

THE ZONING COMMISSION
Town of New Fairfield
New, Fairfield, CT 06812
SPECIAL MEETING MINUTES
DATE: June 20, 2024
TIME: 7:00 pm
New Fairfield Library Community Room
2 Brush Hill Rd

Call to Order

Kevin VanVlack called the meeting to order at 7:15 pm.

Present

John Moran (absent), Kevin VanVlack, Mark Lamanna (absent), Jane Landers (absent), Gabriel Gouveia (absent), Tomas Kavaliauskas (alternate), Ken Huwer (alternate), Town Official Zoning Enforcement Officer Evan White, and one member of the public.

Business Items

Discussion on Zoning Regulations with Glenn Chalder from Planimetrics

Glenn Chalder will look over all sections and address concerns in each specific area. There are four areas: Zones & Uses, Standards, Procedures, and Regulatory Framework as well as words and terms. Kevin VanVlack stated that if it needs to say in the regulations that if it not specifically stated it is prohibited. There will be a Quick Start Guide which will the how to for using the Zoning Regulations. All sections will have quick links and be interactive in the final draft. Glenn Chalder will deliver the topics for each meeting at least a week in advance. All board members will need to go over the material prior to the meeting.

Residential Districts & Uses

Page 1-1 Purposes - Glenn Chalder stated that exploring the non-conforming lots and a solution would be helpful in the future. Ken Huwer asked if other towns had non-conforming lot regulations. Glenn Chalder gave examples of other towns that made districts that had calibrations for a designated area. Kevin VanVlack stated that a separate overlay district is needed for the lake communities. Glenn Chalder gave an idea of grouping the districts by lot size. The board members agreed that the overlay district would need to be explored.

Page 1-2 and 1-3 Principal Uses and Structures - Distinguishes between principal uses and accessory uses. Primary detached residence wording has been added. This is a single unit building. Ken Huwer inquired about a conservation subdivision. Glenn Chalder stated that subdivisions are regulated by the Planning Commission. If a developer wants to do this then they would apply for it and the Planning Commission would take it from there. These types of subdivisions reduce the developer's infrastructure costs. Page 1-3 lists other uses.

Page 1-4, 1-5, 1-6, and 1-7 Accessory Uses and Structures -- shows what is allowed, if a permit is needed, and what type of permit is needed. The definitions will be cleaned up to help avoid confusion. Kevin VanVlack inquired about green burials and if it needs to be defined. The purpose of Zoning is to protect health, safety, and welfare. The state can make a law that supersedes the regulations of a town. Glenn Chalder will look into it the law. Glenn Chalder asked if the regulations should include additional animals. Kevin VanVlack stated that the zoning regulations regarding goats and horses need to be addressed. Ken Huwer stated that the specifics regarding animals is needed. The wording was changed to include wall or wall/fence combination. Glenn Chalder stated that he will suggest language and zoning regulations for solar panels. Home Based Businesses regulations will be brought to comply with current state law. Short- and Long-Term Rental will need a Site Plan. Page 1-7 buildings and structures for agricultural operation

has been reworded. Permitted agricultural operations will be removed and replaced with a bona fide agricultural operation. The definition of farm needs to be reworded to include commercial and on-commercial farms. The question is what is right and fair for New Fairfield.

Page 1-8 Area and Dimensional Requirements – Glenn Chalders suggested combining everything in one table vs multiple tables. He went over the changes from the current regulations and made suggestions for the new zoning regulations. He is proposing to use building coverage, impervious coverage, and effective pervious coverage as the language for the wording for the zoning regulations along with the definition for each. A conversation was held on the buildable area. Glenn Chalder stated that the chart (Page 1-9) is inconsistent. This has been tabled until the future after future discussion of the intent of the table.

Page 1-10 and 1-11 Zone Related Provisions Glenn Chalder stated that he is not sure why this is in the current regulations. He asked if anyone knows of the history on why this was included in the zoning regulations. Glenn Chalder suggested removing this section after checking to see if the subdivision regulations address these issues.

Adjournment

Kevin VanVlack made a motion to adjourn the meeting at 8:53 pm. Tomas Kavaliauskas seconded the motion. **All in favor.**

Respectfully Submitted

Dana Ulibarri, clerk

Enclosure

Residential Districts & Uses

Received by email on 6/25/2024 @ 8:20 a.m.
by Tricia Quinn, Asst. Town Clerk, New Fairfield

1. RESIDENTIAL DISTRICTS & USES

Quick Links	1.1. Purposes
	1.2. Principal Uses and Structures
	1.3. Accessory Uses and Structures
	1.4. Area and Dimensional Requirements
	1.5. Zone-Related Provisions
	1.6. Use-Related Provisions

1.1. Purposes

1. The various residential zoning districts in New Fairfield are intended to:
 - a. Divide the municipality into districts of such number, shape and area as the Commission feels are best suited to carry out the purposes of these Regulations.
 - b. Recognize and support the characteristics of the different areas of community including historic development patterns.
 - c. Provide for a variety of housing types and development patterns consistent with soil types, terrain, and infrastructure capacity.
 - d. Help implement the Plan of Conservation and Development.

2. The intent and purpose of the Open Space District is to strictly manage development on Vaughn’s Neck (a peninsula in northeast New Fairfield and not directly accessible by road from within New Fairfield for fire protection, emergency services, and other municipal services) in order to:
 - a. Not over-burden the provision of Town services to this area,
 - b. Help protect the water quality of Candlewood Lake; and
 - c. Preserve significant Open Space.

3. Certain non-residential uses may be allowed in a residential zoning district (such as by Special Permit) when the Commission finds, based on information presented, that such uses will be appropriate for the proposed location in accordance with the standards contained in these Regulations.

Recommend purpose statements be added

Waterfront Residential District

Does the Zoning Commission want to address the “Waterfront Residential” areas as part of this zoning update? GIS analysis as part of the POCD revealed:

- Approximately 75% of parcels in the R-44 district are *non-conforming* as to area (over 3,200 parcels)
- Approximately 42% of parcels in the R-88 district are non-conforming as to area (almost 800 parcels)



Ask ZC

Want to address WRD now?

1.2. Principal Uses and Structures

In a 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 uses permitted in this Section.

1. Residential	R-88	R-44	OSR	WRD
a. Single-family detached residential dwelling	ZP	ZP	ZP	
b. Conservation subdivisions <u>in accordance with Section 1.6.F.</u>	x	x	SP	

2. Agricultural	R-88	R-44	OSR	WRD
a. Agriculture, farms and farming, forestry, truck and nursery gardening, livestock and dairy farming <u>unless</u> expressly prohibited by these Regulations.	A	A	A	

3. Community Facilities	R-88	R-44	OSR	WRD
a. Municipal building and uses, fire and police stations, senior centers, municipal parks, playgrounds and recreational areas	SP	SP	SP	

4. Utility Facilities	R-88	R-44	OSR	WRD
a. Public utilities and buildings.	SP	SP	SP	

LEGEND

Acronym	Minimum Lot Size
R-88	2 Acres (87,120 SF)
R-44	1 Acre (43,560 SF)
OSR	[Open Space Res.] 10 Acres (435,600 SF)
WRD	lot size varies

[Click Here For Multi-Family District For The Elderly](#)



Ask ZC

Provisions make it seem like conservation subdivision only allowed in OSR zone?
Want in more zones?

