

CHAPTER 25
SINGLE FAMILY RESIDENCE DISTRICT
(R-160, R-80, R-60, R-40, R-20, R-8, R-5)

Section 025-010 Purpose

The purpose of the single family residence district regulations is to provide for a range of densities of single family residential development consistent with the Plan of Conservation and Development. Those densities provide for a choice of housing design in a manner that protects the natural and manmade resources of the Town. The designation of areas of the Town for various districts shall consider the limitations of the natural terrain for development and the capacity of the infrastructure within such areas.
(Amended Effective November 20, 1999)

Section 025-020 Permitted Uses

In a single family residence district no building or premises shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used except for one or more of the following uses:

1. A single detached dwelling for not more than one family is permitted as a matter of right subject to issuance of a zoning permit from the Zoning Enforcement Officer.
2. Farming, forestry, truck gardening, nursery gardening and the display and sale of farm and garden produce raised on the premises subject to the limitations and conditions of Section 025-050.
3. The keeping or stabling of horses or livestock subject to the limitations and conditions of Section 025-060.
4. Home occupations subject to the limitations and conditions of Section 025-070 of these regulations.
5. Conversions of existing dwellings subject to the limitations and conditions of Section 025-080.
6. Accessory Apartments subject to the limitations and conditions of Section 025-090.
7. Special permit uses subject to the limitations and conditions of Section 025-100.
8. Accessory uses customarily incidental to the above uses subject to the limitations and conditions of Section 025-110.

Section 025-030 Lot Area

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

Section 025-040 Lot Frontage and Access

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

Each rear lot created after the enactment of this section shall also comply with the following: The front lot line of a rear lot must conform to the frontage length as defined in these regulations and as noted in the Lot Area table found in Section 020-010. The twenty foot accessway width shall be included for purposes of meeting the frontage requirement. Such rear lot shall conform to all the requirements prescribed in the zone in which it is located. (*Effective September 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. 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 September 15, 2006*).

Section 025-050 Agricultural Uses

The following agricultural uses: farming, forestry, truck gardening, nursery gardening, and the display and sale of farm and garden produce are permitted in any residential zone subject to the following conditions and issuance of a zoning permit by the Zoning Enforcement Officer:

1. Any parcel of land intended for the above noted permitted agricultural uses must contain at least three-fourths (3/4) of an acre.
2. Any buildings, temporary and permanent, to be erected associated with said agricultural uses must be located in conformance with the minimum yard setbacks for the zone.
3. A minimum of one off-street parking space, consisting of a dustless surface shall be provided for each 50 square feet of farm stand sales area. All parking areas must be located in conformance with the minimum yard setbacks for the zone.
4. All products sold from the property must be locally grown or raised. Locally for the purposes of this section of the regulations shall include all Connecticut counties as well as Dutchess and Putnam counties in New York.

In a commercial zone a temporary, moveable table, tent, or stand setup for the sale of locally grown produce in season may be permitted as an accessory use to the principal commercial use of the lot subject to the site plan approval from the Zoning Commission. Such a stand may be permitted where there is sufficient parking and circulation for both the principal and accessory use. *(Amended Effective November 15, 2008)*

Section 025-060 Horses and Livestock

The keeping or stabling of horses and livestock is permitted subject to the following limitations and conditions:

A minimum of three-fourths (3/4) of an acre of land is available for the first unit and one-half (1/2) an acre of land is available for each additional unit. A unit shall be defined as the following:

- One (1) cow or horse
- Three (3) llamas or similar ruminants
- Two (2) young stock
- Five (5) goats or sheep
- Fifty (50) chickens

No limitation with respect to the number of units is imposed on parcels of land containing five (5) acres or more. Adequate fencing must be installed and maintained. Any building

associated with the keeping or stabling of horses or livestock must be located at least 50' to any property line.

Section 025-070 Home Occupations

The purpose of this section is to regulate activities carried out for financial gain and conducted entirely within a dwelling or within an accessory building and carried on by owner residents thereof which is clearly incidental and secondary to the use of the dwelling for residential purpose and not disruptive to adjacent properties or the neighborhood. A home occupation may be permitted only as an accessory use to a single family dwelling. Home occupations shall include:

A. Home Office or Studio

For purposes of this regulation, a studio shall be defined as a place from which an artist, photographer or musician works.

