosion and sediment control plan is certified and those control measures and facilities in the plan scheduled for installation prior to site development are installed and functional.

3. Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan.

4. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

Section 125-080 Inspection Procedures

1. Inspections shall be made by the Commission or its designated agent during development to ensure compliance with the certified plan and that control

measures and facilities are properly performed or installed and maintained. The Commission may require the permittee to verify through progress reports that soil erosion and sediment control measures and facilities have been performed or installed according to the certified plan and are being operated and maintained.

CHAPTER 130: LANDSCAPING, SCREENING AND BUFFER AREA STANDARDS

Section 130-010 Purpose

The following standards are intended to enhance the appearance and natural beauty of the town and to protect property values through preservation of existing vegetation and planting of new screening and landscaping material. Specifically, these standards are intended to reduce excessive heat, glare and accumulation of dust, to provide shade and privacy from noise and visual intrusion and to prevent the erosion of the soil, excessive runoff of storm water, and the depletion of the groundwater table and the pollution of water bodies, watercourses, wetlands and aquifers.

Section 130-020 General Requirements

The following provisions shall apply to any use requiring a Special Permit or Site Plan Approval:

1. Landscaping, trees, and shrubs required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees and shrubs which shall be shown on an approved site plan and which shall be in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material. Permanent watering systems shall be encouraged. Species of trees and shrubs planted should be reviewed by a licensed Arborist and certified in writing to the Zoning Commission.
2. All landscaping, trees, shrubs and other planting material adjacent to parking areas, loading areas or driveways shall be properly protected to prevent damage from vehicles.
3. To the extent possible, existing trees shall be saved; if grading is required in their vicinity, trees shall be appropriately welled or mounded to protect them from danger. Unique site features such as stone walls shall also be retained and protected during construction with protective fencing during activity. All fencing shall be removed after the ground has been stabilized.

4. All portions of non-residential properties which shall not be proposed as locations for buildings, structures, off street parking and loading areas, sidewalks or similar improvements, and are not portions of buffer areas to remain in a natural state, shall be landscaped and permanently maintained in such a manner as to minimize storm water runoff.
5. No trees eight inches or greater in caliper measured three feet above ground shall be removed unless so approved by the Commission. All trees recommended to be saved by the Zoning Enforcement Officer shall be tagged prior to any site work.

6. No widespread and invasive, restricted and invasive or potentially invasive plants as outlined in the publication "Non-Native Invasive and Potentially Invasive Vascular Plants in Connecticut" published March 2001, and as periodically updated, shall be used in any planting plan.
7. Appendix D, Tree Planting Details shall be used as a guideline for all planting plans.
8. Trees shall be properly cared for by watering at least twice a week for two months after planting and during dry spells thereafter. Trees shall be mulched with not more than three inches of mulch and mulch should not come in contact with the tree trunk.
9. The Zoning Commission reserves the right to require alternate species of plantings, if the site conditions are not suitable for the species proposed by the applicant, based upon the recommendation of the Town Tree Warden or the Zoning Enforcement Officer. Native species are encouraged.
10. The total area of the site landscaping plus those areas left in a natural state must equal at least 30% of the total parcel area. This requirement shall not apply to parcels in the Village Center Zone.
11. A survey of existing trees greater than 8" (eight inches) in diameter shall be performed as determined to be necessary at the sole discretion of the Commission.
12. Trees planted under or adjacent to utility lines should be carefully selected and placed so that their mature height does not interfere with the lines.

Section 130-030 Parking Lot Landscaping Requirements

A. Front Landscape Areas

The purpose of a front landscape area is to enhance the appearance of the subject property and the street in all Business Zones (B-1, B-2, B-3, B-4), Industrial Zones (I, IC, RI), Multiple-Residence District (MR), Active Adult Community Zone (AACZ), and Major Planned Residential Development District (MPRDD). Front landscape areas, where required by these regulations, shall extend across the full width of the lot along the interior side of the front lot line except where driveway entrances and exits are located. The depth of the front landscape area shall be the depth of the required front setback, with the exception that in the industrial zones the depth of the front landscape area shall be at least 50 feet. Access driveways may traverse the front landscape area only to gain access to the site, and may not horizontally or near horizontally traverse the front landscape area so as to decrease the depth of the required front landscape area. No structures, including but not limited to septic systems, stormwater detention basins, stormwater retention basins, water quality basins or infiltration systems may be located in any required front landscape areas, with the exception that the

Commission may allow those items noted in Section 020-030(3). Every required front and street side landscape area shall be planted in lawn and/or ground cover and shall also contain at least one deciduous canopy shade tree at least two and one half inches (2 ½") in caliper for each fifty feet (50') or part thereof of street frontage. For each canopy shade tree so planted, one (1) understory deciduous shade tree at least two inches (2") in caliper, one evergreen tree at least six feet (6') in height, and six (6) shrubs shall also be required. A designed landscape berm of a height and configuration approved by the Commission shall be located within this front landscape area as a visual and traffic safety barrier.

B. Landscape Islands

Any lot which contains parking facilities for more than ten (10) motor vehicles shall also provide landscaped areas within the parking lot equal to at least twenty five (25%) of the gross parking lot area. Each island shall have a suitable curb of concrete or granite. If the landscaped islands are proposed to be depressed to allow infiltration of parking lot stormwater runoff, the Commission may waive the curbing requirement. The landscaped islands shall conform to the following:

1. Landscaped End Islands shall be a minimum of 10' x 20' containing one (1) canopy tree and two (2) shrubs.
2. Landscaped Center Islands shall be a minimum of 15' x 20' to be placed at locations at the discretion of the Commission within the parking area, containing a minimum of one (1) canopy tree and other trees and shrubs, as appropriate. Larger islands are encouraged to create a more suitable growing environment for the trees, and for enjoyment of the public. Picnic tables or benches are encouraged on these larger islands.
3. In addition to the canopy trees, these islands shall be planted in a mixture of lawn, ground cover and low lying shrubs and may contain mulch and/or pavers at locations approved by the Commission. The level of mulch or grass within the curbed islands shall be 2-3 inches below the height of the curb. This is necessary for effective rain interception.

C. Stormwater Management

A storm-water-management plan shall be submitted with each application that encourages infiltration and incorporates the landscaping islands and vegetated areas in storm water management.

Section 130-040 Buffer Areas

The purpose of a buffer area is to provide privacy from noise, headlight glare, and visual intrusion onto any lots currently used for single family and multiple-family residential uses located in a single family or multiple-family residential zone. A buffer area shall be provided by the owner/developer of any property located in the Industrial (I), Industrial

Commercial (IC), Restricted Industrial (RI), Restricted Business Zone (B-1), General Business Zone (B-2), B-4 Zone, Lake Business Zone (B-3), Multiple-Residence District (MR) and the Airport District where any parcel in any of these zones is used for a use other than a single family residence and abuts a residentially zoned parcel containing a single family dwelling or a multi-family dwelling. Such buffer shall be implemented and located along the interior perimeter of a parcel utilized for non-residential uses where the property line adjoins a parcel zoned and utilized for residential purposes. A multi-family residence located within a Multiple Residence Zone shall be required to provide said buffer when abutting a parcel which is used for residential purposes and is located in a single family residential zone.

In addition, any special permit use outlined in Chapter 25 under sections 025-080, 025-100, and 025-070 which requires parking for more than 8 motor vehicles, and which parcel is located in a single family residential zone with abutting residential uses shall be required to provide the buffer described above.

1. The minimum depth of buffer areas shall be as follows:
 - A. Special Permit Uses in all Residential zones which will require parking for more than 8 motor vehicles: 60 feet
 - B. Business Zones (B-1, B-2, B-3, B-4): 60 feet
 - C. Industrial Zones (I, I/C, RI): 60 feet
 - D. When an industrially zoned(I, I/C, RI) or business zoned (B-1, B-2, B-3, B-4) parcel in excess of 5 acres abuts a residential zone where single family or multiple-family dwellings are currently located less than 150' to the adjoining property line, the required minimum buffer depth shall be 100' and the required number of plantings shall be proportionately adjusted.
 - E. Airport Zone: 60 feet
2. The buffer area shall be left in a natural condition or planted in lawn and/or ground cover and contain one (1) plant unit for each one hundred feet (100') of buffer length, or a portion thereof. For the purposes of this paragraph, "one plant unit" consists of:
 - ~~Four (4) canopy trees~~
 - ~~Six (6) understory trees~~
 - Twenty four (24) shrubs
 - Twelve (12) evergreens
 - A berm
3. At the Commission's sole discretion, where the existing topography and/or landscaping provide natural screening, which satisfies the purpose of this regulation, no additional screening will be required.
4. No structures, including but not limited to septic systems, stormwater

detention basins, stormwater retention basins, water quality basins or infiltration systems may be located in any required buffer areas. The Commission may allow fencing or walls in the required buffer area if erection of such would assist in achieving the purpose of the buffer area.

Section 130-050 Bonding

When a bond is required, it must be presented prior to the issuance of a zoning permit for all approved site plans. This bond shall be in an amount equal to the full value of the plant material and installation. The form of bond shall be a bank check, cash, or savings or certificate passbook account. All landscaping bonds shall be held for a period of three growing seasons. Prior to the release of the landscaping bond, a licensed arborist shall inspect all plant material and certify that all plants will survive and are healthy.

Section 130-060 Definitions

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

1. Canopy Tree: A deciduous shade tree planted at least two and one half inches (2 ½") in caliper measured at three feet (3') off the ground with a mature height of at least thirty-five feet (35').
2. Understory Tree: A deciduous shade tree or fruit tree planted at least two inches (2") in caliper measured at three feet (3') off the ground with a mature height of twelve feet (12').
3. Evergreen Tree: A coniferous species tree planted at least six feet (6') in height at the time of planting.
4. Shrub: A plant of either deciduous species planted at two and one half feet (2 ½') in height with a mature height of at least six feet (6') or a coniferous species planted at two and one half feet (2 ½') in spread. Shrubs must be at least five (5) gallons in size at the time of planting.
5. Lawn: An area planted and maintained in perennial grass.
6. Ground Cover: Plant materials generally not in excess of ten inches (10") high and used for decorative purposes or for their soil stabilization characteristics.

7. Berm: A raised, sloped landscape device made of earthen material designed to provide visual separation between areas and which may contain planted materials and such natural landscape architectural features as boulders, sculptures, timbers or stone walls all arranged to the satisfaction of the Commission.

130-070 Modification of Standards

The Commission, in connection with the approval of a site plan under these regulations may authorize modification of landscape requirements by special permit in accordance with the provisions of Chapter 180 as follows:

1. Additional Landscaping: The Commission may require additional landscaping or more mature plantings if unusual conditions dictate more extensive screening.
2. Reduced Landscaping: The Commission may reduce the landscaping requirements by not more than twenty five percent (25%) or elimination of a required berm, for excellence in building or space design. The Commission shall consider, among other features, the site characteristics, the compatibility of the proposed structure with surrounding architectural types, conservation of existing trees and site features, quality of building materials, and size and quality of landscape materials.
3. The Zoning Commission reserves the right to modify these specifications, in harmony with their general intent, in unique and unusual circumstances indicated by individual site conditions, technical complexities or by overriding considerations of safety and general welfare.
4. Where the subject property is located in an area of Danbury Road which is not currently served by public sewer, and the applicant can demonstrate by means of documentation provided by the New Milford Sewer Commission that it is anticipated that the property will be served by public sewer within 5 years of the date of site plan approval, the Commission may allow a septic system to be installed in the front landscape area, provided that a bond is submitted to the Commission to cover the full anticipated cost of installing a landscape plan which complies with the zoning regulations in the event that the septic system location prevents installation of such.

Chapter 130 Amended June 24, 2003 Effective Date July 21, 2003
Chapter 130 Amended August 23, 2005 Effective Date September 5, 2005

CHAPTER 131: OUTDOOR LIGHTING REGULATIONS

Section 131-010 Purpose

The purpose of these regulations is to provide specific standards in regard to lighting, in order to maximize the effectiveness of site lighting, to enhance public safety and welfare, to raise public awareness of energy conservation, to avoid unnecessary upward illumination and illumination of adjacent properties due to light trespass, and to reduce glare, while at the same time providing adequate nighttime safety, utility and security. Except as herein provided, these regulations shall apply to any outdoor lighting fixture installed, modified, refurbished, repaired or serviced within the Town of New Milford. This regulation applies to all properties with the exception of those parcels used for a single family residential dwelling.

Section 131-020 Definitions

Except as specifically defined below, words or phrases used in the Outdoor Lighting Regulations shall be interpreted so as to give them the meaning they have in other parts of the zoning regulations or, when not otherwise defined, the meaning they have in common usage.

1. Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens of a luminaire
2. Full Cut-Off Type Fixture: A luminaire that complies with the Illuminating Engineers Society of North America (IESNA) criteria for true cut-off fixtures. (90% of fixture light out-put within the 0-60% range from vertical.) No portion of the bulb or direct lamp image may be visible beyond two mounting heights from the fixture.
3. Fully Shielded Lights: Fully shielded luminaire light fixtures allow you to control the glare in any direction.
4. Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.

5. Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct light emitting part of the luminaire.
6. Isodiagram: An isodiagram is a graphical representation of points of equal illuminance drawn as a single line, circular patters, or computer generated spot readings in a grid pattern on a site plan. Lighting designers and manufacturers generate these diagrams to show the level and evenness of a lighting design and to show how light fixtures will perform on a given site.
7. Lamp: The light source component of a luminaire that produces the actual light.

8. Light Trespass: Light that shines beyond the boundaries of the property on which the luminaire is located.
9. Light Pollution: General sky glow caused by poorly designed luminaries that scatter artificial light into the atmosphere; excessive artificial light.
10. Light Shield: Any attachment that blocks the path of light emitted from a luminaire or light fixture.
11. Lumen: A unit of measurement quantifying the amount of light emitted from a light source. Lamps are calibrated by their manufacturer in terms of the lumens emitted by the lamp. This measurement is expressed in terms of Initial Lumens and Mean Lumens as defined below.
12. Luminaire: A complete lighting system including a lamp or lamps and a fixture.
13. Outdoor Lighting: The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
14. Uplighting: Any light source that distributes illumination above a 90 degree horizontal plane.
15. Mean Lumens: The average light output of a lamp over its rated life. For example, fluorescent and metal halide lamps mean lumen ratings are measured at 40% of rated lamp life; for mercury, high pressure sodium, and incandescent lamps, mean lumen ratings are measured at 50% of rated lamp life.
16. Initial Lumens: The quantity of light output of a lamp measured after the first 100 hours of operation.
17. Net Acre: The usable area of a property after the area of buildings and other structures are subtracted.