Deleted "sewage treatment plants"

A	ZP	S	SP	x
Allowed No Zoning Permit Required	Zoning Permit Staff	Site Plan PZC	Special Permit PZC with Public Hearing	Not Permitted

5. Institutional	R-88	R-44	OSR	WRD
a. Places of worship.	SP	SP	SP	
b. Philanthropic, educational, religious, and/or eleemosynary uses owned and operated by a registered non-profit organization or governmental unit.	SP	SP	SP	
c. Non-profit museum facilities / welcome centers in accordance with Section 1.6.J.1.	SP	SP	SP	
d. Hospitals, sanitariums, convalescent and nursing homes.	SP	SP	SP	

6. Other				
a. Buildings and facilities for social and recreational purposes (such as a country club) in accordance with Section 1.6.L.1.	SP	SP	SP	
b. Child Day Care Center in accordance with Section 1.6.E.1.	SP	SP	SP	
c. Non-profit public or private animal shelters in accordance with Section 1.6.C.1.	SP	SP	SP	
d. Cemeteries.	SP	SP	SP	

A	ZP	S	SP	x
Allowed No Zoning Permit Required	Zoning Permit Staff	Site Plan PZC	Special Permit PZC with Public Hearing	Not Permitted

1.3. Accessory Uses and Structures

LEGEND

1. Parking / Storage	R-88	R-44	OSR	WRD
a. <u>Parking or storage in a garage within or attached to a dwelling.</u>	A	A	A	
b. <u>Detached garage accessory to a dwelling on the same property in accordance with Section 1.6.B.4.</u>	ZP	ZP	ZP	
c. <u>Parking or storage in a detached garage accessory to a dwelling on the same property.</u>	A	A	A	
d. <u>Outside parking or storage of non-commercial and non-recreational vehicles owned by a resident of the premises provided none are considered junk (as defined in these Regulations).</u>	A	A	A	
e. <u>Outside parking or storage of a commercially licensed motor vehicle in accordance with Section XX.</u>	A	A	A	
f. <u>Outside parking or storage of contractor equipment in accordance with Section XX.</u>	A	A	A	
a. <u>Outside parking or storage of recreational vehicle in accordance with Section XX.</u>	A	A	A	
b. <u>Long-term storage in accordance with Section 1.6.I.1.</u>	A	A	A	

Acronym	Minimum Lot Size
R-88	2 Acres (87,120 SF)
R-44	1 Acre (43,560 SF)
OSR	[Open Space Res.] 10 Acres (435,600 SF)
WRD	lot size varies

Deleted text from Section 3.1.3 which said “may be permitted *by the Commission*” since applications processed by Staff

Assumes inside storage allowed

Need to define commercial vehicle and use a graphic?

2. Keeping Of Animals	R-88	R-44	OSR	WRD
a. <u>The keeping of Household Pets (as defined in these Regulations) except that the keeping of four or more (4+) dogs over six (6) months of age (defined in these Regulations as a kennel) is not permitted.</u>	A	A	A	
b. <u>Keeping of chickens and fowl in accordance with Section 1.6.H.1.</u>	A	A	A	
c. <u>The keeping of horses for the exclusive use of the residents of the property in accordance with Section 1.6.H.2.</u>	A	A	A	

ZC want to allow other animals (cows, goats, sheep, llamas, alpacas, etc.)?

Carried over accessory uses and structures to OSR District even though Section 3.4.3 says.

Accessory uses customary and incidental to residential use but otherwise excluding uses such as those described at Section 3.1.3.

A	ZP	S	SP	x
Allowed	Zoning Permit	Site Plan	Special Permit	Not Permitted
No Zoning Permit Required	Staff	PZC	PZC with Public Hearing	

3. Accessory Structures	R-88	R-44	OSR	WRD
a. Fence, wall, or fence/wall combination up to six (6) feet in total height above grade in accordance with <u>Section 1.6.B.2.</u>	A	A	A	
b. Fence, wall, or fence/wall combination taller than six (6) feet in total height above grade in accordance with <u>Section 1.6.B.2.</u>	SP	SP	SP	
c. Minor accessory structures (such as tool sheds, greenhouses, or similar customary, subordinate, and incidental buildings and structures) in accordance with <u>Section XX.</u>	ZP	ZP	ZP	
4. Gazebos in accordance with <u>Section XX.</u>	ZP	ZP	ZP	
d. Pergolas in accordance with <u>Section XX.</u>	ZP	ZP	ZP	
e. Barns in accordance with <u>Section 1.6.D.1.</u>	ZP	ZP	ZP	

Per Staff:

- No permit required for fence up to 6 feet
- Fence taller than 6 feet currently sent to ZBA but suggest a Special Permit may work better
- Should consider fence, wall, and fence/wall combo

5. Private Recreation Facilities			
a. Private swimming pools in accordance with <u>Section XX.</u>	ZP	ZP	ZP
a. Private recreation courts (such as tennis courts and/or basketball courts) in accordance with <u>Section XX.</u>	ZP	ZP	ZP

6. Other			
b. Other accessory uses, buildings, and structures which are customary, subordinate, and incidental to the principal use.	<u>Check with ZEO</u>	<u>Check with ZEO</u>	<u>Check with ZEO</u>

A	ZP	S	SP	x
Allowed	Zoning Permit	Site Plan	Special Permit	Not Permitted
No Zoning Permit Required	Staff	PZC	PZC with Public Hearing	

7. Home-Based Businesses	R-88	R-44	OSR	WRD
a. Home office of the resident occupant in accordance with Section 1.6.G.3.	A	A	A	
b. Minor Home Occupation of the resident occupant in accordance with Section 1.6.G.4.	ZP	ZP	ZP	
c. Major Home Occupation or professional office of the resident occupant in accordance with Section 1.6.G.5.	SP	SP	SP	
d. Family Child Care Home in accordance with Section 1.6.E.2.	ZP	ZP	ZP	
e. Group Child Care Home in accordance with Section 1.6.E.2.	ZP	ZP	ZP	

Per Public Act 23-142, must treat Child Care Homes the same as a single-family residence

8. Lodging-Related Activities	R-88	R-44	OSR	WRD
a. Bed and breakfast establishment in accordance with Section 1.6.G.1.	SP	SP		x
b. Short-term rental in accordance with Section 1.6.G.6.	S	S	S	
c. Long-term rental (seven days or longer).	A	A	A	
d. Boarding home in accordance with Section 1.6.G.2.	SP	SP		x

9. Accessory Dwelling Unit	R-88	R-44	OSR	WRD
a. Accessory dwelling unit in accordance with Section 1.6.A.1.	SP	SP	SP	

A	ZP	S	SP	x
Allowed No Zoning Permit Required	Zoning Permit Staff	Site Plan PZC	Special Permit PZC with Public Hearing	Not Permitted