Use of a portion of a primary residence for a home office or studio is permitted, subject to compliance with all of the following conditions and issuance of a zoning permit by the Zoning Enforcement Officer.

1. There is no external evidence of the office or studio, including signs.
2. A maximum of one non-resident may be employed in connection with the home office or studio.
3. No more than one client may visit the home office or studio at any one time.
4. There is no hazardous material, noise, or electrical interference beyond what is normal for a single-family residence.
5. Business is conducted only by means that are invisible to neighbors, such as telephone, mail courier, fax modem, or e-mail.
6. No finished goods or material shall be shipped to the home office or studio location for resale in connection with the home office.
7. The home office or studio shall not be located in any accessory buildings.
8. The total floor area occupied by the home office or studio shall not be more than 33% of the total finished floor area of the primary residence, but in no case shall exceed 500 square feet.

B. Traditional Home Enterprise

The use of a portion of the primary residence or an accessory building for the production of homemade goods and merchandise, homemade and home-grown foods and food products by the resident of the property or by members of the resident's family is permitted, subject to the following conditions and issuance of a zoning permit by the Zoning Enforcement Officer.

1. There is no external evidence of the business, including signs.
2. A maximum of one non-resident may be employed in connection with the traditional home enterprise.
3. No more than one customer may visit the traditional home enterprise at any one time.
4. There is no increase in traffic and no need for extra parking.
5. There is no hazardous material, noise, or electrical interference beyond what is normal to a single-family residence.
6. Business is conducted only by means that are invisible to neighbors, such as telephone, mail courier, fax modem, or e-mail.
7. No finished goods or material shall be shipped to the home enterprise location for resale in connection with the home enterprise.
8. The total floor area occupied by the home enterprise shall not be more than 33% of the total finished floor area of the primary residence, or more than 100% of the total floor area of accessory buildings, but in no case shall exceed 500 square feet.

C. General Home Occupation

The use of an accessory building located on the premises of a residential property for certain home occupations may be permitted subject to the acquisition of a special permit and site plan approval as stated in Chapters 175 and 180. The purpose of this regulation is to preserve historic barns and outbuildings in New Milford by allowing their use by resident small businesses, especially sole proprietors. The following General Home Occupations are permitted:

1. Production of homemade goods, foods, food products and merchandise including wood, pottery, fabric or metal items.
2. Studios for musicians, artists, photographer, upholsterers, seamstresses, tailors, and potters.

3. Offices for small businesses in the fields of real estate, insurance, accounting, architecture, law, medicine, artists, photographer, upholsterers, seamstresses, tailors, and potters.
4. Small businesses providing services such as hair or nail styling, pet grooming, upholstery, sewing, individual lessons, repair of certain items such as clocks, radios, electronic equipment, etc.

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

1. The accessory building proposed for use must have existed on the property prior to 1950.
2. Only one accessory building on the property may be used for a General Home Occupation.
3. The use is clearly secondary to the use of the premises for dwelling purposes.
4. Any visitors and customers typically come by appointment only.
5. The entire floor area of the accessory building occupied by the General Home Occupation may be used, up to a limit of 1500 square feet. If the resident is also using a portion of the primary residence for a Home Office or Traditional Home Enterprise, the total floor area within the primary residence used for this purpose shall not be more than 33% of the total finished floor area, up to a limit of 500 square feet.
6. The use does not change the residential character of the accessory building or primary residence in any manner, by use of materials, construction, lighting, or signs; the emission of sounds, vibration or electronic impulses; the creation of noise, odor, waste, unsightly conditions, health or safety hazards; the interference with of radio and television reception in the vicinity; or the outside storage or stockpiling of raw or manufactured materials.
7. No tractor-trailers or tandem trailers shall be permitted to pick up or drop off materials at the property or immediate area. Automobiles or commercial vans are the only vehicles to be used.
8. Off-street parking shall be provided to accommodate both the needs of the General Home Occupation and the needs of the primary residence.
9. There shall be no retail or wholesale sales of merchandise on the premises except for the sale of homemade and homegrown goods and food products produced by the resident of the property. Such sale of products shall take place at a farm stand; the size, location and configuration shall be approved by the Commission.

