

Chapter 119
Housatonic Riverfront Zone
HRFZ

Chapter adopted by the Zoning Commission on 8-11-09, effective date 9-1-09

Section 119-010 Purpose and Applicability

A. Purpose: The purpose of the Housatonic Riverfront Zone (HRFZ) is to encourage redevelopment and adaptive reuse of properties located on the banks of the Housatonic River, while recognizing the Housatonic River as an environmental, recreational and economic asset to the Town of New Milford. The Housatonic Riverfront Zone is designed to promote the health, safety and welfare of the citizens of New Milford by using flexibility while complementing and protecting existing developed areas nearby.

These general goals and objectives include the following specific purposes:

1. Provide economic development opportunities for the riverfront with a focus on mixed use residential, office, retail, and other service businesses as well as recreation and tourism.
2. Enhance the quality of stormwater runoff which reaches the river by establishment of high level water quality treatment standards.
3. Provide pedestrian access to the riverfront by requiring a pedestrian pathway easement on all properties in the HRFZ
4. Promote development within the Central Development Area utilizing existing infrastructure consistent with smart growth principles.
5. Promote redevelopment of blighted riverfront properties.
6. Promote more appropriate riverfront development by offering flexibility in use and design.
7. Providing for a harmonious relationship between residential and business uses in a mixed use development.

B. Establishment: The Housatonic Riverfront Zone is a floating zone and may be permitted on properties with the following characteristics:

1. The property must contain a minimum of 100' of frontage on the Housatonic River.
2. The property must be located on municipal sewer and municipal water and be located on the East side of the Housatonic River south of the intersection of Young's Field Road and Housatonic Avenue.

Section 119-020 Permitted Uses

The following uses shall be permitted in the Housatonic Riverfront Zone:

1. Any use permitted in a B-1 Restricted Business Zone
2. Uses permitted in Section 025-100
3. The following uses may be permitted provided there are no fire hazards created by process or process by-products, no noxious, or hazardous fumes or waste, including

but not limited to dust, dirt, smoke, gas or fumes: shops for assembling or finishing of articles to be sold at retail or wholesale, shops for manufacturing, research laboratories. In addition, no outside storage of inventory or supplies associated with these special uses is permitted. When these types of uses are proposed the Commission shall require both of the following:

- a. Written certification from the business owner describing in detail manufacturing processes and their by-products that may create such a hazard
 - b. Written and stamped documentation from an engineer, licensed to do business in the state of Connecticut and holding a current professional engineering license, that the building and all subdivisions thereof comply with the latest revision of ASHRAE Standard 62.
4. Any combination of the above uses.
 5. Any customary accessory uses to the above uses.
 6. Multifamily housing including apartment and townhouse style living units provided:
 - a. At least 50% of the floor area of all buildings on the property are approved for non-residential uses permitted in Section 119-020(1) and (2).
 - b. The average number of bedrooms per residential dwelling unit for each building on the entire property does not exceed 1.6. Calculation method:
 - i. Total number of bedrooms proposed divide by the total number of residential units proposed.
 - ii. Note: for purposes of this calculation, a studio counts as a one (1) bedroom unit.

Section 119-030 Procedure for Establishment of Housatonic Riverfront Zone and Application Requirements

1. **Zone Change Request:** Request for the establishment of the Housatonic Riverfront Zone constitutes a petition for legislative action to amend these regulations in accordance with Chapter 200 of these regulations. 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 right-of-ways not owned by the petitioner. Upon receipt, the Zoning Commission shall refer the petition to the Planning Commission and shall hold a public hearing and act thereon in the same manner as required for the amendment of these regulations. Additionally, any existing uses not permitted by Section 119-020 shall be formally abandoned in writing, by the owner of said lot(s) prior to the issuance of a zoning permit.
2. **Application Requirements:** The use, buildings, structures and site development authorized in a Housatonic Riverfront Zone are permitted subject to acquisition of a Special Permit in accordance with the provisions of Chapter 180 of these regulations as well as approval of a Site Plan Application in accordance with Chapter 175 of these regulations.

An application for a zone change must be submitted in conjunction with applications for a special permit and site plan for site development.