10. Agricultural	R-88	R-44	OSR	WRD
a. Temporary roadside <u>farm stand in accordance with Section 1.6.B.3 and up to 200 SF in floor area.</u>	A	A	A	
b. Temporary roadside <u>farm stand in accordance with Section 1.6.B.3 and larger than 200 SF in floor area.</u>	SP	SP	SP	
c. Buildings and structures accessory to a permitted <u>and bona fide agricultural operation on the same property (including for keeping of livestock and/or farm animals; storage and/or processing of agricultural products, storage of farm vehicles and/or equipment used in the operation of such farm, etc.) subject to the area and dimensional standards for the zoning district;</u>				



Ask ZC

Many conflicting provisions in Section 3.1.3 regarding farm / agricultural buildings

Text did not seem farm-friendly

To try to reconcile this, removed text stating:
all buildings designed for such uses shall be built no less than one-hundred (100) feet from the street line and not less than one-hundred (100) feet from any property line

Does ZC want to allow "agritourism" by Special Permit as a permitted accessory use?

				x
Allowed	Zoning Permit	Site Plan	Special Permit	Not Permitted
No Zoning Permit Required	Staff	PZC	PZC with Public Hearing	

1.4. Area and Dimensional Requirements

No land, building, or structure shall be used, occupied, constructed, altered or moved except when in conformity with the area and dimensional standards, requirements, and pursuant to the procedures specified below and all other applicable requirements of these Regulations.

This table eliminates the need to repeat each provision in text form. Only difference between <5 lots and 5+ lots is density limitation

1. Minimum Lot Requirements	R-88	R-44	OSR	WRD
a. Minimum Lot Area	2 acres	1 acre	10 acres	
b. Minimum Shape	155' x 155'	125' x 150'	175' x 200'	
c. Minimum Road Frontage	175 feet	125 feet	175 feet	

Minimum shape requirement is not as clear as could/should be:

- Need definition?
- Where can be or must be situated (maximum building setback line, lot depth, etc.)

2. Maximum Density Limitation (lots per acre of buildable area on the parcel rounded down to whole number)	R-88	R-44	OSR	WRD
a. <u>Applies to a division, subdivision, or resubdivision that results in five (5) or more lots on a parcel of land based on its configuration as of <<date>></u>	0.35	0.70	0.07	

Suggest eliminating requirement that a dwelling or principal building can only be erected at a point where the lot width is at least XXX feet. This would allow a house to be built where owner wishes in compliance with yard setbacks, etc.

3. Minimum Setback Requirements (see Section XX for possible reduced setbacks in a conservation subdivision)	R-88	R-44	OSR	WRD
a. Front Yard	50'	40'	75'	
b. Side Yard	35'	20'	35'	
c. Rear Yard	60'	50'	60'	

4. Maximum Coverage Limitations	R-88	R-44	OSR	WRD
a. <u>Building Coverage</u>	15%	20%	6%	
b. <u>Impervious Coverage</u>	25%	25%	12%	
c. <u>Effective Impervious Coverage</u> (a Stormwater Management Plan in accordance with Section XX can be used to comply with this provision)	10%	10%	6%	

5. Maximum Height Limitations	R-88	R-44	OSR	WRD
a. <u>Maximum Building Height</u>	35'	35'	35'	
b. <u>Maximum Total Building Height</u>			35'	

Need to define Total Building Height to address provision in OSR

As part of an application for a Conservation Subdivision in accordance with Section XX, the Planning Commission is authorized, by Special Permit, to modify minimum lot size, minimum lot dimensions, minimum road frontage, minimum setback, and maximum building coverage to encourage the permanent preservation of Open Space.

If only allowed in OSR, need to edit this text

1. Suggest text be added to definition (or elsewhere)

Each lot shall in the R-88/R-44 Zone have a minimum frontage ... on a public or private street or highway, or be served by an accessway.



2. Suggest text be added to definition (or elsewhere) and highlighted text be deleted

Where a R-88/R-44 lot fronts on a permanent turn around, the minimum, lot frontage on said turn around shall be fifty (50) feet providing that the lot meets the requirements of Section 3.1.9 [effective impervious coverage] below.

Ask ZC

3. Suggest building area (coverage) be based on lot area rather than buildable area

	Building Area (Coverage)	Impervious Coverage	Eff. Imp. Coverage
R-88	Buildable Area	Lot Area	Lot Area
R-44	Buildable Area	Lot Area	Lot Area
OSR	Lot Area	Lot Area	Lot Area

4. Suggest open space provision in OSR be eliminated since at least 10 acres on each parcel is needed for minimum lot size and “shall be” makes lots non-conforming

Areas not used for residential building lots and roads shall be preserved as Open Space.

ZC could require a conservation subdivision in the OSR zone and this could result in open space

5. Suggest provisions related to lot dimensions (minimum shape) be eliminated

- *The configuration of any building lot ... shall be such that a rectangle of XX feet by YY feet can be contained within its boundaries.*
- *However, no part of any dwelling or principal building shall be erected at a point where the lot width is less than ZZ feet.*
- *The maximum building setback line (distance rectangle is placed from street line) shall not exceed one-quarter (1/4) of the building lot's depth. In the case of an interior lot served by an accessway, the building lot's depth shall be measured from the front lot line and not the accessway's street line.*

6. Suggest provisions related to corner lots be eliminated from OSR since text in Section 1.5.9 applies to all zones and is not needed

(OSR) Corner Lots shall be construed pursuant to Section 1.5.9.

1.5. Zone-Related Provisions

Why so much detail here? Not sure that all this is needed.

1.5.A Open Space Provisions In OSR Zone

1. The use of Open Space shall be limited to conservation, Open Space, passive recreation, and other purposes (including drainage) that are determined by the Planning Commission to be appropriate in light of the physical characteristics and nature of the Open Space land and its relationship with the proposed development and adjacent Open Space.
2. A portion of the Open Space containing an area at least equal to thirty-five (35) percent of the area of to be subdivided shall be one continuous area.
3. Except for structures for recreational facilities to be located in the Open Space and roadways serving them, Open Space located within 25 feet of any structure or driveway shall not be counted towards meeting the Open Space requirement.
4. A payment of a fee in lieu of Open Space shall not apply to Open Space Subdivisions.
5. All Open Space shall be subject to an Open Space easement/restriction that runs with the land; the easement/restriction shall sets forth the limitations for the use of the Open Space and provide that the Town of New Fairfield has the right but not the obligation to enforce the restrictions pursuant to CGS Section 47-42a, as amended.
6. The form of ownership of Open Space shall be acceptable to the Planning Commission and may be one of the following:
 - a. **Town of New Fairfield** - Be dedicated to the Town by deed acceptable to Town Counsel, such deed to be prepared prior to filing any record maps for the development on the land records, provided the Board of Selectmen and Town have voted to accept such dedication. Open space parcels may be accepted by the Town when the parcel is unique or significant or if it offers opportunities for active or passive recreation or other resources for Town residents. In such cases, access to the Open Space shall be provided and designed so that the use of the Open Space does not interfere with the reasonable use of residents of the development in connection with which it is created. The Town may also consider dedication of Open Space when the parcel provides a needed link in a streambelt system or connects with other greenbelt, Open Space, recreation areas or municipal uses; or,
 - b. **Non-Profit Land Conservation Organization** - Be conveyed to a non-profit land conservation trust or corporation established for the purpose of conserving land in Open Space, such conveyance to be approved by the Planning Commission and the form of the instrument to be approved by Town Counsel and provided that said conveyance shall restrict subsequent sale or other disposition except to a similar trust or corporation to be approved by the Planning Commission or to the Town to be maintained as Open Space; this conveyance is particularly appropriate where the parcel contains significant areas of wildlife habitats, agricultural preservation, or is adjacent to other land owned by a non-profit land trust and/or where the addition of the parcel may enhance existing lands owned by such a trust; or,