Section 131-030 Lighting Plan

Outside lighting for non-residential and multifamily uses will be subject to a site plan review, in accordance with the provisions of Chapter 175 of the zoning regulations, unless waived by the Zoning Enforcement Officer, and shall be accompanied by a lighting plan showing:

1. The location, height, size, type, numbers of fixtures, and number of bulbs per fixture of any outdoor lighting luminaries, including building-mounted.
2. The luminaire manufacturer's specification data, including mean lumen output and photometric data showing cutoff angles.
3. The type of lamp.
4. The Commission may require an isodiagram showing the intensity of illumination expressed in lumens per square foot at ground level as well as the total lumens per acre.

Section 131-040 General Requirements

1. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light and glare across property lines.
2. All lighting for parking and pedestrian areas will be full cut-off type fixtures.
3. All building lighting for security or aesthetics will be full cut-off or a fully shielded/recessed type, not allowing any upward distribution of light.
4. Floodlighting is prohibited.
5. All non-essential lighting will be required to be turned off after business hours, leaving only the necessary lighting for site security.
6. Lighting designed to highlight flagpoles shall be low level and should be targeted directly at the flag.
7. The height of a luminaire, except streetlights in public right of ways, shall be the minimum height necessary to provide adequate illumination, but shall not exceed a height of 16 feet with a two foot (2') base.
8. The maximum height of a luminaire near a property boundary shall be determined by the formula $H=(D/3)+3$ feet or 16 feet, whichever is shorter. In this equation, "D" equals the shortest distance to the property boundary in feet.
9. The maximum amount of illumination from an installed luminaire shall not exceed 60,000 mean lumens per net acre. The recommendations of the IESNA(Illuminating Engineers Society of North America) shall be used wherever applicable to those properties specified in Section 131-010 as guidelines for design. The illumination limit per net acre specified above shall be used as a maximum for any lighting plan submitted for approval regardless of design methodology used.
10. Parking lot lights for businesses, municipal buildings, and industrial buildings shall be turned off one hour after closing.
11. No mercury vapor lights shall be used in any zone.
12. All lighting fixtures illuminating a parcel shall be located on that parcel.
13. Security lights must be indicated as such and be connected to a motion detector with a timer which ensures the light will go off 15 minutes after the motion detector sensor is triggered.
14. A bond may be required by the Commission or Zoning Enforcement Officer to ensure compliance with the regulations contained within this chapter. Any such bond shall be released upon satisfactory compliance with these regulations as determined by the Zoning Enforcement Officer.
15. Luminaires placed adjacent to a residential property boundary shall have adequate shielding, as determined by the Zoning Commission or the Zoning Enforcement Officer to minimize glare and light trespass to the adjacent property.

Section 131-050 Modification of Standards

The Commission, in connection with the approval of a site plan under these regulations may authorize modification of outdoor lighting standards by Special Permit in accordance with the provisions of Chapter 180 as follows:

1. Where an applicant can demonstrate, by means of a history of vandalism or other objective means, that an extraordinary need for security exists;
2. Where an applicant can show that conditions hazardous to the public, such as steep embankments or stairs, may exist in traveled ways or areas;
3. Where a minor change is proposed to an existing non-conforming lighting installation such that it would be unreasonable to require replacement of the entire installation;
4. Where special lighting is indicated for historic buildings;
5. Where special consideration is given to maintain a uniformity with similar uses in the immediate vicinity;
6. Where ornamental uplighting of sculpture, buildings or landscape features will enhance the character of the area;
7. Where lighting of outdoor fields including but not limited to baseball, soccer, and football fields cannot reasonably comply with the above standards and provide sufficient illumination for safe use. In such cases the recommendations of the IESNA(The Illuminating Engineering Society of North America) for that type of field shall apply.

Section 131-060 Exceptions

The only exception to the above standards shall be lighting for construction, agricultural, emergency, or holiday decorative lighting. Such lighting must be temporary in nature and shall be discontinued seven days after completion of the project, event, or holiday.

(New Chapter Added Effective August 15, 2005)

**CHAPTER 135:
OFF-STREET PARKING AND LOADING REGULATIONS**

135-010 Purpose

Off-street motor vehicle parking facilities and off-street loading spaces, together with adequate exits and entrances thereto and interior aisles, shall be provided and permanently maintained for each building hereafter erected, enlarged or altered and for any land or premises hereafter used for any one (1) or more of the purposes set forth in Section 135-030 in accordance with the provisions of this Article. The intended method and manner of providing such off-street parking facilities and off-street loading spaces shall be set forth in the application for a zoning permit. (Effective 3-7-85)

Section 135-020 Existing Off-street Parking Facilities and Loading Facilities

Where, as of the effective date of this Article, off-street motor vehicle parking and off-street loading spaces are provided conforming in whole or in part to the provisions of Section 135-030, such off-street parking facilities and off-street loading spaces shall not be altered or reduced in area below the requirements set forth in Section 135-030. In the event, however, that there shall be an enlargement or alteration of any building served by such off-street motor vehicle parking facilities or off-street loading spaces, or a new or changed use of the property, requiring additional off-street parking facilities or off-street loading spaces under the provisions of Section 135-030, such additional off-street parking facilities or off-street loading spaces shall be provided as required under said section.

Section 135-030 Amount of Off-Street Parking Space and Loading Space to be Provided

The off-street motor vehicle parking facilities and off-street loading spaces required under Section 135-010 shall be as follows:

1. Multiple residences shall have at least two (2) parking spaces usable and accessible at all times of the year for each dwelling unit in the building or buildings.

2. ~~Hotels shall have at least one (1) parking space for each guest sleeping room and at least one (1) loading space.~~

3. Hospitals, sanatoriums or nursing homes shall have at least one (1) parking space for each five (5) beds, at least one (1) parking space for each two (2) employees and associated professional personnel and at least one (1) loading space.
(Effective 4-23-91)

4. Plane and railroad stations shall have at least one (1) parking space for each two (2) employees, at least one parking space for each one hundred (100) square feet of total platform and station area and at least one (1) loading space. (Effective 4-23-91).
5. Restaurants, Class I and III: One (1) space for every three seats plus two (2) for every three (3) employees on the maximum shift. Restaurants, Class II: One (1) space for every two- (2) seats plus two (2) spaces for every three- (3) employees on the maximum shift. Restaurants providing drive-in service shall also have at least six (6) queuing-up spaces so designed that they shall not interfere or obstruct interior traffic flow. (Effective 4-23-91, 12-20-91).
6. Bowling alleys shall have at least five (5) parking spaces for each bowling lane. (Effective 1-4-99).
7. Retail business establishments shall have at least one (1) parking space for each 200 square feet of sales area and at least one (1)-loading zone. Excluded from the gross total shall be the areas devoted to offices, storage, repair, service areas not open to the public, entrance and exit foyers, employee's lounges and dressing rooms and toilet facilities. (Effective 4-23-87). (Amended June 16, 2001)
8. Banks and office buildings shall have at least one (1) parking space for each two hundred (200) square feet of total office floor area.
9. Office buildings shall have at least one (1) parking space for each two-hundred (200) square feet of total office area. (Effective 4-23-87).
10. Industrial, wholesale or manufacturing establishments shall have at least one (1) parking space for each one (1) employee during the daily workshop period, with visitors' parking areas to be determined by the Commission in its review of site plans, and at least one (1) loading zone. (Effective 11-2-89).
11. Medical offices or clinics, other than those provided for in Subsection F. or H. of these regulations, shall have at least five (5) spaces, screened from abutting residentially zoned parcels for each practitioner. (Effective 3-7-85)

12. **Shared Use:** Shared use of the same off-street parking and loading facilities may be permitted by the Commission for uses, which have different, noncompeting times of operation. Such shared use of facilities must be guaranteed to the Commission by means of a Restrictive Covenant to which the Commission is a party, so that such shared use may not be terminated without the consent of the Commission. (Effective June 16, 2001)

Section 135-040 Amount of Off-Street Parking and Loading Facilities to be Provided When Not Listed in Section 135-030

For any use not enumerated in this section, the required off-street motor vehicle parking facilities and off-street loading spaces shall be as determined in each case by the Zoning Commission, which shall be guided in its determination by the requirements of this section applicable to comparable uses.

Section 135-050 Location of Off Street Parking Facilities and Off Street Loading Spaces:

The off-street motor vehicle parking facilities and off-street loading spaces required by this Article shall be on the same land as the use or building served thereby, except that the Zoning Board of Appeals may permit two (2) or more properties, each of which abuts one (1) or more of the others, to be served by a common facility situated on one (1) or more of said properties; and the Zoning Board of Appeals may permit parking facilities to be on land within three hundred (300) feet of a building or use, if it determines that it is impractical to provide parking facilities on the same land where the building or use is located.

Section 135-060 Off-street Parking and Facilities Specifications

All off-street motor vehicle parking facilities and off-street loading spaces shall comply with the following requirements:

1. The area required for the parking of one (1) motor vehicle shall be nine (9) feet wide and twenty (20) feet long where the facility is out-of-doors and ten (10) feet wide and twenty (20) feet long where the facility is provided by garage or other covered space, and such area shall be exclusive of and in addition to the area required for exits, entrances and interior aisles serving the facility, which exits, entrances and interior aisles shall be adequate to permit safe and convenient ingress and egress by both the vehicles and persons using the facility.
2. The required off-street parking facility shall be back of the front setback lines or building lines as now or hereafter established. Where the required parking space is provided by garage or other covered space or by roof parking, the location of such garage, other covered space or roof parking shall be in conformity with the Zoning Regulations relating to the zone and class of building involved.
3. Except for private residences, every parking facility shall be graded, hard-surfaced, drained and permanently marked to delineate both the individual parking spaces and the uses served thereby and shall be maintained by the owner of the premises as directed by the Commission.
4. Where required parking areas abut upon public highways or sidewalks, permanent barriers or bumpers shall be provided.

- 5) The size of each off-street loading space shall be not less than ten (10) feet in width and twenty-five (25) feet in length, with a height clearance of not less than fourteen (14) feet. The Zoning Enforcement Officer may require the provision of more off-street loading spaces in addition to those required under Section 135-030, if, in his opinion, such additional off-street loading spaces are necessary to meet adequately the traffic needs of the location where they are to be provided.
6. No exit from or entrance to an off-street motor vehicle parking facility or off-street loading space shall be so laid out as to constitute or create a traffic hazard or a nuisance, and every such parking facility and loading space shall otherwise conform to all town ordinances applicable thereto.
7. Exterior lighting shall be provided and maintained by the owner at all access points to streets, parking areas, building entrances and elsewhere, where required for the safety of vehicular or pedestrian traffic. No exterior lighting, as required herein, shall be directed into any abutting properties.
8. Completion of the off-street motor vehicle parking facilities and off-street loading spaces required by this Article shall be a condition precedent to the issuance of the certificate of compliance. (Effective 4-23-87)

Section 135-070 Modification of Standards

The Commission, in connection with the approval of a site plan under these regulations may authorize modification of off street parking and/or loading standards as follows:

1. The number of spaces provided on the approved site plan are sufficient to accommodate the vehicles of all persons using and visiting the particular use or occupancy of the land, buildings or other structure as shown on the approved site plan.
2. There is a sufficient and suitable area on the lot to provide the full number of spaces required in this chapter of the zoning regulations designated on the approved site plan as reserved for future parking and/or loading.
3. The modification granted hereunder shall be applicable to only the particular use or occupancy of the land, buildings or other structures shown on the approved site plan and any modifications granted hereunder shall become null and void in the event that such use or occupancy is changed to another use or occupancy.
(Effective June 16, 2001)

CHAPTER 140: EXCAVATION OF EARTH PRODUCTS

Section 140-010 Purpose

The purpose of these regulations is to regulate the conditions and operations of excavating, grading, filling and removal of earth, sand, stone, gravel, soil, minerals, loam, clay, peat moss and any other earth products. This section further is intended to conserve and preserve water storage areas, assure that erosion and sedimentation is minimized, that water pollution is prevented, that hazards inherent to open pits and steep slopes of loose earth are prevented, that nuisances such as excess traffic, noise odor, dust are minimized, that visual blight is controlled, and that the productive usage of land is maintained. Furthermore, nothing in these regulations shall be construed as eliminating the need for any other regulatory permit. (Effective 10-9-99)

Section 140-020 Permitted Excavations

Section 140-020-1 Excavation in Connection with Building and Construction

- A. After the issuance of a zoning permit, or after the approval of a subdivision, materials excavated from roads, foundations, basements and other construction areas may be removed from the premises subject to all of the conditions listed below.
- B. A nonrenewable permit for the excavation of not more than seven hundred (700) cubic yards of material on any lot shall be exempt from these regulations, provided that excavation is confined to a six-month period, and provided that an application is made to the Zoning Enforcement Officer, in writing and without fee, stating the intent and purpose of the excavation. Should this excavation exceed the aforementioned seven-hundred (700) cubic yards, application will be made to the Zoning Commission for a Special Permit and except for the six month time limitation, shall be subject to the same limitations as stated above. The provisions of this regulation requiring a permit shall not apply to the Town of New Milford. All other provisions of this regulation shall apply to the Town of New Milford. (Amended effective 6-20-85; 1-29-88; 1-18-91, 8-25-03)
- C. In approving any Special Permit for site development or site improvement excavation activities, the Zoning Commission may impose such conditions as may be applicable under Section 140-050 to Commercial Excavation Permits as the Commission deems necessary and appropriate to protect the public health, safety, convenience, welfare and property values in the neighborhood. (Added 8-25-03)

Section 140-020-2 Excavation by Owner on Premises

- A. Materials may be excavated and used by the owner on the premises without a permit, provided that the Zoning Enforcement Officer is given notification, in writing, of the purpose and reason for the excavation and that the amount of material to be excavated and used is less than one thousand (1,000) cubic yards.
- B. In each of the above-mentioned uses, the Zoning Enforcement Officer may insist on such safety measures, as he deems necessary.