Section 119-040 **Additional Requirements and Exceptions**

1. **Off Street Parking:** All off street parking and loading facilities shall be constructed in accordance with the provisions of Chapter 135 and 175 with the following exceptions: At grade, above grade and below grade parking and loading facilities shall be permitted. Shared use of the same parking and loading facilities may be permitted by the Commission for uses which have different, non-competing times of operation. A detailed parking plan shall be provided to support the adequacy of the proposed parking. Consistent with stormwater quality goals, parking should be kept at the minimum level necessary to adequately service parking needs of the project. All loading spaces shall be located so as to avoid negative impact on the quality of life for residential occupants of the proposed development.
2. **Stormwater Management:** A detailed stormwater management plan shall be provided in accordance with the provisions of Chapter 175. The plan will focus on stormwater quality measures which shall be employed to allow maximum protection and enhancement of the water quality of the Housatonic River. These measures shall include, but are not limited to the following: primary treatment methods such as stormwater ponds and wetlands outside of the floodplain, infiltration trenches and basins, filtering methods and water quality swales; secondary treatment methods such as vegetated filter strips: and retrofitting of existing drainage systems.
3. **Pedestrian Pathway:** A pedestrian easement area shall be depicted on the proposed site development plan for the purpose of a future continuous pedestrian walkway along the river. The easement area shall be a minimum 10' in width and feasibility for its construction shall be demonstrated.
4. **Landscape and Buffers:** A landscape plan shall be submitted in accordance with the provisions of Chapter 175. All required yard areas shall be landscaped in accordance with the intent of Chapter 130 of the Zoning Regulations. Vegetative screening buffers shall be provided between residential uses and uses which may not be compatible with residential uses. Dumpsters shall be screened with either landscaping or fencing. Vegetative filter strips shall be encouraged along the river edge in appropriate areas.
5. **Waste Management Plan:** A waste management plan shall be provided in accordance with Section 175-030(3)c which shall also include pickup items for solid waste and recycling. All solid waste and recyclable item containers shall be screened with either fencing or landscaping.
6. **Outdoor Lighting:** Outdoor lighting shall be provided in accordance with the provisions of Chapter 131. A lighting analysis shall be provided demonstrating residential dwellings will not be negatively impacted by lighting from business uses.
7. **Building Requirements:** The Commission, in considering a special permit and site plan application under this Chapter, may require, impose or waive any building schedule requirements or exceptions to it as it deems necessary to conform to the Plan of Development, with the general intent and purpose of Section 119-010 and Chapter 180. However, in no event may the Commission require a more restrictive building schedule than is required for development within the B-1 Restricted Business Zone.
8. **Recreational Amenities:** Recreational amenities shall be provided in the site development plan. These amenities may include, but are not limited to the following:

docks for boat parking, boat launch, gazebos, picnic areas, walking paths, bocce ball courts, etc.

9. **Comprehensive Traffic Report:** In accordance with Chapter 175 a comprehensive traffic report shall be provided.
10. **Emergency Evacuation Plan:** Each application for a Zone Change Request along with a special permit and site plan application shall include a detailed Emergency Evacuation Plan. This plan shall provide details as to the flood zone classification for the property as well as the anticipated level of the water during the 100 year flood as per FIRM data. The Emergency Evacuation Plan shall also include the following minimum information: proposed evacuation route, proposed evacuation escape route direction signage, and proposed method of notification to residents of pending flood conditions.

Section 119-050 Timeframes for Completion and Reversion to Prior Zone

1. All work in connection with the approved site plan shall be completed within 5 years after the date of approval of the plan. Failure to complete all the work within such 5 year period shall result in automatic expiration of the approval of the site plan unless extended by the Commission in Compliance with Section 175-040 of these regulations. In the event of failure to meet such time period, as may be extended, the Zoning Commission is deemed to be authorized by the owner(s) of said property(s) which has been designated as a HRFZ to amend these regulations and the zoning map, deleting the HFRZ and establishing in its place the original underlying zone.
2. At any time prior to the development of the property and so long as the property has not been declared a condominium, the owner of the property may apply to the Commission to remove the HRFZ designation so as to revert to its underlying zone classification.