- c. Be conveyed to a nonstock corporation or homeowner’s association or other validly created homeowner’s association organized under the Laws of the State of Connecticut. Said corporation and/or association shall be organized by the developer prior to the sale of any lots in the subdivision or resubdivision and the deeds to buyer of lots in the subdivision or resubdivision or other related development shall provide that such buyers shall be member of said corporation. Only property owners in the subdivision or resubdivision shall be members of said corporation or association. The developer’s deed of said Open Space land to said corporation or association shall provide that if said entity is dissolved, said Open Space land shall vest in the Town. This form of ownership is particularly appropriate when the Open Space parcel is largely internal to the residential community. The certificate of incorporation and/or by laws of said corporation shall at all times:
- 1) Limit membership to one class who shall be property owners in the subdivision or resubdivision;
 - 2) Provide that each lot in the subdivision or resubdivision shall be entitled to one vote regardless of the number of owners of the lot;
 - 3) Provide the assessments against members for all expenses, but not limited to, maintenance of said Open Space land, including any improvements thereon, taxes, and insurance;
 - 4) Provide that each member may use the Open Space land, including any improvements thereon, in accordance with the purpose for which they were intended without hindering or encroaching upon the lawful rights of the other members; and,
 - 5) Restrict the use of said Open Space land to members of said corporation, their family members, or social guests.
7. With the express approval of the Commission, Open Space land may be owned by each lot owner in the subdivision or resubdivision, with each owner of said lots having an undivided interest in said Open Space land, provided however, that such Open Space land shall remain undivided and no lot owner shall bring any action for partition or division of any part hereof, and further provide that the use of such Open Space land shall be limited to property owners in the subdivision or resubdivision, the family member or social guests. Which Commission?
8. With the express approval of the Commission, ownership of Open Space land may be retained by the developer for the uses set forth in the Regulations, or if said Open Space land is subject to conservation and preservation restrictions (within the meaning of CGS Section 47-42a) the terms and conditions of which are acceptable to the Commission.

1.6. Use-Related Provisions

At this time, this Section is organized alphabetically and/or topically. It may eventually be organized differently or located elsewhere.

1.6.A Accessory Dwelling Unit

1. Accessory dwelling unit provided that:
 - a. Only one accessory dwelling unit shall be permitted for each lot.
 - b. The lot shall conform to the minimum Lot Area requirement for the zone in which the property is located.
 - c. No accessory dwelling unit shall be approved as part of a two-family dwelling.
 - d. The owner of the property shall occupy and will continue to occupy either the principal dwelling unit or the accessory dwelling unit and shall provide a sworn, notarized statement to that effect with any application.
 - e. The owner of the accessory dwelling unit shall file a sworn statement with the Zoning Enforcement Officer every two years confirming that the use remains in compliance with the Regulations; the ZEO shall be permitted access to the dwelling unit and related property to corroborate the statement.
 - f. The Commission may require additional landscaping to screen the accessory dwelling unit and/or additional parking from adjacent residential properties.
 - g. The accessory dwelling unit shall:
 - Not exceed one-thousand (1,000) square feet or 30% of the combined floor areas of the single-family dwelling and the accessory dwelling unit, whichever is less.
 - If attached, shall be accessible from the principal dwelling by an operable door along a common wall.
 - h. Both the accessory dwelling unit and the principal dwelling shall meet the requirements of the Building and Public Health Codes.
 - i. Based upon establishment of the accessory dwelling unit, the building(s) shall:
 - Maintain the exterior appearance and style (such as roof line, roof, pitch, building materials, window style and spacing) of the principal residence.
 - If attached, have any secondary entrance incorporated into the principal residence to reflect the architectural style of a single-family unit.
 - Have adequate off-street parking as required by these Regulations and access from the public right-of-way shall serve both the principal and accessory units, and shall not be distinguishable as separate facilities.
 - Have parking for both the residential use and accessory dwelling unit use and such parking shall not be located in the front yard.
 - Locate parking spaces so that parking for the principal and accessory dwelling units does not block the driveway for emergency vehicle access.

Renamed “accessory apartment” to “accessory dwelling unit”

Ask ZC

But 75% of lots are non-conforming

May not align with recommendations from Housing Committee

1.6.B Accessory Structures

1. **General** – Where so indicated in this Section 1.6.B, Accessory Structures shall comply with the following:
 - a. They shall not be located, established or continued on a lot without the prior establishment of a permitted principal use, nor shall any new lot be created that has an accessory use of structure without a principal use.
 - b. They shall not be located between the street line and the rear plane of the principal building relative to the street.
 - c. They shall be set back from the side and interior lot lines as follows:
 - An accessory building or structure having a height less than twelve (12) feet shall be located no less than a distance equal to twice its height, but in no case shall an accessory building or structure be located less than ten (10) feet in the R-44 District or twenty (20) feet in the R-88 and Open Space Districts from the rear and side lot lines;
 - An accessory building or structure having a height between twelve (12) feet and fifteen (15) feet shall be located a distance of at least twenty (20) feet from the side and rear lot lines, in all districts. No accessory building shall exceed fifteen (15) feet in height;
 - On a corner lot, no accessory building or structure shall be located on that portion of the lot comprising the corner.
 - d. The cumulative building coverage of such structures (not considering or including tennis courts, basketball courts, swimming pools and/or accessory agricultural buildings) shall not exceed:
 - Two-hundred (200) square feet in the R44 Zone.
 - Four-hundred (400) square feet in the R-88 Zone
 - e. They shall not be more than one story or exceed 15 feet in height, including the height of any cupola or similar ornament or structure.
 - f. In the R-88 Zone, the cumulative building area of such structures shall not exceed four-hundred (400) square feet and the building area of any individual structure shall not exceed three-hundred and twenty-five (325) square feet.
 - g. Except as otherwise set forth herein, they shall be subject to the area, bulk and dimensional requirements of the district, in which it is being located.
 - h. They shall not be served by heating, except in the case of a greenhouse, for horticultural purposes or internal cooking facilities.
 - i. If any individual structure is served by plumbing facilities (e.g. sinks, bathrooms), the owner of the property shall file a sworn statement with the Zoning Enforcement Officer every 2 years confirming that the use remains in compliance with the regulations. The Zoning Enforcement Officer shall be permitted access to the accessory building or structure to corroborate the statement.
2. **Minor Accessory Structures** - Minor Accessory Structures such as tool sheds, greenhouses or similar small buildings and structures are permitted in accordance with Section 1.6.B.1.