Section 140-030 Prohibited Excavations

Commercial Excavation Permit. Except as provided in Sections 140-020-1 and 140-020-2 above, excavation and removal from the premises of sand, loam, gravel, peat, stone or other earth product is not permitted in any zones. (Amended effective 6-20-85)

Notwithstanding such prohibition, the provisions of Section 140-040, Section 140-050 and Section 140-060 shall continue to apply to any commercial excavation use existing as a nonconforming use after June 20, 1985. (Added 8-25-03)

Section 140-040 Excavation Permit Application Requirements

- 1. An application for a permit to excavate and remove any of said products shall be made to the Commission by the property owner or his legally authorized agent with power of attorney.
- 2. Any such application shall be accompanied by a map or maps and other documentation, giving the following information:
 - A. Location of the premises, names of owners, within five hundred (500) feet of the perimeter, and an estimate of the amount of material to be excavated and/or removed.
 - ~~B. Grading plan showing existing contours in the area to be excavated and proposed contours in the area after operations have been completed. Such plans shall include the area to be excavated, as well as the surrounding area within fifty (50) feet of the excavation, and shall be drawn to a convenient scale with contours shown at intervals of not more than five (5) feet.~~
 - C. To determine the type of material, the results of deep hole tests, at least three (3) per acre, to a minimum depth of ten (10) feet, certified by an engineer licensed to do business in the State of Connecticut, shall be submitted to the Commission.

- D. Existing and proposed drainage of the site and the protection of the same.
- E. Proposed truck and other access to the site.
- F. The location and type of any temporary buildings or temporary machinery to be erected or otherwise brought onto the site.
- G. An estimate of the number and type of trucks and other equipment to be used on the site.
- H. Details of final grading and planting of the site to prevent erosion and otherwise stabilize and restore the premises.
- I. Written authorization to the Commission for inspection of the site at any reasonable time by a duly authorized representative of the Commission.
- J. An affidavit to be filed with the Commission, stating that notice of the proposed excavation operation has been given to the holders of any mortgages or other encumbrances on the property to be excavated.
- K. Any application calling for a public hearing would require the petitioner, at his expense, to send notice of same, via certified mail, return receipt requested, to all owners of record of any abutting properties and also those properties that lie opposite the parcel across any street or thoroughfare. The above notice shall be mailed at least fifteen (15) days prior to the date set for said public hearing. At the time of the public hearing, a copy of the notice sent, together with return receipts, shall be presented to the Zoning Commission to show compliance. An honest effort to reach the owner of record at his last known address would suffice with postal regulations governing. The property shall also be placarded with a sign of three by four (3 x 4) feet minimum, set back no more than ten (10) feet from the front lot line or on the front face of any building or structure that is closer to the front lot line. Said sign shall be visible to the public and composed of letters with a minimum height of four (4) inches. The message shall read: "A public hearing dealing with these premises is to be held in the New Milford Town Hall at (time) on (day), (month, day, year) dealing with an application for etc." Said sign shall be placed at least fifteen (15) days prior to the public hearing and removed immediately after the hearing is closed. The wording of the required sign may be changed at the discretion of the Zoning Commission to suit the circumstances involved.
- L. Before a permit is issued, both owner and operator shall submit to the Commission a letter signed by them, which authorizes the Commission, if in its sole judgment Section 140-050-2.F is not complied with, to call any and all bonds posted for this permit and to use such funds to have the site

entered upon and restored. (Amended effective 6-20-85)

Section 140-050 Regulations Concerning Conduct of Operations

1. In considering any such application, the Commission shall consider the effect upon the premises and adjacent property, upon property values, health, safety, public welfare and any effect upon the future of the premises involved.
2. The Commission may approve the plan only when it is satisfied that the following conditions will be complied with in the undertaking of such excavation:
 - A. All operations, including screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises between the hours of 7:30 a.m. and 5:30 p.m., seasonal time only, Monday through Friday inclusive and Saturday 7:30 a.m. to 12:00 noon. No operation is to take place on Sundays and the following holidays: New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day, except with special permission of the Commission or the Zoning Enforcement Officer. Equipment and machinery shall not be started prior to 7:30 a.m. (Amended effective 6-20-85, 8-25-03)
 - B. No stationary machinery shall be erected or maintained within one hundred (100) feet of any property line, permit area line or street line, except in the industrial area and this only with the express written consent of the Commission after its having examined the site plan showing the premises and those adjacent to it.
 - C. No excavation shall take place within fifty (50) feet of any property or highway line regardless of elevation, and no shrubbery, grass or trees shall be removed from the fifty-foot strip until restoration begins.
 - D. When the depth of the excavation exceeds twenty (20) feet, the distance from the property line or highway line shall be increased not less than one (1) foot for each additional vertical foot of excavation. The maximum depth of the cut shall not be greater than a vertical distance of thirty (30) feet, and if excavation exceeding a vertical distance of thirty (30) feet is desired, a second cut shall be made beginning no closer than twenty (20) feet from where the first cut ends. If the property is used for a commercial excavation, quarrying or mining operation, a maximum cut of fifty (50) feet shall be allowed, and the distance to a second cut shall be made beginning no closer than thirty (30) feet from where the first cut ends. These distances shall apply to all succeeding cuts. (Amended effective 11-24-03).
 - E. Staking by a surveyor licensed to do business in the State of Connecticut shall be required at all corners of the permit area, with secondary staking

forty-five (45) feet inside the permit area, in a manner acceptable to the Commission, in order to maintain the fifty-foot setback.

- F. When excavation and removal operations, or either of them, are completed, or if a permit has expired and/or has not been renewed, the excavated area shall be graded to within twenty-five (25) feet of the permit line, adjacent property line and/or highway lines, so that the slopes and disturbed areas shall be no steeper than one to three (1:3) (vertical to horizontal), but if the excavated area consists of stable material the slope may have a grade of one to two (1:2) vertical to horizontal. In stone quarries or where ledge is encountered, steeper slopes may be permitted, provided a properly maintained heavy wire fence, at least six feet height, is erected and maintained at the top of the slope by the owner and/or operator. A layer of topsoil shall be spread over the excavated areas, except exposed rock surfaces, to a minimum depth of three (3) inches, in accordance with the approved final grading plan. The Commission may approve other such methods in writing in advance of the final restoration. The area shall then be seeded with suitable grass mixtures containing at least fifty percent (50%) permanent grasses. If benching of the site exists as provided in subsection D, then the benched areas may be maintained as a final grade, provided that the benches are seeded and trees are planted on each bench. This restoration shall take place within one (1) calendar year following the completion of work or the expiration or non-renewal of a permit, unless the Commission allows a longer period of time or there is intent by the owner or operator to resume excavation or removal operations and apply for renewal of a permit for that area within a reasonable period of time. Said area shall be maintained and all bonds shall remain in force until the area is stabilized for at least two (2) years and approved, in writing, for release by the Commission, provided that the Commission may determine that the area is sufficiently stable that the part of the bond that covers that area may be released in less than two (2) years. (Amended effective 11-24-03).
- G. No building except a field office or temporary shelter or machinery, shall be erected on the premises, and no screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises in any zone, except as may be permitted by the Commission. Any such building, shelter or machinery shall be removed from the premises within thirty (30) days of the completion, expiration or non-renewal of a permit. (Amended effective 6-20-85)
- H. At all stages of operation, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent the harmful effects upon surrounding properties or roads. Any lockage of drainage ditches or culverts, or materials from trucks, or erosion on any highway, shall be

immediately removed by the owner or operator of the site. Should the Commission be required to cause the removal of such material, for the safety of the public or for any other reason, the cost of such work shall be paid by the owner and/or operator of the site.

- I. During the period of excavation and removal barricades, fences or a grassed berm, at least six (6) feet in height, shall be erected, as deemed necessary by the Commission or the Zoning Enforcement Officer, for the protection of pedestrians and vehicles. As well, such barricades, fences or beams may be required to further buffer adjacent properties from the operation.
- J. At no time shall overhang be permitted on any face, and at no time shall slopes in excess of one to two (1:2) (vertical to horizontal) be present on any face, except the face where active excavation is being carried on. (Amended effective 11-24-03).
- K. During the period of excavation and removal, the owner and/or operator of the site shall provide, at his own expense, such special police, flagmen, barricades and fences, for the protection of pedestrians and vehicles, as deemed necessary by the Commission or the Zoning Enforcement Officer, to protect the public health, safety, convenience and property values.
- L. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. That portion of any access road within the area of operation shall be treated to minimize dust. The Commission may require a road, hard surfaced, to allow settling of the loads and to ensure further control of dust.
- M. Proper measures shall be taken to minimize the nuisance of noise and dust or rock. Such measures may include limitations upon the stockpiling of excavated materials upon the site, except that the stockpiling of materials obtained from commercial quarrying or mining on the same site shall be not prohibited. Every loaded truck leaving the site shall be covered. Material may not be stockpiled higher than sixteen (16) feet, but the stockpiling of materials obtained from a site used for commercial quarrying and mining activities may be allowed by the Commission up to a height of forty (40) feet. (Amended effective 6-20-85) (Amended effective November 24, 2003).
- N. The owner and/or operator shall be liable for the cost of repairing any damage to any public highway resulting from its operation.

- O. Such other appropriate safeguards as the Commission may deem necessary to protect the public health, safety, convenience and property values.

Section 140-060 General and Specific Provisions

1. Every application shall contain full information regarding the preceding conditions, plus other such information as the Commission may require.
2. No more than four (4) acres may be opened up and excavated at one (1) time without specific authorization from the Commission.
3. Where leveling off is the intent of the permittee(s) and where doing so would improve the properties of both, the permittee(s) and the adjacent property owner(s) may, after formal application and approval by the Commission, excavate and grade within the fifty-foot setback area.
4. Where there is an operation, either new or existing, adjacent to another operation, either existing or formerly mined, the Commission may require the owner(s) or operator(s) of the two (2) contiguous properties to mine through, removing the materials within the fifty-foot buffer strips and blend the contiguous property lien into a common grade.
5. Before a permit is issued, the applicant and his operator shall post, separately, performance bonds in form and amount satisfactory to the Commission as surety conditioned on the carrying out of all above conditions and any other safeguards imposed. The Commission, as it deems fit, may require a cash bond or letter of credit or a combination of the two (2). (Amended effective 6-20-85)
6. Permit approval may be granted in two (2) stages by the Commission:
 - A. Permit approval to the owner may be granted only after submission of all the required documents and requested information and the necessary public hearing.
 - B. Permit approval of the operator may be granted only after his furnishing to the Commission evidence of proper bonding and insurance.
7. No permit shall be issued by the Commission for a period exceeding three (3) years, but, upon application, the permit may be renewed by the Commission for additional three-year periods, provided that within such three year period the Commission may require the permit holder to submit another permit application if after inspection of the permit location the Commission decides to review the use of the property area covered by the permit. A fee of seven hundred fifty dollars (\$750.) shall be paid for each permit and renewal. Areas previously worked upon for extraction of earth materials shall not be renewed for a period of five (5) years

after closure. (Amended effective 6-20-85, 3-22-91, and 7-18-05).

8. Updated topo maps may be required by the Commission prior to renewal of any permit.
9. The Commission, or the Zoning Enforcement Officer, may require as is topo maps at any stage of the operation.
10. An as-built topo map, done by a surveyor licensed to do business in the State of Connecticut, showing conformity with the requirements for restoration, may be required prior to the release of any bonds.
11. If the excavation is abandoned for three (3) years, or if no substantial activity, as determined by the Commission and the Zoning Enforcement Officer, takes place within three (3) years after the granting or renewal of the permit, the permit may be revoked. Prima facie evidence of activity shall be the excavation of three thousand (3,000) cubic yards of materials per year.
12. Failure to comply with the plans and conditions as approved, or any deviation therefrom, shall be a violation, and the Commission or the Zoning Enforcement may order the stoppage of all excavation, and the Commission may revoke the permit.
13. Said area shall be maintained and all bonding may be required to remain in force until the area is stabilized for at least two (2) years and approved in writing by the Commission for release. After the area has been initially graded, top soiled, seeded and fertilized in accordance with the provisions of these regulations, the Commission may, based on the review and recommendation of the Director of Public Works or other designated agent, accept substitute bonding of a lesser amount, but which would assure complete restoration. (Effective 6-26-87)

Section 140-070 Grading and Re-Grading of Property

1. No person, firm, entity, or corporation shall grade or re grade any lot or parcel of land except as described herein, without first having secured a permit for such activity from the Zoning Commission.
2. Earth grading exemption from the provisions of this section shall be limited to the necessary alteration of a building or structure on the same premises for which a Zoning Permit has been issued; a roadway or parking facility installation of essential septic systems, water lines, sewer pipe, storm drainage systems including dry wells, subsurface drainage, structures (curtain drains, etc.), public utility surface and to home landscaping project carried out by or for the owner of the premises upon which such activity is to occur which requires fewer than 100 cubic yards of earth material for completion or in the alternative consists of entirely finished grading or topsoil not altering the existing land contours by more than six inches.

3. Prior to approval, a letter of intent with a sworn statement of purity shall be submitted to the Commission. A cash bond or letter of credit in an amount to be determined by the Zoning Commission or its agent to ensure that all of the safeguards and conditions imposed by these regulations will be satisfied shall be presented to the Commission before a zoning permit is issued.

Section 140-080 Filling of Land

1. The purpose of this section is to conserve and preserve water storage areas by helping to maintain the ground water level and stream flow, to secure the safety of traffic movement and to control any fill operations that may create a safety or health hazard to the public or adjacent property owners, or be detrimental to the immediate neighborhood or the town.
2. The Commission may grant a special permit for the filling of land subject to the following conditions and the provisions of Chapters 175 and 180 of the zoning regulations. A special permit is required except in the following circumstances:
 - A. Where the filling of land involves an amount of earth material, which is less than one hundred (100) cubic yards.
 - B. Where the filling activities are associated with construction of a residential subsurface sewerage disposal system, activities approved as part of an approved site plan by the Commission, or activities approved as part of an approved subdivision plan by the planning commission.
3. Procedure for applying for a special permit for Filling of Land:
 - A. The applicant shall submit a site plan of the area to be filled pursuant to the provisions of Chapter 175 of the zoning regulations and also showing finished grades at the completion of filling, type of fill material, and proposed access for vehicles and hours of operation, as well as any other information considered necessary by the Commission for adequate study of the proposal.
 - B. The plan shall provide for proper drainage of the operation, during and after completion. No bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance. Necessary precaution against erosion shall be shown.
 - C. At the conclusion of the filling operation, the disturbed area shall be covered with not less than three inches of topsoil and seeded with a suitable cover crop.
4. Before a special permit is issued, the applicant and his operator shall post, separately, performance bonds in form and amount satisfactory to the Commission as surety conditioned on the carrying out of all above conditions and any other safeguards imposed. The Commission, as it deems fit, may require a cash bond. (Amended effective September 22, 2001).

