

CHAPTER 155

SEPARATION DISTANCES

Chapter amended and adopted by the Zoning Commission 8-7-08, effective date 9-1-08

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 Effective 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 November 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
4. Any business, whose purpose is the sale or lease of motor vehicles. (Amended Effective 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)

Section 155-030 Exceptions

The one mile separation distance shall not apply to:

1. Parcels that are zoned B-1, B-2, I, IC, or RI with frontage or direct driveway access on Danbury Road and located between the north side of the intersection of Lanesville Road and Danbury Road and the south side of the intersection of Bridge Street and Danbury Road.
2. Convenience markets without gasoline pumps or fast food restaurants without drive through windows that are located on parcels with frontage on Danbury Road between the south side of the intersection of Lanesville Road and Danbury Road and the Brookfield Town Line, provided that these uses are located within the same building as an office use and that the convenience store and/or fast food restaurant does not occupy more than 20% of the building's total square footage.
3. Parcels that are zoned B-1, B-2, I, IC, or RI that have fully signalized, direct access to a state highway.

(Section 155-030 Effective September 1, 2008)