Ask ZC

This Section has been very confusing to the public and challenging for Staff, especially setbacks.

Staff suggestions:

- Cannot be placed between the front plane of the principal building and the street
- Have to comply with yard setbacks but if placed behind the rear plane of the principal building, shall only need to be setback by the total height of the building.
- Do not restrict coverage of accessory buildings and allow to be managed by total coverage
- Allow cupolas not exceeding 10% of the area of the roof to extend XX feet above the ridge
- Remove limitation in the R-88 district between 325 SF for one building (13 feet by 25 feet) and 400 SF for all buildings (16 by 25 feet)

Need provisions for maximum coverage in OSR and WRD?

3. **Fences / Walls / Fence-Wall Combinations** - Unless otherwise approved by the Commission by Special Permit :
 - a. No fence / wall / or fence-wall combination in any district shall exceed six (6) feet in total height above grade except that decorative posts may be erected up to twelve (12) inches higher than the fence / wall / fence-wall combination.
 - b. Fences, except those erected on land used for agricultural purposes, shall be constructed so that the finished side of the fence faces the abutting property and/or the street.
 - c. Section 1.6.B.1 shall not apply to fences.

4. **Farm Stands** - Temporary roadside farm stands for the sale of farm products raised and/or produced on the premises, provided they shall be at least twenty (20) feet from any intersection. Section 1.6.B.1 shall not apply to farm stands.

5. **Garage, Detached** - Private and permanent detached motor vehicle garage for the use of residents of the lot providing that:
 - a. The building coverage shall not exceed seven-hundred and fifty (750) square feet.
 - b. There may be up to two-hundred and fifty (250) square feet of additional building coverage, up to a maximum of one-thousand (1,000) square feet of building coverage per lot, if the lot size exceeds the minimum lot size for the applicable zoning district for the lot by over twenty-thousand (20,000) square feet.
 - c. It shall comply with all yard setback and coverage requirements applicable to the district within which it is located.
 - d. It shall not be a Hoop House Garage.
 - e. Section 1.6.B.1 shall apply.

6. **Gazebos** - Gazebos may be installed in any district only as an accessory to a dwelling for the private use of the occupants of such dwelling, their families and guests providing that:
 - a. It shall not be located in the front yard.
 - b. There shall be no more than one per building lot.
 - c. It shall comply with the side and rear yard setbacks, except when the rear line is the 440' contour in which case the Gazebo may abut it.
 - d. It shall be independent and not considered accessory.
 - e. It shall not be more than fifteen (15) feet in height and two-hundred and twenty-five (225) square feet of floor area.
 - f. It shall not be made into habitable space through the inclusion of windows (including window glass), and heating or cooling systems, but may contain screens for insect protection.
 - g. It may be placed on a deck providing that the height of the combined deck and Gazebo shall not be more than the maximum building height allowed in the district in which it is located.
 - h. Section 1.6.B.1 shall apply.

Some fence applications have gone to ZBA. This text suggests a Special Permit could be granted by the Commission

Suggest garages be allowed subject to coverage limit in the zone rather than micro-manage garage size.

GLENN - Need a Section for Agricultural accessory buildings and applicability of Section 1.6.B.1?

Not clear why this is not an accessory structure. Is it related to impervious coverage and SMP?

7. **Pergolas** - Pergolas may be installed in any district only as an accessory attachment to a residential dwelling providing that:
- a. It shall not be in the front yard.
 - b. There shall be one (1) per permitted per building lot.
 - c. It shall not exceed a height of fifteen (15) feet, or if attached to a dwelling extend from the dwelling more than ten (10) feet, or if freestanding its dimensions shall not exceed fifteen (15) feet (height) by ten (10) feet (width of entrance to passageway, measured from the outer edge of the support colonnades) by twenty-five (25) feet (length of the passageway).
 - d. It shall not be considered an accessory building as discussed at Section 3.0.4 of these Regulations.
 - e. There shall be no raised platform forming a floor.
 - f. Section 1.6.B.1 shall apply.
- Not sure why this is so complicated.
- Attachment implies connected to but text identifies attached and freestanding
- Not clear why this is not an accessory structure.
Is it related to impervious coverage and SMP?
8. **Swimming Pools** - Private swimming pools may be installed in any district only as an accessory structure to a dwelling for the private use of the occupants of such dwelling, their families and guests providing that:
- a. The swimming pool shall not be installed within the front yard of the premises.
 - b. It shall be installed in compliance with the minimum side and rear setback requirements applicable to the district within which the premises are located.
 - c. It shall be installed and fenced in compliance with all other applicable requirements of the New Fairfield Health and Building Departments.
 - d. Section 1.6.B.1 shall apply.
9. **Recreation Courts** - Private tennis courts, paddle tennis courts, or basketball courts may be installed in any district only as an accessory to a dwelling for the private use of the occupants of such dwelling, their families and guests providing that:
- a. The court shall not be installed within the front yard of the premises.
 - b. It shall be installed in compliance with the minimum side and rear setback requirements applicable to the district within which the premises are located.
 - c. Any lighting shall comply with Section 9.2 and shall be so designed, installed, shielded and maintained so that it does not glare onto neighboring residential properties nor cause undue glaring to motorists traveling on abutting streets and highways.
 - d. Fences installed for a permitted tennis court, paddle tennis court, or basketball court shall:
 - Not be of solid non-see-through construction.
 - Not exceed ten (10) feet in height.
 - e. Section 1.6.B.1 shall apply.

1.6.C Animal Shelters

1. **Animal Shelter** - Where so indicated in these Regulations, non-profit public or private animal shelters not legally pre-existing on the effective date of these Regulations, which is permitted by law to temporarily care for non-exotic neglected, abandoned, or cruelly treated animals providing that:
- a. The Lot Area be no less than three (3) acres.
 - b. Any shelter or outdoor run shall be no less than one-hundred and fifty (150) feet from all property lines and no less than five-hundred (500) feet from any existing residential structure.

1.6.D Barns

1. Barns are permitted when accessory to a bona fide farm / agricultural operation in the R-88, R-44, and OSR Zones providing:
 - a. The lot is equal to or greater than 5 acres.
 - b. One (1) Barn shall be permitted by Zoning Permit. An additional barn may be requested by Special Permit for each additional five (5) acres.
 - c. No barn shall exceed 5,000 Square Feet in Building Coverage.
 - d. The Front Setback shall be at least 150 feet; the Side Setback shall be at least 70 feet, and the Rear Setback shall be at least 120 feet.
 - e. Any barn which contains any kitchens, bedrooms, or any primary living space shall obtain a Special Permit from the Commission.

Barns may be relocated to accessory structures

Suggest setbacks could be eased.

Does Section 1.6.B.1 apply?