Section 140-090 Processing of Earth Products in Connection with Building and Construction

1. A zoning permit may be issued by the Zoning Enforcement Officer for a period of up to sixty (60) days for the processing of earth products in conjunction with on-site construction activities approved as part of an approved site plan by the Commission, or activities approved as part of an approved subdivision plan by the planning commission. This permit may be renewed, provided that the total period allowed for the processing of earth products in connection with such construction activities shall not exceed a total of 180 days. The application for said permit must be accompanied by a statement of use detailing the type, amount and source of the material to be processed and the duration of time required for this activity, as well as the purpose of the activity. (Amended effecting 8-25-03).
2. The processing activities authorized in section 1 hereof may include crushing, screening and sifting of on-site material only. No off-site earth material may be brought on-site for crushing, screening and/or sifting
3. No earth material may leave the site other than as permitted in section 140-020-1 B of the zoning regulations.
4. All applications for a zoning permit shall be accompanied by a plot plan in duplicate, drawn to a scale of at least one (1) inch equals fifty (50) feet, prepared by a Connecticut licensed land surveyor, showing the location of the proposed activities.
5. All operations must be confined to the hours of 8:00 a.m. to 5:30 p.m. Monday through Friday.
6. All activities authorized herein must be at least 500 feet from any residence.
7. No operation is to take place on Sundays, Saturdays, or New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day or Christmas Day, except with special permission of the Zoning Enforcement Officer.
(Effective September 22, 2001, Amended effective 8-25-03)

CHAPTER 145: SIGNS

Section 145-010 Purpose

The purpose of this section is to promote the public safety and welfare by providing standards to control the location, area, number, illumination, and overall design of signs. Benefits of such standards include assurance that emergency personnel may quickly locate an address; motorists are not hindered by an excess of signage or associated lighting when attempting to locate a specific business or address; motorist safety on roadways and when exiting and entering business parking lots is enhanced; signs are compatible with the size and type of businesses being identified and advertised; aesthetic values of the community are honored; blight upon the business community is prevented; and property values are preserved.

Section 145-020 Definitions

Sign: The term “sign” shall include any structure, or part thereof, or any device attached to a building or structure or painted or represented thereon which displays or includes letters, words, symbols, trademarks, or any other graphic representation which is in the nature of an announcement, direction, advertisement or other device used to attract the attention of the public for commercial purposes or otherwise; similarly, any natural object, such as a tree, stone, or the earth itself, which is painted or arranged so as to represent or display any of the aforesaid graphic representations.

Billboard: A sign designed or intended to direct attention to a business, product, activity or service that is not sold, rented, offered or existing on the property where the sign is located, including the billboard structure and all attached sign faces.

Building Frontage: The length of the side of the building which is parallel or nearest to parallel with the front lot line.

Directional Sign: A small free-standing sign typically used to denote entrances and exits at a business location. Signs may be illuminated (see definition below). The maximum size of a directional sign shall be two (2) square feet. A directional sign may be placed at each entrance and exit to a parking lot or driveway. Directional signs located within a parking lot may be permitted as part of a site plan application under Chapter 175.

Free-Standing Sign: A free-standing sign may be located within the front landscape area setback at least ten (10) feet from the front property line for business and industrial properties. This sign may contain the emergency response address with lettering and numbering at a suggested minimum height of eight (8) inches. The sign may be illuminated. The size of such sign may not exceed fifteen (15) feet in height from the ground level to the top of the sign. The portion of the sign containing the emergency response address shall not be considered part of the total square footage of the allowable sign, provided this additional sign area does not exceed ten (10) square feet. The maximum allowable area of a free-standing sign can be found in Section 145-050.

Gasoline Price Sign: One (1) price sign per lot where gasoline is legally sold, not larger than twenty four (24) square feet.

Illuminated Sign: A sign lit from within; typically constructed of plastic or other translucent or opaque material. Illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light and glare. Any illumination of signs shall be confined to the surface of the illuminated sign.

Interior Window Sign: A sign, temporary or permanent, displayed in the window of a business, located within 36 inches of the window glass, that is visible to pedestrians or passing vehicles. Such signs shall not be larger than (15%) fifteen percent of the window surface they are visible through, or six (6) square feet in area, whichever is smaller. No more than two windows per storefront shall be utilized for such purpose.

Lot Frontage: The length of the front lot line. Where a building is located on a lot having frontage on two (2) public streets (corner lot), the Zoning Enforcement Officer or Land Use Inspector shall determine which lot line shall be used in determining compliance with these regulations.

Pennants/Banners: Signs composed of fabric, plastic or similar sheeting materials that are hung from or otherwise mounted or attached on buildings or poles, including flags and banners.

Political Signs: Political campaign signs or signs concerning a matter of public interest or controversy including any poster, writing, notice, insignia, and any other device, to announce the candidacy of any persons seeking public office or to state a position or opinion on a matter of public interest or controversy. Each sign shall not exceed thirty-two (32) square feet in area.

Public Convenience Sign: Small sign not exceeding two (2) square feet in area attached flat against a principal building to identify hours of operation or other basic information of a non-advertising nature.

Public Signs: Signs of a non-commercial nature, erected in the public interest by or on the order of a public official, in the performance of his/her duty, including temporary signs legally required by a board or commission, including, but not limited to safety, trespassing, traffic control signs, and signs of memorial or historic interest, not to exceed sixteen (16) square feet.

Residential Dwelling Sign: A sign located on a residential property. It is suggested that the emergency response address be indicated on such sign. One ground sign per parcel is permitted, not to exceed one and one-half (1 ½) square feet, and one building face sign per parcel is permitted, not to exceed one (1) square foot.

Sandwich Board Sign/ “A” Frame Sign: Free-standing tent sign typically placed on the sidewalk or in the front landscape area.

Searchlight: Lighting directed into the sky from a specific business on a temporary or permanent basis that is intended to attract the attention of prospective customers to that business.

Special Event Signs: For temporary public, charitable, educational, or religious events: One (1) sign not exceeding twenty (20) square feet in area on the same lot as the event, plus a maximum of three (3) other signs, no larger than four (4) square feet in area at other locations (with the permission of the property owner), provided that said signs are posted no sooner than fifteen (15) days prior to the event, and removed within three (3) days of the close of the event. No such signs shall be placed in the street right of ways. No special event signs shall be illuminated.

Wall Sign: Sign mounted directly on the building’s façade as opposed to being constructed as a free-standing structure. Such signs may be illuminated. Canopies and awnings are considered part of the building to which they are attached and any sign face on such shall be considered a wall sign and subject to these regulations.

Wall-Hung Sign: A sign attached to a building that is perpendicular to the building’s façade.

Warning Sign: “Do not trespass” signs and other signs indicating the private nature of a driveway or other premises, not exceeding two (2) square feet in area.

Section 145-030 Exempt Signs

The following signs do not require a zoning permit provided such sign meets the sign definition as found in section 145-020, where so noted:

1. Interior window sign
2. Directional signs
3. Political signs
4. Public convenience sign
5. Public signs

6. Special event signs

7. Residential dwelling sign
8. Warning sign
9. Sign indicating a building is part of an historic district, listed on the National Historic Register, or otherwise honored for its historic significance, not to exceed four (4) square feet.
10. Sign indicating the year of a building’s construction not to exceed two (2) square feet.

11. Illustrations, insignia or lettering which is an integral and permanent part of the architecture of a building constructed prior to 1950, as may be verified by the New Milford Trust for Historic Preservation.
12. Flags, insignia or pennant of any government unit.
13. Window signs are permitted, provided (a) they shall only be painted on or affixed to the interior face of windows and (b) the total sign face area does not exceed fifteen (15) percent of each window area through which such signs are painted on or affixed. The total area of such signs may not exceed six (6) square feet in area per window. Said signs shall not be used to compute allowances for total sign face areas specified herein.
14. Building contractors and real estate sale or lease signs, provided that
 - A) In a residential zone, Village Center Zone, B-4 zone, Litchfield Corridor Overlay District, and the Town Landmark District the size does not exceed six (6) square feet in area and four (4) feet in height and is located at least ten (10) feet from the front property line, or if the building is located closer than 10' to the front property line, such sign shall be placed on the building.
 - B) In a B-1, B-2, B-3, R-1, I, IC, Airport or MV zone the size does not exceed fifteen (15) square feet in area or five (5) feet in height and must be placed at least 30' from the front property line, or if the building is located closer than 30' to the front property line, such sign must be located on the building.
 - C) All such signs must be removed with three (3) days of finalization of sale, signing of lease, or completion of construction. Signs may not be illuminated, and one (1) sign is permitted per lot.

Section 145-040 Prohibited Signs

The following signs are prohibited in all zones:

1. Flashing signs
2. Moving signs, which include, but are not limited to, permanent spinners and streamers
3. Portable or mobile signs, including any sign which is mounted on wheels, is collapsible (including "A" frame signs or sandwich board signs) or is suspended in the air by a balloon or other lighter-than-air device, with the exception of those sandwich board signs as permitted in the Village Center Zone under section 080-040(2)G of the regulations.
4. Any sign attached to a building or structure which extends above the roofline or parapet, or beyond the confines of the building on which such sign is placed.
5. Pennants and banners
6. Signs with electronic displays

Section 145-050 Permitted Signs

All signage described in this section requires a zoning permit.

1. **Residential Zones:** In a residential district, MR District, AACZ, MPRDD, CCSD, or any future residential zone which may be created, one sign is permitted for legally existing uses as follows:
 - A) One sign not exceeding four (4) square feet in area is permitted for legally pre-existing home occupations, professional offices, bed and breakfast inns, riding academies, farm stands, and general home occupations. The sign may be either free standing, wall-hung, or a wall sign. A free-standing sign may not exceed a height of four (4) feet from the ground to the top of the sign.
 - B) One sign not exceeding sixteen (16) square feet in area and (10) feet in height for a free standing sign may be permitted for churches, schools, colleges, public libraries, community buildings, public parks, public playgrounds, public recreation buildings, stadium or athletic field, golf course, nursery, hospitals, nursing homes, convalescent homes, cemeteries, marinas, municipal buildings, and other philanthropic organizations.
 - C) One free-standing sign posted at the entrance to a residential subdivision, multiple-residence development, or active adult community, not to exceed twelve (12) square feet in area and three (3) feet in height noting the name of the complex or development and may include the property's address.

2. **Business, Industrial, Airport, and Motor Vehicle Junkyard Zones:** In a B-1, B-2, B-3, B-4, I, IC, RI, Airport and MV zones, and any future non-residential zones which may be established, the following signs are permitted, as follows:
 - A) All signs permitted in residential zones.
 - B) Wall signs, free-standing signs, and wall-hung signs are permitted, provided that only one free-standing sign is allowed per lot and one face sign is allowed per business, with the exception that properties where gasoline is legally sold may also erect a second free standing gasoline price sign

 - C) The total area of all wall and wall-hung signs on a property, excluding those exempt signs listed under section 145-030, shall not exceed one (1) square foot for each running foot of building frontage.

 - D) The maximum allowable area of a free standing sign shall be determined as follows: the length of the lot frontage multiplied by .2 equals the maximum square footage allowable for the area of a free standing sign, up to a maximum size of forty (40) square feet in area, with the exception that in the B-4 zone, free standing signs may not exceed sixteen (16) square feet in area.

- E) The maximum allowable height of a free-standing sign shall be fifteen (15') from the ground to the top of such sign.
- F) Where a building is located on a lot having frontage on two (2) public streets (corner lot), the maximum total sign area which may be permitted, on or parallel to the main façade of the building, shall not exceed the provision of subsection C above. An additional wall sign may be permitted parallel to the next abutting street or on the rear of the building provided that such sign does not exceed one (1) square foot for each running foot of building frontage to the abutting street and that in no case shall exceed twenty five (25) square feet in total area.

3. Village Center Zone: In the Village Center Zone the following signs are permitted and the following special standards shall apply:

- A) All signs permitted in a residential zone, as noted in section 1 above, are permitted.
- B) Permitted businesses with a front lawn or front landscape area may choose from either a free-standing sign or a wall sign. The maximum size for either type of sign shall not exceed sixteen (16) square feet in area and ten (10) feet in height.
- C) Permitted businesses with buildings that front directly on the sidewalk may choose from either a wall sign or a wall-hung sign. One sign is permitted per business. The maximum size allowed of a wall sign is one (1) square foot of area for each foot of building frontage, not to exceed sixteen (16) square feet. The maximum size of a wall-hung sign, excluding its structure is six (6) square feet, and must be located a minimum of 84 inches from the ground level at its lowest point, and may not project more than 36" from the building face. Said sign shall not project over or beyond the property line of the lot on which the building is located.
- D) No signs, including interior window signs, shall be illuminated or neon.
- E) It is recommended that signage be designed to be consistent with the architectural style, character and composition of the façade of which it is a part.
- F) Most commercial facades will have a natural location for signage in an area above the ground floor fenestration and below the second floor fenestration.

Section 145-060 Application Procedures

Unless otherwise provided in this regulation, no sign shall be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until a zoning permit has been issued for such sign. Every application for a sign zoning permit shall include the following information and exhibits:

1. A site plan depicting the proposed location of the sign in relation to other structures, parking areas, exits, entrances, required yards and buffers located on the lot.
2. Design, height, width, structural details, dimensions and lighting of the proposed sign.
3. Any other information deemed necessary by the Zoning Enforcement Officer or Land Use Inspector required to show full compliance with the zoning regulations.

Section 145-070 Additional Standards

1. No sign shall extend beyond any lot line.
2. No signs, including those not requiring permits, shall be placed in such a position as to endanger traffic on a street or public way by obscuring a clear view or by confusion with official street or highway signs or signals.
3. No signs, other than official street or highway signs, shall be erected or maintained within street or highway right of ways.
4. Signs may advertise, identify or give publicity or notice only with respect to a use of land, buildings or structures located on the lot where the sign is located.
5. Sign Dimensions: The permitted size of a sign is measured by determining the area of the rectangle, circle or triangle of the actual sign face to determine its square footage, excluding any structure necessary to support the sign. When a free-standing sign is double-faced, only one side shall be counted to determine square footage.
6. An existing sign structure which conforms to the standards of this regulation may be repaired or repainted without a new sign zoning permit, provided no other change is made to the sign.
7. It shall be unlawful to erect, cause to erect, or allow to remain erected:
 - A) Any sign for which a zoning permit is required and has not been issued.
 - B) Any sign which, once erected, does not comply with the specifications or any other permit requirement on which basis a permit was issued.
 - C) Any sign, lights, or supports thereof which identify a use which no longer exists or has been abandoned for a period of more than three months.