10. The use may increase vehicular traffic flow by no more than one vehicle at a time, with the exception of customer vehicles for a farm stand.
11. General Home Occupations shall not include commercial and retail uses such as, but not limited to: dancing schools, karate schools, antique shops, boutiques, restaurants, printing shops, employment agencies, TV and radio stations, shipping and parcel delivery companies, or stores.
12. The Commission may impose conditions on hours of operation, the number of parking spaces and their location, use and handling of potentially hazardous materials, and may require inspection of the site by the Health Department, Fire Marshal, Building Inspector, or other Town agencies as deemed necessary.
13. Application for a Special Permit shall be on a form provided by the Commission, and shall include, but not be limited to, building layout plans clearly drawn to scale showing property lines as well as locations of all buildings and parking.

Section 025-080 Conversion of Existing Dwellings

Conversion of existing dwellings for the following uses shall strengthen the economic base of the community and encourage tourism. Permitting these uses would provide an incentive to restore, rehabilitate and maintain many of the older homes in the town of New Milford.

1. Dwelling Conversion to a maximum of four dwelling units in the Original Sewer District may be permitted subject to approval of a special permit and site plan application in accordance with the provisions of Chapters 175 and 180 and subject to the following conditions:
 - a. The dwelling must be located in the original sewer district as defined by the records on file in the office of the New Milford Sewer Commission, a copy of such map entitled "*Existing Sewerage Facilities, Located in the Town of New Milford, prepared for the Water Pollution Control Authority by Linwood R. Gee, drawn by Ruth Mallins, dated September 16, 1986*" shall also be found in the Office of the Zoning Commission.
 - b. Any dwelling to be converted must have been constructed prior to 1972.
 - c. A maximum of four dwelling units may be permitted per parcel.
 - d. Each proposed dwelling unit must contain a minimum of 500 square feet.
 - e. Off street parking for all dwelling units must be provided. A minimum of two spaces per dwelling unit shall be required.
 - f. There shall be no external alterations of the structure except as may be necessary to meet the requirements of this section or as may be necessary or essential for proper access and egress from the structure. Fire escapes and outside stairways shall, where practicable, shall be located to the rear of the structure. Approval of any external alteration shall be based on

reasons of health and safety, and on considerations relating to the compatibility of the proposed alterations with the surrounding neighborhood and the historical values and character of the area.

- g. Any application for conversion under this section must set aside an area on the property for a court or other open space, equal to at least 500 square feet for recreational enjoyment by the residents of the building.
2. Conversion of an existing dwelling to allow one dwelling unit and a maximum of two professional offices may be permitted subject to the acquisition of a special permit and site plan approval in accordance with Chapters 175 and 180 of the Zoning Regulations, and subject to the following conditions:
 - a. The building must be served by public sewer and water, except as noted herein.
 - b. Any dwelling to be converted must have been constructed prior to 1950.
 - c. The minimum size of the residential dwelling unit shall be 500 square feet.
 - d. There shall be no external alterations of the structure except as may be necessary to meet the requirements of this section or as may be necessary or essential for proper access and egress from the structure. Fire escapes and outside stairways shall, where practicable, be located to the rear of the structure. Approval of any external alteration shall be based on reasons of health and safety, and on considerations relating to the compatibility of the proposed alterations with the surrounding neighborhood and the historical values and character of the area.
 - e. If the building is not serviced by public water or sewer, there shall be a maximum of one professional office and one dwelling unit and the dwelling must be owner occupied.
 - f. On site parking is required which must meet the requirements of these regulations.
 - g. Any application for conversion under this section must set aside an area on the property for a court or other open space, equal to at least 500 square feet for recreational enjoyment by the residents of the building.
 3. Conversion of an existing dwelling to professional offices may be permitted subject to acquisition of a special permit and site plan approval in accordance with Chapters 175 and 180 of the Zoning Regulations subject to the following conditions:
 - a. Any dwelling to be converted must have been constructed prior to 1972.
 - b. On-site parking is required which must meet the requirements of these regulations.
 - c. There shall be no external alterations of the structure except as may be necessary to meet the requirements of this section or as may be necessary or essential for proper access and egress from the structure. Fire escapes and outside stairways shall, where practicable, be located to the rear of the structure. Approval of any external alteration shall be based on reasons of

health and safety, and on considerations relating to the compatibility of the proposed alterations with the surrounding neighborhood and the historical values and character of the area.