1.6.E Child Care

1. **Child Day Care Center** - Child Day Care Center only if situated on the premises of an operating Community Service Activity. The Commission may limit the limit of the maximum number of children to be cared for. In addition to the requirements of Regulations Section 8.2, In determining whether a Special Permit shall be granted for such a facility and the appropriate number of children permitted, the Commission shall consider the following specific standards:
 - a. State licensing requirements by the Office of Early Childhood are met, as well as other provisions pertaining to building, fire safety, and health codes.
 - b. Off-street parking and loading requirements shall comply with provisions of Section 6.2.
 - c. There shall be safe and adequate provision for boarding and off-boarding of children from vehicles without hazards to pedestrians and traffic and such provision shall be made on the lot where the facility is located and without need to use any part of the public street right-of-way for turning.
 - d. Lot size, building size, setbacks, and lot coverage conform to those applicable to the zoning district. The use shall be located in a building on a lot having such size, shape, landscaping, screening, outdoor play yard space and parking so as to provide for the health and safety of the children using the facility.
 - e. No area for active play or play structure shall be located in a front yard or within ten (10) feet of a property line. A sight-obscuring and childproof wall or fence of at least five (5) feet shall be installed along the entire perimeter of any play areas. In addition to such walls or fences, an exterior buffer of at least five feet in height will be planted and maintained along the entire perimeter of any play areas. Buffering shall also meet the requirements of Section 6.1.2;
 - f. If the center is not located in a single use, freestanding building, the center must be adequately sound insulated so as to guard against noise interference with neighboring uses.
 - g. In determining the maximum number of children permitted at the center, the Commission may consider the number of sessions per day and the impact of the overlap to two or more sessions on the neighborhood.

Neighboring uses of the site or within the same building?

2. **Family Child Care Home / Group Child Care Home** - Family Child Care Home or Group Child Care Home subject to the following:
- a. Per CGS Section 8-3(a), no zoning regulation shall treat any Family Child Care Home or Group Child Care Home, located in a residence and licensed by the Office of Early Childhood pursuant to CGS chapter 368a, in a manner different from single or multifamily dwellings.
 - b. Per CGS Section 8-2(d)(1), zoning regulations shall not:
 - Prohibit the operation in a residential zone of any Family Child Care Home or Group Child Care Home located in a residence, or
 - Require any special zoning permit or special zoning exception for such operation.
 - c. Per CGS Section 19a-80, the operation of a licensed Group Child Care Home located in a residence shall not be subject to any conditions, other than those imposed by the commissioner of the Office of Early Childhood, if the Group Child Care Home complies with all codes and ordinances applicable to single and multifamily dwellings.

Changes resulting from
Public Act 23-142

Current text no longer compliant with State law:

1. State licensing requirements are met, including those pertaining to building, fire safety, and health codes;
2. Lot size, building size setbacks, and lot coverage conform to those applicable to the zoning district;
3. Signage, if any, will conform to the requirements of the zoning district;
4. There shall be safe and adequate provision for boarding and off-boarding children from vehicles without hazards to pedestrians; off-street parking and loading must comply with Sections 6.1.1 and 6.2;
5. A safe on-site vehicle turnaround, or separate entrance and exit points must be provided;
6. No area for active play or play structures may be located in a front yard or within ten (10) feet of a property line. A sight-obscuring and childproof wall or fence of at least five (5) feet shall be installed along the entire perimeter of all play areas. In addition to such walls or fences, an exterior buffer of at least five
7. (5) feet in height shall be planted and maintained along the entire perimeter of any play areas. Buffering shall also meet the requirements of Section 6.1.2 of these Regulations;
8. The site must be landscaped in a manner compatible with adjacent residences;
9. No structural or decorative alteration that will alter the residential character of an existing residential structure used for a group child care home is permitted. Any new or remodeled structure must be designed to be compatible with the residential character if the surrounding neighborhood;
10. If the proposed group child care home is within one-thousand (1,000) feet of another currently operating group child care home, the Commission may approved the application only if the application shows that the cumulative effects will not have an adverse effect on the neighborhood due to traffic, noise and other safety factors;
11. No group child care home shall be located on a shared or common driveway used by two or more residences including the residence of the applicant;
12. The group child care home must be operated in a residential single-family dwelling by the resident of the dwelling; and,
13. The applicant must show that there will be no traffic congestion resulting from the operation of the group child care home.

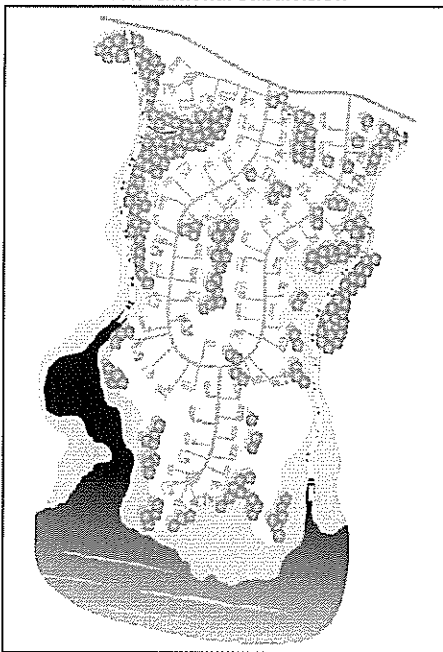
1.6.F Conservation Subdivisions

1. **Purpose** – This Section of the Regulations is intended to encourage the development of residential subdivisions that apply conservation design principles for permanent preservation of substantial portions of subdivided parcels as Open Space, protect views, vistas and visual focal points, protect historically important sites, and to facilitate the establishment of greenways and trails and provide for circulations patterns that are compatible with variation of building setbacks and clustering of homes.
2. **Approval By Planning Commission** - To accomplish these purposes, the Planning Commission is hereby authorized to grant Special Permits for Conservation Subdivisions on parcels with ten (10) acres or more of Buildable Area in accordance with Section 8.2 of these Regulations, provided that the lots meet the requirements of this Section as well as the Subdivision Regulations to the extent not superseded by these Regulations.
3. **When May Be Required**
 - a. For parcels of land with ten (10) acres or more of Buildable Area and that are proposed for division into five (5) or more lots, the applicant shall submit to the Planning Commission all documents that would be necessary to in order to obtain a Special Permit meeting all requirements for a Conservation Subdivision for their review, in addition to and in compliance with the Planning Commission’s subdivision regulations to the extent not superseded by these Regulations.
 - b. At the determination of the Planning Commission, a Conservation Subdivision may be required.

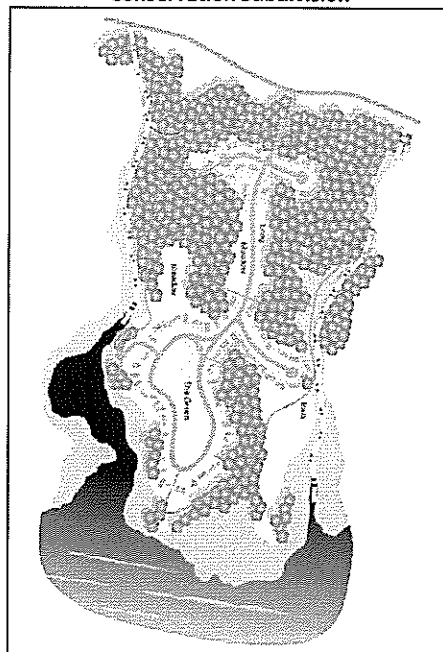
Text seems to imply that this may not be particularly attractive, even in the OSR zone.