Section 145-080 Non-Conforming Signs

All signs which legally existed upon the effective date of this regulation and not conforming to its provisions, or any amendment thereto, shall be deemed a non-conforming sign. No nonconforming sign shall be structurally altered, relocated, or replaced except in compliance with these regulations.

(Revised regulation adopted by the Zoning Commission 11-9-05, effective date 1-1-06)

CHAPTER 150: TELECOMMUNICATIONS FACILITIES

Section 150-010 Purpose

This regulation establishes standards and requirements to permit the location of wireless communication facilities, including antennas and towers in the Town of New Milford while protecting the public, health, safety, and general welfare of the community;

1. To accommodate the need for wireless communications facilities while not unreasonably regulating their location and number;
2. To encourage the joint use of any existing or new facilities;
3. To assure proper design, siting, and vegetative screening for wireless communications facilities;
4. To avoid potential damage to adjacent properties from tower failure from falling ice through careful siting of facilities;
5. To site facilities below visually prominent ridge lines;
6. To reduce the number of facilities needed in the future.

Section 150-020 Definitions

When used in this section, the following words or phrases are defined as follows:

1. Antenna: A device used to receive or transmit electromagnetic waves associated with personal communications services. (PCS).
2. Antenna Height: The vertical distance measured in feet from the base of the antenna support structure at grade to the highest point of the antenna. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used to calculate height.

3. ~~Facility: The tower, antennas and all associated equipment and equipment buildings.~~
4. Tower: Anything intended to support antennas greater than 45 feet tall and wider than 27 inches for the purpose of these regulations.

Section 150-030 Permitted Uses

Structures of all types for television reception and radio use are permitted as a residential accessory use without a zoning permit to a height of 45 feet above grade and at a width

no greater than twenty-seven (27) inches for all uses in all residential zoning districts.

Section 150-040 General Provisions

1. The following standards, application requirements, procedures and considerations for approval shall apply to the placement height, setbacks, construction and screening of telecommunications on towers and antennas that may be permitted within the Town of New Milford.
2. All new facilities must comply with the minimum lot area requirements and building requirements set forth in section 020-020 of the zoning regulations.
3. The proposed support structure shall be designed to hold additional antennas including those of other wireless communication companies, local police, fire and ambulance needs, unless it is determined to be technically unfeasible.
4. Upon submission of an application involving the construction of a new facility or in other situations over which the Commission has jurisdiction, the Commission may require independent, outside evaluation of the application to aid it in reaching its decision. This evaluation shall be made at the applicant's expense and shall be payable prior to decision on the application by the Commission.
5. Antennas shall be located on existing towers, high voltage electric transmission structures, telephone poles, water towers or other high buildings or structures. All towers shall meet the minimum set back requirements for the zone. In addition, a tower shall be set back from all property lines a distance equal to 1.5 times the tower height. If an antenna is proposed to be located on the roof of a building or structure, the Commission must be satisfied that the antenna will not present any danger to surrounding properties or to the public in general and will not adversely effect the architectural quality or visual resources of the use.
6. All applications for a facility shall require a special permit in accordance with Chapter 180 of the New Milford zoning regulations and shall include the information and comply with the requirements and criteria set forth in section 150-050 of these regulations.

Section 150-050 Application Requirements

1. A description of the service area for each communication system on the proposed tower location.
2. All new facility applications shall demonstrate that the service proposed cannot be provided by adding the proposed antenna and all accessory equipment to an existing tower, high voltage electric transmission structure, telephone pole, water tower or other high building or structure.

3. Location of tall structures within one-quarter mile of the site.
4. Documentation that the owners of such structures have been contacted and have been asked for permission to install a facility and that this permission has been denied. This documentation shall include the reasons for such denial.
5. Documentation that the antenna height is the minimum required to function satisfactorily.
6. An analysis comparing the site to alternative sites within the proposed service area.
7. A soil report complying with the Geotechnical Investigations Manual standards as amended, verifying the design specifications of the tower foundation and anchors for the guyed wires, if used.
8. Documentation assuring the proposed facility meets all requirements of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and the National Environmental Policy Act (NEPA).
9. Site Plan: A site plan meeting the requirements of Chapter 175 shall show the following:
 - A. The antenna and/or tower location and guyed wires, above ground wires, cables, ducts and utility and signal cables.
 - B. Areas of construction and drainage improvements including the access road to the site.
 - C. The boundaries of the tower fall zone.
 - D. The location of any approved or proposed buildings or construction adjacent to the site with compliance of the required setbacks for the specific zone.

 - E. The following areas on, or adjacent to the site, shall be shown either on the site plan or a separate existing conditions map:
 1. Protected and/or sensitive areas.
 2. All inland wetlands and water courses.
 3. Critical habitats for plants and animals
 4. Historic structures or sites, unusual features, buildings, monuments, or area of local interest.
 5. Permanently protected lands, such as State Park and forestlands, land protected by a land trust.

6. Scenic Roads

10. Other Requirements:

- A. Commercial advertising shall not be allowed on an antenna or tower.
- B. Signal lights or illumination shall not be permitted unless required by the FCC or FAA.
- C. All other uses not clearly necessary to the operation/maintenance of the facility are prohibited, including but not limited to a business office, a maintenance depot or vehicle storage. A related unmanned equipment and/or storage building(s) may be permitted providing it contains not more than 750 square feet of gross floor area and is not more than 12 feet in height.
- D. A wireless telecommunication facility, which was permitted by special permit and is not in use by a personal wireless service provider for 12 consecutive months shall be removed by the landowner at their expense. This removal shall occur within ninety days of the end of such 12 month period. The Commission shall require a bond or other surety satisfactory to the town of New Milford prior to the issuance of any zoning permit to the applicant to guarantee removal of the tower and restoration of the site to its previous appearance, and where appropriate revegetated to blend with the surrounding area. The amount of the bond shall be adjusted annually to conform to changes in the consumer price index.

11. Tower Dimensional Rendering: A rendering drawn to scale depicting the tower showing all antenna(s) with details and dimensions, including any lighting, colors, and accessory elements, as well as the following:

- A. Protected and/or sensitive areas
- B. All inland wetlands and watercourses
- C. Critical habitats for plants and animals
- D. Historic structures or sites, unusual features, buildings, monuments, or areas of local interest.

- E. Permanently protected lands, such as State park, forest lands, land protected by a land trust.

12. Landscaping and Screening Requirements: For a new facility a fence with a minimum height of eight (8) feet shall be provided. Existing vegetation on and around the site shall be preserved to the greatest extent possible. A landscaping plan shall be provided to screen building(s), fuel tanks, and other man-made structures and as much of the tower as possible. The plan shall show an evergreen screen surrounding the site. The screen shall be a row of evergreen trees (planted 10 feet on center minimum). The evergreens shall have a minimum height of six

- (6) feet at planting and be of a type that grows to a minimum of fifteen (15) feet at maturity. The Commission may accept any combination of existing vegetation, topography walls, or evergreen screen requirements.
13. Site Plan Map: A site plan prepared by a Connecticut licensed engineer showing construction and drainage improvements, including the access road and construction or drainage improvements, including above ground wires, cables, ducts, utility and signal cables and guying and guy-anchor details. A statement from the applicant indicating that, weather permitting, the applicant will raise a balloon with a diameter of at least three (3) feet to the proposed tower height, at the proposed tower site. Such balloon shall be raised at least three (3) continuous days prior to the date of the public hearing to visualize the proposed facility. The plan shall also contain other information deemed necessary by the Commission, including the public need for the proposed facility and any environmental or community effects associated with its construction.
 14. A facility maintenance plan describing maintenance needs including frequency of service, personnel needs equipment needs and traffic, noise or safety impacts of such maintenance shall also be required.
 15. Twice yearly the owner/operator/lessee of the facility shall provide the Commission and the Director of Health, Town of New Milford with EMR readings taken at the site for three consecutive days. These reports shall be made no fewer than five and no more than seven months apart
 16. The Commission and/or the Director of Health, Town of New Milford, may initiate, at any time, independent EMR investigation, the cost being borne by the owner/operator/lessee.
 17. Any failure of the installation to meet FCC standards shall result in an immediate shutdown of the facility until retestings show the facility to be in compliance.
(Effective February 3, 2001)
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CHAPTER 155: SEPARATION DISTANCES

Section 155-010 Purpose

The purpose of this section of the zoning regulations is to regulate the use of land, buildings and/or structures for the uses listed in section 155-020 of the regulations in a manner designed to lessen traffic congestion on any street in the town of New Milford by restricting the number of high trip multipliers to be located therein. The uses listed in section 155-020 of these regulations are high trip generators of traffic and as such are only permitted subject to site plan approval by the Commission and the issuance of a special permit by the Commission. (Amended September 8, 2001).

The Trip Multiplier Table attached as Appendix B to these regulations, prepared by the Institute of Transportation Engineers, as the same may be amended, shall be used to determine the projected average daily trips generated by a proposed use. (Effective May 9, 1998).

Section 155-020 Regulated Uses

Notwithstanding any other provision in the zoning regulations to the contrary, the following uses of land shall not be located within one linear mile (5,280 ft.) of each other. The separation distance of 5,280 ft. is to be measured in a direct line from any portion of the lot on which any of the following uses are located to any portion of the lot on which any of the following uses are proposed to be located.

1. Free standing fast food restaurant with drive through window and/or located on a premises without fully signalized access and/or improper curb cutting to ensure public safety. This prohibition shall not apply on a fast food restaurant without drive through window located within a shopping center or multi-tenant lease premises, which has fully signalized access and proper curb cutting. (Amended effective 11/22/2004).
 2. Gasoline service stations with or without a convenience market and with or without a car wash.
 3. Convenience market with or without gasoline pumps
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4. Any business, whose purpose is the sale or lease of motor vehicles. (Amended September 8, 2001)

Pursuant to the provisions of section 8-6 of the General Statutes, no variance shall be granted by the Zoning Board of Appeals, which would allow any use of land prohibited by the provisions of this section.
(Effective: September 3 1999)

CHAPTER 160: NON-CONFORMING USES AND STRUCTURES

Section 160-010 General Provisions

The lawfully permitted use of land or structures existing at the time of the adoption of this Zoning Ordinance or any amendment thereto may be continued, although such use does not conform to the standards of the district in which such land or structure is located. Said uses shall be deemed nonconforming uses.

Such regulations shall not prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations. Such regulations shall not provide for the termination of any nonconforming use solely as a result of non-use for a specified period of time without regard to the intent of the property owner to maintain that use. (Amended Effective 6/19/95)

Section 160-020 Nonconforming Uses of Land

Where no structure is involved, the nonconforming use of land may be continued; provided, however that:

1. No such nonconforming use shall be enlarged or increased or be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this Zoning Ordinance or any amendment thereto or be extended to a greater height than that which existed at the time of the adoption of this Zoning Ordinance or any amendment thereto. (Effective 2-19-88)
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel of land occupied by the such nonconforming use at the time of the adoption of this ordinance.
3. (Deleted effective February 9, 2002)

Section 160-030 Nonconforming Use of Structures

1. A structure, the use of which does not conform to the use regulations for the district in which it is situated, shall not be enlarged or extended unless the use therein is changed to a conforming use.
2. Such nonconforming structure shall not be structurally altered or reconstructed unless such alterations are required by law; provided, however, that such maintenance and repair work as is required to keep a nonconforming structure in sound condition shall be permitted.
3. A nonconforming use may be extended throughout any parts of the structure, which were manifestly arranged or designed for such use at the time of the adoption of this ordinance, provided that this extension was made within one (1)

year after the date of adoption.

4. A nonconforming use of a structure may be changed to a conforming use or changed to a use less nonconforming than its present use.
5. If any nonconforming use of a structure ceases for any reason for a continuous period of more than one (1) year, or is changed to a conforming use, or if the structure in which such use is conducted or maintained is moved for any distance whatsoever, for any reason, then any future use of such structure shall be in conformity with the standards specified by the Zoning Regulations for the district in which such structure is located.
6. If any structure in which any nonconforming uses are conducted or maintained is removed, the subsequent use of the land on which such structure was located and the subsequent use of any structure thereon shall be in conformance with the standards specified by the Zoning Regulations for the district in which such land or structure is located.

Section 160-040 Restoration of Damaged Structures

Any structure legally nonconforming in use which is damaged or destroyed by fire, explosion, act of God or public enemy may be rebuilt and the use continued, but not to any greater extent than in the previously existing structure.

Section 160-050 Registration of Nonconforming Use of Land or Structures

Any nonconforming use of land or structures shall be registered in the office of the Zoning Commission within one (1) year after the adoption of the Zoning Regulations. Such registration shall include the identification of the premises, a description of the nature and extent of the nonconforming use and, if necessary to the description, a plot plan, drawn to scale, showing property lines, all structures and any other pertinent information, and an affidavit by the owner as of the date since which such nonconforming use has existed. Failure to so register shall place the burden of proof on the property owner that any alleged nonconforming use of land or structures legally existed at the time this Article or any amendment thereto became effective.

CHAPTER 165: GENERAL PROVISIONS

Chapter rewritten effective 9-15-06

Section 165-010 Conformance with Open Space Requirements

No lot shall be so reduced in area that any required open space will be smaller than is prescribed in these regulations for the district within which it is located.

Section 165-020 Lot Area

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

Section 165-030 Lot Frontage and Access

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

Each rear lot created after the enactment of this section shall also comply with the following: The front lot line of a rear lot must conform to the frontage length as defined in these regulations and as noted in the Lot Area table found in Section 020-010. The twenty foot 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: 09/15/2006.

3. Common Driveway – A common driveway is defined as a privately owned and maintained driveway located on a strip of land which is everywhere not less than 20 feet in width, connecting to a street serving at least two 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. Reduced Frontage Exception: Each lot created after the enactment of this section shall meet the minimum frontage for the zoning district within which it is located, except when such lot or lots will have frontage partly or totally on a cul-de-sac or road curve, such frontage shall be not less than one hundred (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 09-15-2006).

Section 165-040 Lots in More than One Zoning District

Where a lot of record, at the time of passage of these regulations or any amendments thereto, falls into two (2) or more zoning districts, the regulations regarding the more restrictive zone shall apply, with regard to use, lot area, yard setbacks, and lot frontage, unless the district boundary lines are fixed by dimensions as shown on the zoning map.

Section 165-050 Temporary Uses

The following temporary uses may be permitted subject to issuance of a zoning permit by the zoning enforcement officer. The zoning enforcement officer may place stipulations on any such permit which is issued to protect the health, safety and welfare of the neighborhood.