4. Conversion of an existing dwelling to allow a Bed and Breakfast Inn may be permitted subject to acquisition of a special permit and site plan approval in accordance with Chapters 175 and 180 of the Zoning Regulations, and subject to the following conditions:
 - a. The maximum number of guest rooms shall be four.
 - b. Guests may not stay longer than 14 days in any 30 day period.
 - c. The dwelling must be owner occupied.
 - d. No zoning permit for such use may be issued until such time as Certification has been received from the Director of Health that the kitchen facilities meet all commercial standards of food protection and sanitation.
 - e. Food service shall be limited to breakfast and resident guests only.
 - f. There shall be no external alterations of the structure except as may be necessary to meet the requirements of this section or as may be necessary or essential for proper access and egress from the structure. Fire escapes and outside stairways shall, where practicable, be located to the rear of the structure. Approval of any external alteration shall be based on reasons of health and safety, and on considerations relating to the compatibility of the proposed alterations with the surrounding neighborhood and the historical values and character of the area.
 - g. One on-site parking space shall be provided for each guestroom with two spaces available for the owner-occupants.
 - h. Annual certification shall be provided by the owner-occupants that the Bed and Breakfast Inn is operating in compliance with these regulations.

Section 025-090 Accessory Apartments

Consistent with the Plan of Conservation and Development, the purpose of this regulation is to allow a family to create an additional housing option for persons 55 years of age and older by permitting an accessory dwelling unit either within a single family structure or within a permissible accessory building on a lot containing a single family structure, provided said unit is permitted only in accordance with the safeguards and conditions prescribed below, and is designed so as to preserve and maintain the single family residential character of the neighborhood where such apartment may be located.

An accessory apartment is defined as a dwelling unit located on the same parcel of land as a principal single family dwelling which is arranged, designed, used or altered for the use of one family and contains independent living quarters, kitchen/food preparation area and a bathroom with a bathtub and/or shower, a toilet and a lavatory. An accessory apartment may be permitted subject to acquisition of a special permit and site plan

approval in accordance with Chapters 175 and 180 and subject to the following conditions:

1. A total of one accessory apartment/dwelling unit may be permitted on a lot and shall be contained within either a single family dwelling, or within a permissible accessory building, but not both.
2. Accessory apartments/dwelling units shall only be permitted on parcels greater than 40,000 square feet, with the exception that if a dwelling is served by public water and sewer the parcel must contain least 20,000 square feet.
3. Additions to existing dwellings for the purpose of constructing an accessory apartment are permitted.
4. Accessory apartments/dwelling units shall only be permitted in accessory buildings if a) the subject parcel of land is greater than 80,000 square feet and b) the accessory building has been issued a certificate of occupancy at least five years prior to application for said accessory apartment/dwelling unit. If said parcel of land contains greater than 160,000 square feet, an accessory apartment/dwelling unit may be constructed in any existing accessory building regardless of the age of the building, or said accessory apartment/dwelling unit may be constructed as a new accessory building.
5. The living area of an accessory apartment/dwelling unit must contain at least 500 square feet, but shall not be greater than 1,000 square feet or more than 50% of the total finished floor area of the primary residence. (*Amended Effective: March 1, 2010*)
6. The remaining living area of the single family dwelling after creation of the accessory apartment/dwelling unit must be at least 700 square feet.
7. An accessory apartment/dwelling unit shall contain no more than one bedroom.
8. At least one of the occupants of either the dwelling or the accessory apartment/dwelling must be at least 55 years of age.
9. The owner of the dwelling must occupy either the dwelling or the accessory apartment/dwelling unit. Certification of such occupancy by the owner must be submitted at time of application.
10. There shall be no fewer than four off-street parking spaces (which may include garage parking spaces) to serve both the principal dwelling and the accessory apartment/dwelling unit.
11. No additional curb cuts may be created to serve an accessory apartment/dwelling unit.