Conventional Subdivision



Conservation Subdivision



Ask ZC

If want to require a Conservation Subdivision, may need to adopt an overlay zone to require it or clarify more in the use tables

4. **Criteria for Granting Of Special Permit** - In addition to other Special Permit Requirements of these Regulations, the Planning Commission shall find that the Conservation Subdivision complies with the following:
- a. **Neighborhood Compatibility** - The design elements of the proposed development will not adversely affect the characteristics of the neighborhood.
 - b. **Adequate Utilities to Serve the Development** - The water supply, sewage disposal, and storm drainage facilities shall be made adequate to serve the development as proposed.
 - c. **Character and Extent of Area to be Preserved as Open Space** - The area proposed to meet the minimum Open Space requirement shall be of a size and configuration and location that meets one or more of the following criteria:
 - Land meeting the objectives for Open Space preservation set forth in the Plan of Conservation and Development Chapter 6;
 - Areas providing for the expansion and/or protection of existing Open Space and recreational areas;
 - Areas of woodland and/or farmland useful as wildlife habitat;
 - Streambelts and Greenbelts;
 - Prime agricultural land;
 - Areas providing or protecting drinking water supplies;
 - Areas adjacent to Town streets with features such as large trees and stone walls that retain the rural character of the Town;
 - Ridge tops and other scenic vistas, which add to the Open Space quality of the Town;
 - Areas of significant tree cover, identified historic and archeological sites, water-related resources, and other agricultural or environmentally important lands, soils or geological phenomena; and,
 - Land with serves as buffer between existing residential development and proposed development areas.
5. **Development Flexibility And Open Space Preservation** – The Planning Commission may modify the lot dimension requirements at Section 3.1.9 and Section 3.2.9, minimum Lot Area, minimum lot frontage, maximum building coverage, and minimum yard setback requirements all in accordance with Section 9.3 to create Conservation Subdivisions, provided that:
- a. Thirty to fifty (30-50) percent of the land area shall be dedicated as Open Space and preserved for such use in perpetuity. This may be accomplished, inter alia, through a deed to the Town of New Fairfield, a deed to a land trust formed for the purpose of holding and preserving such Open Space areas, or a homeowner’s association organized, inter alia, for the purpose of holding and preserving such Open Space. Subject to the specific Open Space uses set forth at Section 3.7.1.C of these Regulations, the provisions of Section 3.4.12 and Section 3.4.13 of these Regulations shall apply to the Open Space in Conservation Subdivisions including without limitation, the prohibition against using a fee in lieu of Open Space.
 - b. Any encumbrance placed on the land so dedicated shall not restrict establishment of a greenway trail.
 - c. Minimum yard setback requirements shall not be modified where a required yard abuts the perimeter of the traditional subdivision lots.
 - d. Any permitted modifications of the Zoning Regulations shall be noted on the approved subdivision plans filed in the New Fairfield land records.

Should be more precise as to minimum open space?

6. Limitations On Development Flexibility –

- a. The Planning Commission’s modification of zoning requirements as permitted under this Section is limited to the same percentage that the Open Space is preserved in perpetuity in the parcel. (i.e., if thirty (30) percent of the parcel is preserved as Open Space, a requirement may be modified up to thirty (30) percent) providing that in no event shall a residential lot in a conservation subdivision have:
 - Less than one hundred (100) feet of frontage.
 - More than building coverage than eight (8) percent of the total land.
- b. The Effective Impervious Coverage shall be reduced to the extent possible.
- c. However this authority to modify is limited so that, the proposed building lots shall meet the setback requirements for the underlying residential district for any side or rear lot line abutting residential or NB property or lots previously subdivided.

This is lower than allowed building coverage in R-88 zone (15%) and in the R-44 zone (20%) and not much more than allowed in OSR zone (6%)

Does ZC want to allow Conservation Subdivisions in zones other than OSR?

Zoning Requirement	R-88	R-44	OSR
Front – minimum after modification	40'	40'	40'
Side – minimum after modification	20'	20'	20'
Rear – minimum after modification	50'	50'	50'

Some confusion as to setbacks

- See 5 above
- See 6.a
- See 6.c
- See table from current regs

- 7. Prior to modifying any zoning requirements as permitted in this section for Conservation Subdivisions, in addition to the requirements of Section 8-2 of the Regulations, the Planning Commission shall make the following findings:
 - a. There will be a significant community benefit resulting from the Open Space that is being reserved in perpetuity such as:
 - b. Protection of important natural resources;
 - c. Protection of scenic and historic or potential archaeological resources;
 - d. Preservation of a sizeable area of Open Space;
 - e. Preservation of areas along Town or State road that will protect rural appearance or character;
 - f. Establishment of an Open Space corridor or greenway or interconnection of existing Open Spaces; and/or,
 - g. Provision for public access.
 - h. That the Open Space will not result in small or fragmented Open Space parcels that do not provide community benefits.

1.6.G Home-Based Business Activity

- 1. **Bed And Breakfast Establishment** - The Commission may allow by Special Permit under the provisions of Section 8.2 the operation of Bed and Breakfast Establishments as defined under Section 2.1 within the R-88 and R-44 single-family residential districts, providing that in granting approval, the Commission considered the following criteria, standards, and provisions:
 - a. The establishment will be operated by the owner-occupant of the premises.
 - b. The Health Department shall certify that the subsurface sewage disposal system and water supply are adequate to support the proposed use.
 - c. The use shall be located within premises that conform to the minimum lot size applicable to the zoning district or the residence is in the New Fairfield Grand List for at least fifty (50) years.
 - d. The property must be able to accommodate off-street parking in accordance with the provisions of Section 6.2 at the rate of one additional off-street parking space for each guest room and with no parking in access/egress driveways;
 - e. No bed and breakfast establishment shall be located on a shared or common driveway used by two or more residences including the residence of the applicant;
 - f. The site must be landscaped and sufficiently buffered so as to protect the privacy of adjacent residences. The Zoning Commission may require additional screening/ buffering in order to meet the requirements of Section 6.1.
 - g. No more than four (4) guest rooms rated for double occupancy will be permitted in the dwelling in which the owner is in residence full time.
 - h. Full bathrooms shall be provided at the minimum rate of one (1) bathroom for each two (2) guest rooms.

Conform to minimum lot size
or
be at least 50 years old?

- 2. **Boarding Home** - Boarding homes (not including tourist cabins, trailers or mobile homes, or Bed & Breakfasts,) providing that:
 - a. No more than two (2) bedrooms may be leased within the principal single-family dwelling as an accessory use.
 - b. No more than three (3) un-related occupants.
 - c. Boarders shall not be provided with separate cooking facilities.
 - d. There shall be one additional off-street parking space provided for each occupant.
 - e. The parking area shall not impede emergency vehicles. The driveway shall remain open at all times.
 - f. The Zoning Commission or its authorized agent may prescribe additional buffering and/or screening to mitigate the visual impact on neighboring properties.