1. A circus, carnival, or similar type of entertainment for a period of not more than 10 days. Said event may only be held on a property which can accommodate parking for all attendees of said event. Prior to issuance of any permit for such an event the applicant must submit proof to the zoning enforcement officer that the New Milford Police Department and the Fire Marshal have been consulted and have no objection to such use.
2. A temporary non-conforming construction trailer or other temporary structure associated with construction projects which have received all necessary local and state permits may be permitted. Said permit may not be issued for a period exceeding six (6) months, however, if sufficient necessity is demonstrated, the zoning enforcement officer may issue six (6) month renewals of said permit. The zoning enforcement officer may require proof that the applicant has consulted with the Fire Marshal, Building Inspector, or the Director of Health prior to issuance of said permit.
3. One recreational vehicle as defined by these regulations, may be parked and used for temporary occupancy by a visitor on a lot containing a single family dwelling. Said mobile home must be located in the driveway or rear yard in

compliance with all applicable yard setbacks for the zone. This temporary occupancy may not exceed two (2) weeks in any calendar year.

Section 165-060 Improving or Widening of a State Road

Any portion of a lot acquired by the State of Connecticut or the Town of New Milford for the purpose of improving or widening a State Road, or for the construction of sewer pump stations or other sewerage facilities associated with improving or widening a State Road, shall not be deemed under any circumstances to render the remaining portion of such lot or the buildings located thereon nonconforming with respect to the minimum lot area, lot frontage, or any yard requirements of these regulations. Any portion of a lot thus acquired by the State of Connecticut or Town of New Milford shall be included as part of the lot as it existed prior to such acquisition for purposes of determining compliance with any provision of these regulations.

Section 165-070 Common Driveways in Business and Industrial Zones

Common driveways for business and industrial uses in the business and industrial zones shall be encouraged to reduce the number of curb cuts on state highways so as to improve safety and prevent traffic congestion. A common driveway to access properties used for business and industrial uses in a business or industrial zone may be permitted, provided such common driveway is constructed according to the following standards:

1. Such common driveway must be constructed to a minimum width of 24' on a strip of land not narrower than 50'.
2. All proposed subdivisions of land in the business and industrial zones to be used for business or industrial uses shall provide for a common driveway and interconnection of lots for common driveways.
3. Any lot which has the right to use a common driveway shall be required to use such common driveway.
4. Any proposal for development of parcels of land located in the business or industrial zones shall be required to show feasibility of interconnection with adjoining property, where practicable if the Commission determines such interconnection of properties would be beneficial to reduce curb cuts on state highways.

5. Such driveway shall conform to all other requirements of these regulations.

CHAPTER 170: SPECIAL PROVISIONS

Section 170-010 Alcoholic Beverages

1. The retail sales of alcoholic beverages to be consumed off premises such as package stores, grocery stores, gas stations, requiring alcoholic beverages to be consumed off premises, is a permitted use in a B-1, B-2, B-3, Industrial, Industrial/Commercial and Village Center Zone, provided that no structure shall be used for the sale of alcoholic beverages in any zone, if any part of such structure is situated within a two hundred and fifty foot radius of any part of a lot used for a public or private school, a church, charitable organization, (whether supported by public or private funds) a hospital or library.
 2. Retail sales of alcoholic beverages to be consumed on the premises under a service bar license shall be permitted in a B-1, B-2, B-3, Industrial, Industrial/Commercial, and Village Center zone provided that no structure or lot shall be used for the sale of alcoholic beverages in any zone, if any part of such structure or lot is situated within a two hundred and fifty foot radius of any part of a lot used for a public or private school, a church, charitable organization, (whether supported by public or private funds) a hospital or library.
 3. Retail sales of alcoholic beverages under a cafe license is permitted in a B-1, B-2, B-3, Industrial, Industrial/Commercial and Village Center zone, provided that no structure or lot shall be used for the sale of alcoholic beverages in any zone, if any part of such structure or lot is situated within a five hundred foot radius of any part of a lot used for a public or private school, a church, charitable organization, (whether supported by public or private funds) a hospital or library.
 4. The provisions of this section, with respect to distance, shall not apply to structure or lots used for the sale of beer or wine for consumption with and secondary to the sale of food for consumption on the premises. Such a use would require a special permit if beer and/or wine were to be sold within a two hundred and fifty foot radius of any part of a lot used for a public or private school, a church, charitable organization, (whether supported by public or private funds) a hospital or library.
(Effective 6/19/95). (Amended 2/11/03).
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Section 170-020 Mobile Homes and Mobile Home Parks

The use of mobile homes for human occupancy is permitted only in the following zones: R-20 Residential Zone, B-1 Restricted Business Zone, B-2 General Business Zone, Industrial Zone and Multiple Residence Zone. All mobile homes must be connected to a community water system and sanitary sewer system in accordance with state and local ordinances and, shall be approved in writing by the Health Officer of the Town. Each mobile home and the lot on which it is located shall comply with all of the height

and area regulations specified in the R-20 Residential Zone, as Set forth in Section 020-020 of these regulations, regardless of the zone in which it is located.

For the purposes of this section, certain words shall have the following meanings:

1. **Person** includes individuals, partnerships, corporations, owner, lessees, licensees and the agents of each of them.
2. **Licensee** means any person licensed hereunder to operate and maintain a mobile home park.
3. **Recreational vehicle** means a trailer or camping vehicle used for thirty (30) days or less as a temporary residence.
4. **Mobile home** means a unit that is equipped with running water, bath facilities, flush toilet and appropriate sanitary connections.
5. **Mobile home park** means privately owned land upon which two (2) or more mobile homes are, or are intended to be, parked and occupied as dwellings.
6. **Collector** means the Tax Collector of the Town of New Milford.
7. **Health Officer** means the appointed Health Officer of the Town of New Milford, Connecticut or his deputy.

An occupied recreation vehicle shall be permitted in a mobile home park for a period not to exceed thirty (30) days in any year.

A mobile home park may be permitted in the following zones: R-20 Residential Zone, B-1 Restricted Business Zone, B-2 General Business Zone, Industrial Zone and Multiple Residence Zone subject to the requirements hereinafter set forth and to site plan approval by the Zoning Commission as stated in Chapter 175.

An application to create or develop a mobile home park must be submitted to the Commission and acted upon in a manner required for a change of zone. All documents, plans and drawings to be presented by the applicant at any public hearing must be submitted to the Commission at least thirty (30) days prior to such hearing. The applicant shall meet the following requirements. (Amended effective 6-6-85)

A single mobile home unit may be permitted on farms or for the preservation of natural resources or open space, for use of the owner or caretaker of the above. It shall be connected to an approved sewage disposal system and an approved water system.

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

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

2. A plot plan made by a licensed land surveyor registered in the State of Connecticut under seal, showing the site of the mobile home park, roads, location, size, shape and identification number of the mobile home lots, location of sanitary provisions, and the names of abutting property owners within five hundred (500) feet according to the land records of the Town of New Milford. All final plans or maps shall be overall size, not larger than twenty-five by thirty-seven (25 x 37) inches, including border. They shall be drawn or traced on a good quality of white drawing paper mounted on muslin or on a good quality of tracing cloth and on a scale of not more than one hundred (100) feet to the inch. The tracings or drawings shall be made of waterproof black India ink. Four (4) blueprints or other types of copies must accompany the white drawing.
3. Proof of ownership, option or valid lease.
4. Fee of fifty dollars (\$50.00).

Each mobile home park and extension thereof shall meet the following requirements:

1. The Mobile Home Park and each mobile home therein must be connected to a public water supply system and to a public sanitary sewer system.
 2. The park shall be located on a site graded to ensure drainage of surface and subsurface water, sewage and freedom from stagnant pools.
 3. A minimum of twenty thousand (20,000) square feet shall be provided for each mobile home lot.
 5. Each mobile home lot shall be defined by a permanent corner stakes and shall be provided with a permanent marker, displaying the lot number corresponding with the approved plot plan.
 6. Each mobile home and the lot on which it is located shall comply with all of the height and area regulations specified in the R-20 Residential Zone, as set forth in Section 020-020 of these regulations, regardless of the zone in which it is located.
 7. All mobile home parks shall abut on a roadway of not less than thirty (30) feet in width. (Amended effective 6-6-85)
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8. All roads within the park shall be well drained, provided with bituminous surface and maintained in good condition.
 8. Each mobile home park shall be appropriately landscaped and screened from adjoining property by a fifteen foot buffer zone and maintained by the owner of the mobile home park.
 9. Free vehicular passage shall be provided and maintained from a public highway to each mobile home site. A parking space for at least one (1) passenger car per mobile home site shall be provided and located so as to permit free movement of

vehicles to each other mobile and parking space. A parking space for each car shall be not less than five (5) feet from the mobile home it serves, not less than fifteen (15) feet from each other mobile home or permanent building and not less than fifty (50) feet from a street line or forty (40) feet from a side line or rear property line.

Upon completion of all the requirements of these regulations, and before issuance of a certificate of use and compliance, the owner shall file with the Town Clerk a map showing all physical installations as built, together with a certificate from the Health Officer showing compliance with the sanitary requirements of these regulations.

The owner of a mobile home park shall be responsible for the operation and the maintenance of the park in accordance with these regulations:

1. He shall provide all the required utilities and facilities. He shall provide metal containers with covers for refuse and waste materials and shall dispose of all garbage and refuse in accordance with local ordinances.
2. He shall keep and maintain a register, written in the English language, available at all times to federal, state and local authorities have jurisdiction. Such records shall be kept available for the last three (3) consecutive years of occupancy and shall contain for each site:
 - A. The name of the lessee of the site or trailer.
 - B. The permanent or last known address of such lessee.
 - C. The name of each person customarily occupying the mobile home.
 - D. State registry and marker number of mobile home and/or motor vehicle.
 - E. Date of entry on or exit from the site or mobile home.

Section 170-030 Adult Oriented Establishments

Adult oriented establishments as defined in chapter 15 are a permitted use subject to acquisition of a special permit and site plan approval in a restricted industrial zone. Adult oriented establishments are subject to the following standards:

1. The proposed use shall be a least 1,000 feet distant from any existing adult oriented establishment, as measured by a 1,000 foot radius from the outermost boundary of the parcel on which the use is proposed.

2. The proposed use shall be at least 1,000 feet distant from any residential property, school, church, charitable institution, hospital, library, public playground or other municipal building, as measure by a 1,000 foot radius from the outermost boundary of the parcel or which the use is proposed.
3. The proposed use shall not be conducted in any manner that permits observation from any public way of any material depicting human genitalia and pubic region, buttocks, anus or female breast or describing sexual activities including human genitalia in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, or bondage or other erotic touching of human

genitalia, pubic region, buttocks, anus, or female breasts. This provision shall apply to any other exterior display, decoration, sign, show window or other exterior opening.

(Effective 1-14-00)

Section 170-040 Inclusionary Zoning – Affordable Housing Contribution

(Deleted effective 9-15-06)

CHAPTER 175: SITE PLAN APPROVAL

Section 175-010 Purpose

The following regulations shall apply to the submission and administrative control of site plans for the establishment of certain uses of land, buildings and other structures, as specified in these regulations. All provisions of this section are in addition to other provisions applicable in the district in which such use is located.

Section 175-020 Site Plan Application Requirements

In order to provide the Zoning Commission with a basis for evaluating whether the proposed project is in compliance with all of the requirements of the Zoning Regulations of the Town of New Milford, six (6) copies of all site plans, prepared by an engineer licensed to do business in the State of Connecticut, shall be submitted on one (1) or more sheets measuring twenty-four by thirty-six (24 x 36) inches and shall contain, at a scale such that one (1) inch represents forty (40) feet or less, the following information:

1. The name of the proposed project, developer and land owner of record, zoning classification and identification of the permitted use, names of abutting property owners, North point, scale and date of preparation.
2. Property lines, adjacent public streets, driveways and amount and location of parking. All accesses must be reviewed by the New Milford Department of Public Works or State Department of Transportation, as appropriate. The Commission may approve a site plan subject to the receipt of appropriate approvals from the State Department of Transportation.
3. Location and description of all proposed utilities and structures. Such utilities shall be constructed underground with cable television provisions, unless otherwise permitted by the Commission.
4. Size and location of existing and proposed structures, showing both plan and elevation views including a description of proposed construction. Sign design details, in conformance with Chapter 145, outdoor lighting fixtures and location and dimensions of walls and fences, including a description of the type.

(Effective 8-6-99)
5. Existing and proposed topographic contours at not more than two-foot intervals. If more than one thousand (1,000) cubic yards of material are to be moved on site, or more than seven hundred (700) cubic yards brought into or removed from the site, then the estimated quantities and types of material to be moved shall be provided and a permit requested in accordance with Chapter 140.
6. Location of all watercourses, wetlands and/or floodplains and other prominent physical features.

7. Proposed landscaping, including type, size and location of trees and shrubs.
8. Storm drainage, which shall be adequate for the proposed development. The New Milford Department of Public Works prior to application shall review all storm drainage proposals.
9. Location of sewage disposal and water facilities
10. Each application for site plan approval for an area greater than forty thousand (40,000) square feet shall be based on a survey certified as Class A-2 by a registered land surveyor. (Effective 11-2-89).
11. Waiver - The Commission, upon written request by the applicant, may by resolution, waive the required submission of that part of the information specified under subsection A, if the Commission finds that the information is not necessary to decide on the application. (Effective 8-5-96).

All multi-residential, residential and commercial condominium projects shall obtain from the Public Utility/Dept. of Health a "Certificate of Public Convenience and Necessity" prior to any approval by the Commission, if a proposal to use water supplied by a company incorporated on or after October 1, 1984. (Effective 11-2-89).

The Commission, on written request by the applicant, may by resolution, waive the required submission of that part of the information as specified under Section 2 hereof, if the Commission finds that the information is not necessary in order to determine compliance with these regulations. The Commission may require the applicant to provide additional information and data for clarification purposes and to implement the purposes of the Zoning Regulations as set forth in Chapter 10.

Section 175-030 Criteria for Site Plan Approval

Criteria for Approval - application for site plan approval shall be considered and evaluated by the Commission under the following criteria:

1. ~~The capability of adjacent and feeder streets to accommodate the projected traffic volumes. In all cases, a traffic study shall be prepared by a licensed professional engineer addressing the impact of the development upon the street system in the area.~~
2. The obstruction of light or air; the emission of noise, smoke, odor, gas, dust, vibration, or waste material and the quality and quantities of said pollutants produced by the proposed development as more particularly described in Section 010-070 of these regulations.