12. Prior to the issuance of a zoning permit for an accessory apartment/dwelling unit, the applicant shall submit to the zoning office proof from the New Milford Health Department that the water supply and septic system are adequate to service the additional accessory apartment/dwelling unit.
13. The building containing the accessory apartment/dwelling unit may not be part of a common interest community.
14. The proposed accessory apartment/dwelling unit design shall preserve and maintain the single family residential appearance of the subject lot and be consistent with the single family character of the neighborhood.
15. Annual certification shall be provided by the owner-occupant of the property that the accessory apartment/dwelling unit is being utilized in compliance with these regulations.
16. Affordable Housing Incentive: When an accessory apartment/dwelling unit is to be rented pursuant to the affordable housing provisions of CGS SS 8-30g, the requirement that at least one of the occupants of the dwelling or the accessory apartment be at least 55 years of age may be waived. An application under this section of the regulations shall be accompanied by a proposed deed which complies with CGS 8-30g, including a ten (10) year affordable housing use deed restriction. Before a permit shall be issued for an accessory apartment pursuant to this section, the aforesaid deed must be recorded in the office of the Town Clerk. Prior to occupancy of the accessory apartment by the “affordable housing” tenant, and thereafter, with each subsequent tenant, the owner must provide certification that a) the subject apartment is rented at or below the maximum rate prescribed in CGS 8-30g;; and b) the tenant has certified to the owner, under penalty of false statement, that the tenant’s income does not exceed (80) eighty percent of the area median income, as defined in CGS 8-30g.

Section 025-100 Special Permit Uses in Residential Districts

Purpose: It is recognized that certain non-residential uses may be appropriate uses to be located in residential zones. Such uses are discouraged in areas of dense residential development, or in areas where the traffic or noise associated with such a special permit use would alter the character of a neighborhood.

The following uses or substantial additions or changes to existing uses may be permitted subject to acquisition of a special permit and site plan approval in accordance with the provisions of Chapter 175 and 180 of these regulations.

- a. Church
- b. School

- c. College
- d. Public Library
- e. Public Museum
- f. Community Building
- g. Public Park
- h. Public Playground
- i. Public Recreational Building
- j. School or College Stadium or Athletic Field
- k. Golf Course
- l. Riding Academy
- m. Water Supply Reservoir
- n. Well or filter bed
- o. Philanthropic or eleemosynary institution
- p. Hospitals, nursing homes, and convalescent homes
- q. Cemeteries
- r. Municipal Buildings including Fire Stations
- s. Planned Senior Housing Community
- t. Continuing Care Community
- u. Congregate Housing
- v. Marina

Section 025-110 Accessory Uses and Buildings Permitted in a Single Family Residential District

A. Accessory Uses: An accessory use is defined to be a subordinate use customarily made of property in connection with the residential use of the principal building located thereon. An accessory building is defined as a structure detached from the principal residence building to which it is accessory, which is arranged, designed, intended or used for an accessory use. Except for the incidental home occupation or agricultural uses specifically provided for in the zone in which it is located, no business use of property shall be deemed to be an accessory use. No use of property shall be deemed to be an accessory use unless it is located on the same lot as the dwelling to which it is accessory.

B. Accessory buildings, swimming pools, gazebos and decks are permitted accessory structures subject to the following standards and issuance of a zoning permit by the Zoning Enforcement Officer.

- 1. All accessory buildings, swimming pools, hot tubs, gazebos and decks must meet the required yard setbacks outlined in Section 020-010, with the following exceptions:
 - a. An accessory building or gazebo with a footprint no greater than 200 square foot in area and 12' in peak height may be located in a rear yard or side yard provided said location is at least 20' to all property lines. In the

event the lot is located in a zone with a setback requirement of less than 20', the less restrictive setback standard would apply.

- b. A swimming pool or hot tub with associated deck or a freestanding deck may be located in a rear yard provided said location is at least 20' to all property lines. In the event the lot is located in a zone with a setback requirement of less than 20', the less restrictive setback standard would apply.
2. No accessory building shall exceed a height of 18', as building height is defined in Chapter 15 of these regulations.
 3. An accessory building with a building footprint greater than 900 square feet, or a maximum peak height greater than 20', or which is proposed to be connected to a separate septic system shall require approval of a special permit and site plan application in accordance with the provisions of Chapters 180 and 175.
 4. On corner lots, in addition to the above requirements, all accessory buildings, swimming pools, hot tubs, and decks must also meet the side corner setback requirements as noted in Section 020-010, as applicable.
 5. A building attached to the principal building by a covered passageway shall be considered an accessory building and not part of the principal structure. A building having a wall or a part wall in common with it, shall be considered an integral part of the principal structure and not an accessory building.
- C. Fences** shall not be placed in such a manner as to inhibit lines of sight or otherwise affect traffic safety. Razor wire and other similar types of hazardous fencing are prohibited in residential zones. No fence in excess of 8' in height from the ground level to the top of the fence may be erected on any lot in the residential zone.

(Chapter Amended Effective September 15, 2006; Amended Effective: November 15, 2008; Amended Effective: March 1, 2010)