3. The location of any points of ingress and egress and arrangement of off-street parking facilities.
4. Accessibility for emergency vehicles and equipment.
5. The availability and adequacy of public utilities such as, electricity, telephone, gas, water, sanitary sewers and cable television.
6. Provisions for solid waste pick-up.
7. Ease of entrance to, and exit from the development, with a minimum of disturbance to outside traffic flow.
8. Entrances and exits shall be located either at an existing intersection or a minimum of 50 feet from an intersection.
9. No driveway grade shall exceed three percent (3%) within fifty (50) feet of any street line, nor eleven percent (11%) at any other point. (Amended September 8, 2001).
10. The adequacy of design of the interior vehicular circulation system, to provide safe and convenient access to all structures, uses, parking spaces and loading spaces. (Effective May 20, 1996).
11. The degree to which the proposed use and construction harmonizes with and enhances the appearance of the area in which it is situated.(Effective 8-8-99)

Section 175-040 Duration of Site Plan Approval

Site plan approval granted hereunder shall be valid only if completed within five (5) years from date of approval. The Commission for good cause may grant one or more extensions of time to complete all or part of the work in connection with the site plan provided the total extension or extensions shall not exceed ten years from the date such site plan is approved. (Effective 10-4-84). (Amended 2-11-03).

Any development of 400,000-sq. ft. in a B-1, B-2 or Industrial Zone shall be completed within ten (10) years of its original approval, provided the site plan was approved prior to 10-1-88. (Effective 11-2-89).

CHAPTER 180: SPECIAL PERMITS

Section 180-010 Purpose

In accordance with the procedures, standards and conditions hereinafter specified, the Commission may approve a special permit in a district where such uses are listed. All requirements of this section are in addition to other requirements applicable to the district in which the special permit is to be located.

Uses permitted as special permit uses subject to the approval of the Commission are deemed to be permitted uses in their respective districts, subject to the satisfaction of the requirements and standards of this section. Special permit uses that may be permitted in a district are unusual cases that, under favorable circumstances, will be appropriate, harmonious and desirable uses in the district but that possess such special characteristics that each use should be considered as an individual case.

Section 180-020 Uses Requiring Special Permits

In addition to those uses permitted by special permit listed under any other Article of these regulations, any use meeting any of the following thresholds will require a special permit:

Threshold (size of structure)

	<u>Land Use</u>	<u>(square feet)</u>
A.	Industrial	45,000
B.	General Office	20,000
C.	Business	25,000
D.	Restaurant	4,500
E.	All proposed uses which will generate over five hundred (500) vehicle trips per day (Amended Effective 1-14-00)	

The Trip Multiplier Table attached as Appendix A to these regulations, prepared by the Institute of Transportation Engineers, as the same may be amended, shall be used to determine the projected average daily trips generated by a proposed use. (Effective March 11, 1996).

Section 180-030 Special Permit Application Requirements

An application for a special permit shall be submitted in writing to the Commission and shall also be accompanied by the following:

1. Site plan, in accordance with the provisions of Chapter 175.
2. Traffic impact analysis, prepared by a recognized traffic engineer, indicating the expected average daily vehicular trips, peak hour volumes and volume/capacity ratios, access conditions to the lot, distribution of traffic, types of vehicles expected and the effect upon the level of service of the streets providing access to the lot.

3. The Commission, upon written request by the applicant, may by resolution waive the required submission of that part of the information specified under Subsection 1 and/or 2 if the Commission finds that the information is not necessary to decide on the application. (Effective 4/6/90).

Section 180-040 Standards for Review of Special Permit Application

The proposed use and the proposed buildings and structures shall conform to the following standards:

1. **Character.** The location, type, character and extent of the use of any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or impair the value thereof.
2. **Neighborhood.** The site plan and architectural plans shall be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community. To this end, the site plan shall include architectural design data, identification of texture, color and type of building materials to be used.
3. **Lot size.** In addition to the requirements of Chapter 20, the lot on which the use is to be established shall be of sufficient size and adequate dimension to permit conduct of the use and provision of buildings, other structures and facilities in such a manner that will not be detrimental to the neighborhood or adjacent property.
4. **Traffic.** Where it is projected that the additional traffic resulting from the project will reduce the level of service to D or below, the Commission shall not approve the project unless and until provision has been made for the improvement of said condition. In all traffic analysis reports, use of a volume/capacity ratio of one and zero hundredth (1.00) to represent either level of service C or E is acceptable as long as the selected base is used consistently and clearly indicated.

5. **Off-street parking and loading.** Off-street parking and loading spaces shall be of adequate size for the particular use and shall be screened from abutting residential use.
6. **Landscaping.** Landscaping and buffers shall be provided and maintained so as to provide an adequate visual screen between the proposed use and abutting residential uses.

Section 180-050 Procedure for Approval of Special Permit

The Commission shall hold a public hearing on the application and shall decide thereon, giving notice of its decision as required by the provisions of Section 8-3c of the General Statutes. The applicant may consent in writing to an extension of the time for public hearing and action on the application.

After the public hearing, the Commission may approve a special permit if it shall find that the proposed use and the proposed buildings and structures will conform to the Zoning Regulations and the standards herein specified. All special permits may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

Section 180-060 Public Hearing Notice Requirements

Any application involving a public hearing would require the petitioner, at his expense, to send notice of the same, via certified mail, return receipt requested, to all owners of record of any abutting properties and also those properties that lie opposite the parcel across any street or thoroughfare, at least fifteen (15) days prior to the date of the public hearing. In the event the abutting property is a condominium, the applicant need only notify the condominium association. On the day of the public hearing, a copy of the notice sent, along with the return receipts, shall be presented to the Commission to show compliance. An honest effort to reach the owner of record at his last known address would be accepted with postal regulations governing. The property shall also be placarded with a sign of three (3) feet by four (4) feet minimum, set back no more than ten (10) feet from the front lot line or on the front face of any building or structure that is closer to the front lot line. Said sign shall be visible to the public and composed of letters with minimum height of four (4) inches. The message shall read: "A public hearing dealing with these premises is to be held in the New Milford Town Hall at (time) on (day), (month, day, year), dealing with an application for..... Etc." Said sign shall be in place at least fifteen (15) days prior to the public hearing and removed immediately after the public hearing is closed. The wording of the required sign may be changed at the discretion of the Zoning Commission to suit the circumstances involved.

Section 180-070 Performance Bond Requirements

Performance bond. Upon the approval of any application for a special permit, the applicant shall post any performance bonds required by the Commission in form and amount satisfactory to it, as surety for the compliance with all conditions and safeguards imposed by the Commission and providing that, in case of default, the Commission may promptly take any and all steps necessary to guarantee the compliance with said approval and enforcement of these regulations.
(Amended May 19, 2001)

CHAPTER 185: ADMINISTRATION, ENFORCEMENT AND PENALTIES

Section 185-010 Application For Use Permit

The Zoning Commission shall appoint the Zoning Enforcement Officer of the Town of New Milford. He/she shall have all of the powers, duties and responsibilities assigned to the Zoning Enforcement Officer by these regulations.

It shall be the duty of the Zoning Enforcement Officer, to enforce the provisions of these regulations.

The Zoning Enforcement Officer may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair or conversion of any building or structure, or the unlawful use of land to restrain, correct or abate such violations, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business or use in or about the premises. Whenever such acts shall be in contradiction to the provisions of these regulations, penalties shall be as provided by the General Statutes

The Zoning Enforcement Officer shall require that the application for a permit, as required by Subsection 3 of this section, and the accompanying plot plan, shall contain all of the information necessary to enable him/her to ascertain whether the proposed building and/or use complies with the provisions of these regulations. The Zoning Enforcement Officer may waive the required submission of a plot plan for proposed construction involving a cost of less than one thousand dollars (\$1,000.), or if such plan is deemed unnecessary to determine compliance with these regulations. In the enforcement of these regulations, a zoning permit may be combined with a building permit, and a certificate of use and compliance with the certificate of occupancy, without in any way affecting the fee to be charged for each permit or certificate. All applications for a permit shall be accompanied by the following:

1. Plot plan in duplicate, drawn to a scale of at least one (1) inch equals fifty (50) feet, prepared by a Connecticut licensed land surveyor, showing the dimensions, radii and angles of lot, size and location of buildings built or to be built, driveways, the approximate locations of sanitary facilities and water supply.

2. After excavation and before the actual pouring of concrete for the foundation of any building or structure, the contractor or owner must have the Zoning Enforcement Officer check the premises to ascertain that the location of such foundation, or any part of the building to be erected thereon, will not encroach upon the established building lines or in any way violate any of the regulations. No permit shall be approved by the Zoning Enforcement Officer for any new construction until the applicant has accurately placed stakes or markers on the lot indicating the location of proposed construction. The Zoning Enforcement Officer may require the applicant to place stakes or markers on the lot indicating the location of lot lines. The Zoning Enforcement Officer may require the

placement of stakes or markers to be made and certified by either a land surveyor or engineer licensed to practice in the State of Connecticut. After the foundation is poured, and before construction proceeds, the applicant shall submit an as-built survey to the Zoning Enforcement Officer showing that the foundation is in complete compliance with the Zoning Regulations.

3. No land use shall be established or changed, except for farming and gardening purposes, and no new buildings shall be used or erected nor any existing building or structure be enlarged, changed in use, structurally altered, demolished, moved or remodeled, wholly or partly, and no excavation for any building, structure or use shall be made, until a permit therefor has been issued by the Zoning Enforcement Officer.

Section 185-020 Duration of Use Permit

A permit shall be void, if construction or use is not started within a period of eighteen (18) months, and shall expire thirty-six (36) months from the date of issue. The Commission for good cause may grant one (1) extension for an additional period, not to exceed twelve (12) months.

Section 185-030 Pending Application for Building Permit

Nothing herein contained shall require any change in the plans, construction, size or designated use of a building for which a building permit has been granted, or for which plans were on file with the Building Inspector before the effective date of these regulations, and the construction of which from such plans shall have been started within six (6) months of such date.

Section 185-040 Certificate of Use Compliance

No land shall be occupied or used, and no building hereafter erected, altered or changed in use, shall be occupied or used, in whole or in part, for any purposes, until a map showing as-is conditions has been submitted, prepared by a Connecticut licensed land surveyor at a scale of one (1) inch equals fifty (50) feet, showing lot boundaries, the location of buildings and accessory buildings, driveway, well, septic tank, water or sewer mains, as the case may be, and until a certificate of use and compliance shall have been issued by the Zoning Enforcement Officer, stating that the premises or building complies with all provisions of these regulations. A certificate of use and compliance shall be applied for at the same time as the zoning permit is applied for and, if approved by the Zoning Enforcement Officer, shall be issued within ten (10) days after notification from the permittee that the premises are ready for occupancy.

CHAPTER 190: FEE SCHEDULE

See Appendix B.

CHAPTER 195: ZONING BOARD OF APPEALS

Section 195-010 Powers and Duties

The Zoning Board of Appeals shall have all the powers and duties as set forth in Section 8-5, 8-6 and 8-7 of the Connecticut General Statutes, as revised, hereby incorporated by reference only.

CHAPTER 200: AMENDMENTS

Section 200-010 **General Provisions**

These regulations may, from time to time, be amended, changed or repealed after a public hearing, as provided by Chapter 124 of the Connecticut General Statutes, Revision of 1958, as amended.

Section 200-020 **Application for Zone Change**

Notice of the time and place of such hearing shall be published in a newspaper having substantial circulation in the Town of New Milford at least twice at intervals of not less than two (2) days, the first not more than fifteen (15) days nor less than ten (10) days and the last not less than two (2) days before such hearing, and a copy of such proposed regulation or boundary shall be filed in the office of the Town Clerk for public inspection at least ten (10) days before such hearing.

If a protest is filed at such hearing with the Commission against such change, signed by the owners of twenty percent (20%) or more of the area of the lots included in such proposed change or of the lots within five hundred (500) feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds (2/3) of all the members of the Commission.

A plan giving proposed boundaries must accompany each application for a change in the zoning boundaries. There shall also be included on said plans names of all landowners within five hundred (500) feet and all landowners within said area change and location of land boundaries of said owners within five hundred (500) feet and within said area change, as shown on the Assessor's Map.

A fee of two hundred dollars (\$200.) plus publication costs shall be charged for each application to the Commission for a change of these regulations and a fee of three hundred dollars (\$300.) shall be charged for a change in the zoning map boundaries, and this must be paid at the time of submitting the application. (Eff.3-22-91)(Amended 6/24/03, Effective 7/21/03).

Section 200-030 **Public Hearing Requirements**

Any application calling for a public hearing would require the petitioner, at his expense, to send notice of same, via certified mail, return receipt requested, to all owners of record of any abutting properties and also those properties that lie opposite the parcel across any street or thoroughfare.

The above notice shall be mailed at least fifteen (15) days prior to the date set for said public hearing. At the time of the public hearing, a copy of the notice sent, together with the return receipts, shall be presented to the Zoning Commission to show compliance. An honest effort to reach the owner of record at his last known address would suffice with postal regulations governing.

The property shall also be placarded with a sign of three by four (3 x 4) feet minimum, set back no more than ten (10) feet from the front lot line or on the front face of any building or structure that is closer to the front lot line. Said sign shall be visible to the public and composed of letters with a minimum height of four (4) inches. The message shall read: "A public hearing dealing with these premises is to be held in the New Milford Town Hall at (time) on (day), (month, day, year) dealing with an application for etc." Said sign shall be in place at least fifteen (15) days prior to the public hearing and removed immediately after the hearing is closed. The wording of the required sign may be changed at the discretion of the Zoning Commission to suit the circumstances involved.

CHAPTER 205: VALIDITY

Should any section of these regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these regulations as a whole or any part thereof.

CHAPTER 210: EFFECTIVE DATE

The effective date of these regulations shall be December 1, 1971.

A copy of these Zoning Regulations and a revised map of the Town of New Milford, showing zones as herein described, are now on file at the office of the Town Clerk, Town Hall, New Milford, Connecticut.

**APPENDIX A
TRIP MULTIPLIER TABLE**

Assembling or finishing of articles made from previously prepared cellophane canvas, cork, fiber, glass, home, leather, paper, plastics, precious metals or stones, shells, textiles, wood, yarns, metals.

5 PER 1000 SQUARE FEET OF GROSS FLOOR AREA

Banking institutions.

169 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA

Business or professional office.

12 PER 1,000 SQUARE FEE OF GROSS FLOOR AREA.

Convenience Market.

577 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Financial institution.

122 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Garden apartments, apartment houses, row houses and townhouses.

6 PER DWELLING UNIT

Grocery store.

125 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Hospital.

12 PER BED

Hotel, motel.

10 PER BED

Indoor theatre.

2 PER SEAT

Machine manufacturing.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Manufacture and assembling of toys, sporting goods, musical instruments, clocks and watches, and other office and artist's materials.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Manufacturing, compounding processing, packaging or treatment of candy, cosmetics, drugs, pharmaceuticals, or toiletries.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Manufacture of:

- Brick, tile, terra cotta and cement products.
- Electrical equipment.
- Felt for hats, and manufacture of hats.
- Glass, including installation.
- Insecticides, fungicides, disinfectants, detergents, and similar industrial and household chemicals and chemical products and inorganic fertilizers.
- Optical goods, business machines, precision instruments, surgical and dental instruments and equipment.
- Pottery or ceramic products.
- Silverware and similar products.
- Transportation equipment.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Medical office.

75 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Metal fabrication, sheet metal work.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Metal finishing, plating, grinding, polishing, cleaning and rustproofing, stamping and intrusion of small products.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Monument or stone cutting plants.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Nursing home.

3 PER BED.

Personal service.

31 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Plants for printing, engraving, bookbinding, and other reproductive services.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Processing of fur and wool.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Public services.

30 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Research or testing laboratories.

12 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Restaurant as an accessory use to a hotel or motel.

56 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Restaurant, fast food.

553 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Restaurant, excluding fast food.

56 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Retail package store.

65 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Smelting and refining of precious metals.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Retail stores or shops.

65 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Storage and sale of building materials.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Textile spinning, weaving, manufacturing, dyeing, printing and processing.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Tool and die making, including incidental casting.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Upholsterer, carpentry, woodworking and millwork.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Warehouse bakery.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

Wholesale or distribution.

5 PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

APPENDIX B

Zoning Commission Fees

(a) Zoning Permit Fees. The fee for zoning permits shall be based on the estimated cost of construction as determined by the Zoning Department in accordance with the following schedule:

DECLARED COST FROM	TO	FEE
\$0	\$2,500	\$15 00
2,501	5,000	\$30 00
5,001	25,000	\$75 00
25,001	50,000	\$150 00
50,001	100,000	\$200 00
100,001	200,000	\$250 00
200,001	500,000	\$300 00
500,001	750,000	\$350 00
750,001	1,000,000	\$500 00
1,000,001	and up	\$500 00 plus \$50 for each \$100,000 or portion thereof over \$1,000,000

If the proposed construction includes earth disturbance and the foundation or slab exceeds 500 square feet, an additional \$100 zoning permit fee will apply.

(b) Application for Site Plan Approval under Chapter 175 of the Zoning Regulations (This fee shall be in addition to the fee charged under subsection (a)).

Up to \$100,000 cost of construction \$100.00
Plus \$100 per each additional \$100,000 or portion thereof cost of
construction.

(c) Application for Special Permit under Chapter 180 of the Zoning Regulations
\$250.00

(d) Application to Amend Zoning Regulations \$250 plus
publication costs

(e) Application to Amend Zoning Map \$300

(f) Application for Approval of Home Occupation \$25

(g) Application of Sign Permit \$10.00 plus \$2
per sq. ft.
over 5 sq. ft.

(h) Application for Excavation Permit \$200

- | | |
|---|--|
| (i) Application for three year Commercial Excavation Permit | \$750 |
| (j) Excavation Permit | \$20/100 cubic yards
Maximum \$10,000 fee |
| (k) Change of Use (No construction costs) | \$30 |
| (l) Fence Special Permit Application | \$60 |
| (m) State Fee \$30 (or so much as State may from time to time establish) | |
| (n) The Cost of a Copy of the Zoning Regulations shall be \$15 and the Zoning Map \$10. | |
| (o) The Fees set forth above are the minimum fees required. The New Milford Zoning Commission reserves the right to hire, at the applicant's expense, outside consultants, of the Commission's choice in its sole discretion, including but not limited to attorneys and engineers, to assist in the review of any application submitted to the Zoning Commission or the Zoning Enforcement Officer. If the Commission or its staff believes the cost of processing or reviewing an application will exceed those fees set forth above, the Commission may require additional fees be paid at the time of application. When the actual cost of processing and reviewing an application exceeds the actual fees paid, the New Milford Zoning Commission shall bill the applicant for the actual excess amount. If all fees required herein are not paid, the Commission shall consider the application incomplete, and deny it. If the Commission approves an application with fees still owing, no zoning permits or certificates of zoning compliance shall be issued until such time as all outstanding fees are paid to the Commission. If the actual cost of reviewing and processing an application is less than the amount submitted by more than \$100, and the applicant has paid more than the amount noted in (a) through (l) above, the excess fees paid will be refunded to the applicant, upon request. | |

Amendments effective December 8, 2006

**APPENDIX C: DATES OF AMENDMENTS
NEW MILFORD ZONING REGULATIONS**

Amended Dates

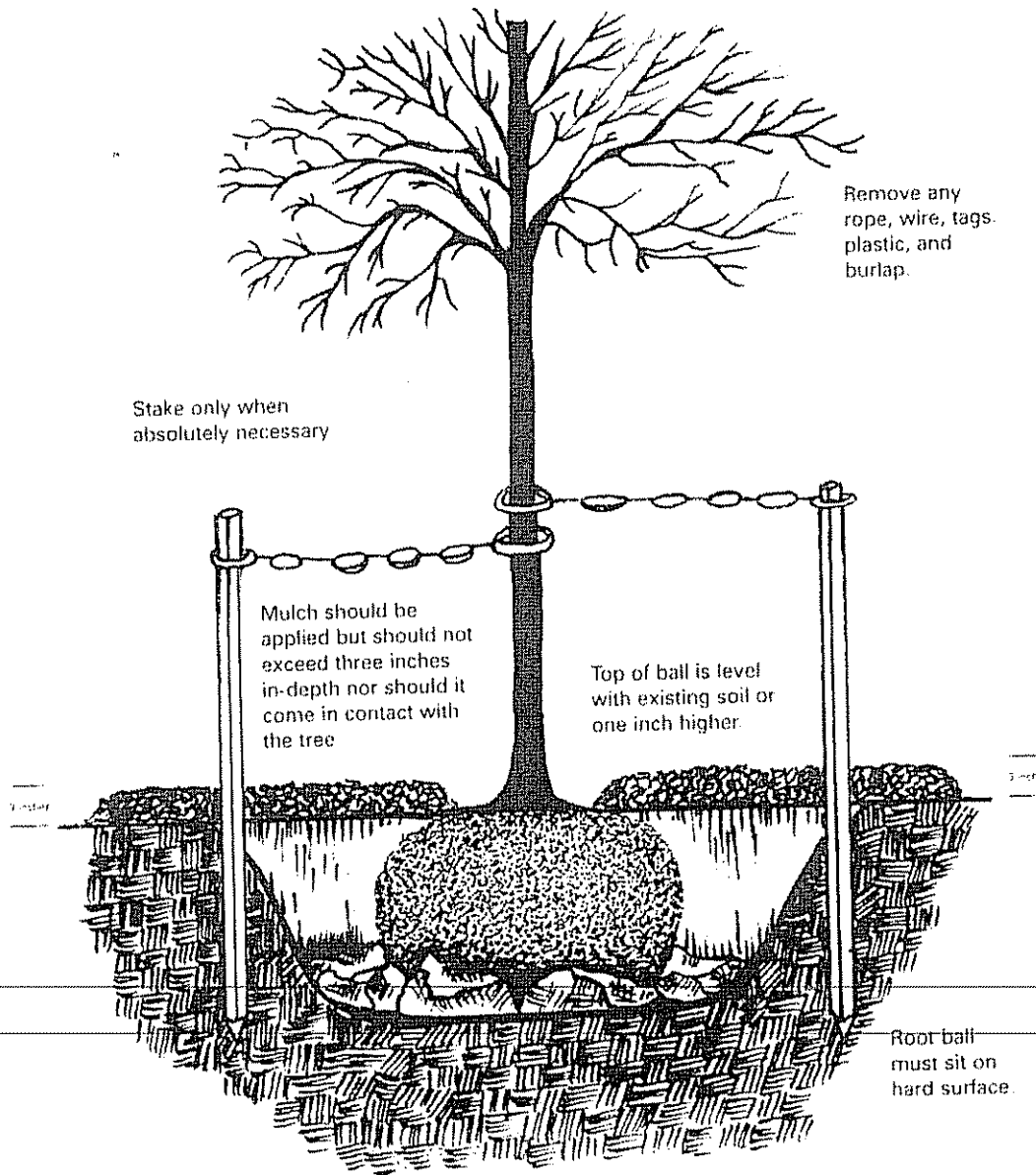
July 31, 1980	January 29, 1981
April 23, 1981	March 4, 1982
April 27, 1982	July 27, 1982
August 10, 1982	February 3, 1983
August 27, 1984	February 26, 1985
March 7, 1985	June 6, 1985
June 20, 1985	August 13, 1985
September 17, 1985	December 10, 1985
February 25, 1986	July 1, 1986
July 17, 1986	November 24, 1986
April 14, 1987	April 23, 1987
June 2, 1987	June 26, 1987
April 5, 1988	April 18, 1989
May 23, 1989	June 22, 1989
July 20, 1989	August 15, 1989
February 19, 1989	November 2, 1989
October 9, 1999	November 20, 1999
January 11, 2000	April 8, 2000
May 6, 2000	October 21, 2000
June 16, 2001	May 22, 2002
July 21, 2003	December 1, 2003
March 31, 2004	March 1, 2005
October 14, 2005	April 1, 2006
November 15, 2006	

APPENDIX D: TREE PLANTING DETAILS

Tree Planting Details

APPENDIX D

Prune only dead, weak, poorly formed or diseased branches



Remove any rope, wire, tags, plastic, and burlap.

Stake only when absolutely necessary

Mulch should be applied but should not exceed three inches in-depth nor should it come in contact with the tree

Top of ball is level with existing soil or one inch higher.

Root ball must sit on hard surface.

Dig a hole as wide as possible. Back fill should be the same soil as removed when hole was dug.

Either remove or roll down wire basket and burlap into the bottom of the hole

**APPENDIX E – CLUSTER CONSERVATION SUBDIVISION DISTRICT
REGULATIONS**

E-1 Cluster Conservation Subdivision District #1 (CCSD#1)

The following regulations shall be applicable within the Mill River Cluster Conservation Subdivision District (CCSD#1) as defined below:

Tax assessor's map #56, lot 143, and depicted on a map entitled "Cluster Conservation Subdivision, 67.392 acres, Papermill Road, New Milford – Connecticut, Development Feasibility Plan, Sheet 1 of 4, Project #040-2004, Scale: 1"=100', Date: August 17, 2004, Rev. 10/14/04', prepared by Trinkaus Engineering, LLC, Civil Engineers, 437 Bucks Hill Road, Southbury, Connecticut 06488".

All structures shall comply with the front, side and rear setbacks as specified below:

Minimum Lot Frontage: 50' or be served by a 20' accessway

Minimum Lot Area: 0.50 acres

Front Yard Setback: 40'

Side Yard Setback: 20'

Rear Yard Setback: 10'

No buffer areas are required

Maximum building height: 35' (method of measurement to conform to current Town of New Milford Zoning Definition)

Maximum site coverage: 10% (principal dwelling only)

Maximum building coverage: 20% (all buildings including outbuildings)

Maximum site coverage: 35% (all impervious surface)

Proposed Utilities: All utilities (electric, telephone, cable TV) shall be underground.

(Approved 12/14/04, Effective 12/27/04)

E-2 Cluster Conservation Subdivision District #2 (CCSD#2)

The following regulations shall be applicable within the Walker Brook Farms Cluster Conservation Subdivision District as defined below:

Tax assessor's map #72, lot 2, and map 66, lot 3, and depicted on a map entitled "Area Zone Map Showing Adjoining Properties within 500' of Map 66, Parcels 2 and 3, Proposed 'Walker Brook Farm' New Milford, Connecticut. Scale 1"=500', June 26, 2004' prepared by Larry Edwards, L.S. #10937, L Edwards Associates, LLC 227 Stepney Road, Easton Connecticut 06612" located on the northerly side of Chestnut Land Road (Route 109) at the intersection with Walker Brook Road adjacent to the Washington Town Line.

1. Lot Area, Frontage and Yard Requirements:

The minimum lot area is 40,000 square feet.

The maximum building height is 35 feet.

The minimum lot frontage is 150 feet. Irregular shaped lots and rear lots, as hereafter defined, are also permitted.

The minimum front yard is 40 feet.

The minimum side yard is 25 feet.

The minimum rear yard is 40 feet.

The minimum front and side yards on a corner lot is 30 feet.

Irregular shaped lots having an area of 40,000 square feet and an average lot width of 125 feet are permitted provided that the lot has a minimum lot frontage of 50 feet on a street or highway. The lot line from which the right-of-access leads shall be considered the front line of the rear lot.

Rear lots are permitted provided that the lot has its own separate and individual unobstructed right-of-way, which is everywhere not less than 20 feet wide connecting to a street or highway. The lot line from which the right-of-access leads shall be considered the front line of the rear lot.

Front yards on corner lots. On corner lots, a front yard requirement of 30 feet shall be enforced on either street front. The width of the side yards shall not be less than thirty (30) feet.

There is no maximum lot coverage.

There is not required buffer area.

Common driveways as defined in section 165-050 3 are permitted.

2. Permitted uses:

The following uses are permitted:

- A. Single Family Residence or Dwelling, together with such other buildings as are ordinarily appurtenant to a single family use.
- B. Accessory Apartment, subject to a special permit and compliance with the standards and procedures applicable to approval of accessory apartments in other single family zoning districts (Section 025-030 3).
- C. Home Occupations, including "Home Office or Studio", "Traditional Home Enterprise" and "General Home Occupation" subject to the standards, conditions and permit requirements otherwise set forth in the Zoning Regulations (Section 025-070 et seq.).

3. Accessory Uses:

No accessory building, including a swimming pool, shall be located in any required yard, except that an accessory building, including a swimming pool, may be located in the required rear yard provided that the same is brought no closer than twenty (20) feet from the rear lot line.

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

4. Utilities:

All lots shall be served by individual wells and septic systems approved by the New Milford Department of Health or such other public or private water supply or sewer system as may be available to provide water or sewer service to such lots. Electric and other utilities shall be provided by public service companies.

(Adopted 12/14/04, Effective 12/27/04).