Un-related to the owner
Or un-related to each other?

Tie parking to number of
bedrooms?

3. **Home Office** - Home office of the resident occupant provided that:
 - a. No non-resident persons are employed on the premises or use the premises as a daily base of operation.
 - b. It is clearly incidental to the residential use of the premises with not more than twenty-five (25) percent of the gross floor area of the principal structure used for such purposes.
 - c. It utilizes only ordinary office equipment.
 - d. No signs shall be used to promote the business, its products, or services.
 - e. It shall not include the keeping of stock in trade, nor the rental, sale or distribution of any goods, nor the provision of any services to customers or clients within the premises.

4. **Minor Home Occupation** - Minor Home Occupation of the resident occupant provided that:
 - a. Not more than two (2) non-resident persons are employed on the premises or use the premises as a daily base of operation.
 - b. The use is clearly incidental to the residential use of the premises with not more than twenty-five (25) percent of the gross floor area of the principal structure used for such purposes.
 - c. It utilizes only ordinary domestic tools and equipment.
 - d. No signs shall be used to promote the business, its products, or services;
 - e. The use shall not include the keeping of stock in trade nor the rental, sale, or distribution of any goods not produced within the premises.
 - f. There shall be no use of hazardous materials without submission and approval of a management plan to ensure the protection of life, property, and water quality.
 - g. The use shall not include the provision of any personal or professional services.
 - h. The use shall not result in more than occasional client or truck traffic or otherwise alter the residential character of the property.
 - i. A Zoning Permit from the Zoning Enforcement Officer pursuant to Section 8.4 has been secured.
 - j. If the Zoning Enforcement Officer determines that the Minor Home Occupation fails to comply with the requirements of this Section, the use shall cease unless a Special Permit for a Major Home Occupation is granted per Section 3.1.2.L and Section 8.2 of these Regulations.

5. **Major Home Occupation (Professional Office)** - Major Home Occupation or professional office of the resident occupant where the ZEO determines that the requirements of a Minor Home Occupation are not met and provided that:
- a. Not more than three (3) non-resident persons are employed on the premises or use the premises as a daily base of operation.
 - b. The major home occupation or professional office is clearly incidental to the residential use of the premises with not more than twenty-five (25) percent of the gross floor area of the principal structure used for such purposes.
 - c. The home occupation shall not include the keeping of stock in trade nor the rental, sale or distribution of any goods not produced within the premises.
 - d. There shall be no use of hazardous materials without submission and approval of a management plan to ensure protection of life, property, and water quality.
 - e. The Commission may impose any additional conditions, including hours of operation, as necessary to mitigate impacts and protect adjacent properties and the surrounding neighborhood so as to preserve the residential character of the neighborhood.
 - f. There shall be parking for both the residential use and the Major Home Occupation and such parking shall be buffered as per Section 6.1.2 and not located in the front yard.
6. **Short Term Rentals** - Short Term Rentals (as defined in these Regulations) may be allowed where so indicated in these Regulations provided that:
- a. The property owner must, at the time of any short-term rental occupancy, be living on and occupying a residence on the property or an abutting property.
 - b. Occupancy limitation is 2 people per bedroom.
 - c. Site Plan approval has been obtained from the Zoning Commission in accordance with Section XX of these Regulations,
 - d. A Zoning Permit (valid for 24 months) has been obtained from the Zoning Enforcement Official in accordance with Section XX of these Regulations and the application for such permit shall include:
 - An affidavit signed by the property owner acknowledging and accepting the owner-occupancy requirement and the occupancy limitation,
 - A Certificate Of Insurance for the proposed use, and
 - A check in the amount of \$500 for the permit fee in the event the Zoning Permit for 24 months is issued.

1.6.H Keeping Of Animals

1. **Keeping Of Chickens and Fowl** – A Maximum of twelve (12) chickens are allowed in R-44 and R-88 zones and lots, which are nonconforming as to minimum acreage, will be limited to six chickens. No roosters, geese, ducks, pigeons, turkeys, peafowl, or any other poultry or fowl are allowed. The chicken coop must meet the following requirements:
 - a. The chicken coop must be located at least twenty (20) foot from any side or rear property line and must be located behind the front building façade of the primary residence.
 - b. The maximum height of the chicken coop shall be eight (8) feet.
 - c. The maximum size of the chicken coop shall be thirty-six (36) square feet and it shall not be deemed to be a minor accessory structure affecting impervious surface conditions.
 - d. The chicken coop must be screened along the boundary of adjacent property owners by a buffer strip.
 - e. Each chicken coop must contain at least three (3) square feet per chicken occupant.
 - f. Chicken coops shall be roofed, stationary, secure, and enclosed in a way to contain the chickens.
 - g. If an outside run-in is provided, it shall be no larger than ten (10) square feet per allowed chicken and shall be enclosed in a manner to contain the chickens.
 - h. Chickens shall be kept for personal use only. Selling chickens, eggs, chicken manure, or the breeding of chickens for commercial purposes is prohibited.
 - i. Chickens may not be slaughtered on premises.
 - j. Disposal of waste materials (feed, manure and litter) shall be in an environmentally responsible manner. The materials can be composted or bagged and disposed of as trash. Storing waste materials on the property for more than seven (7) days is prohibited.
 - k. There shall be no more than one chicken coop per property.
 - l. Chicken coops and outdoor areas must be properly maintained and cleaned to prevent offensive odors and the presence of pests and predators.
 - m. Chicken coops existing as of the date of this regulation, shall be deemed to be non-conforming.

2. **Keeping Of Horses** - The keeping of horses for the exclusive use of the residents of the property provided there shall be at least three (3) acres of land and the number of horses kept shall not exceed the following:

# of Acres	# Of Horses
0-2.99	0
3.00 -4.99	2
5.00 -6.99	3
7.00 -8.99	4
9.00 -10.99	5
11.00 -12.99	6
13.00 -14.99	7
15.00 -16.99	8
17.00 -18.99	9
19.00 acres or more+	10

1.6.I Long Term Storage

1. **Long-Term Storage** - The leasing of space in any existing accessory building by the owner thereof for long term and inactive storage of boats, automobiles, furniture and farm equipment, etc., or in the alternative, for the housing of passenger cars of neighbors, whether or not in active use, subject to the following conditions:
 - a. No appearance of such use shall appear on the site and no advertising sign of such storage activity shall be displayed on the premises or elsewhere in the Town.
 - b. No work or repairs shall be done on the stored property by anyone but the owner thereof while in such storage.

Existing as of the date of application?

1.6.J Institutional Facilities

1. **Non-Profit Museum Facilities / Welcome Centers** - When the purpose of the non-profit museum facilities / welcome center is to provide for the preservation or adaptive reuse of at least one historic building that may be relocated or situated on a site with other historic or non-historic buildings, the Commission may permit, as part of the Special Permit approval:
 - a. Both municipal and museum uses in more than one building on the same site, and
 - b. The reduction of rear setbacks otherwise required for such combination of uses in the R-88 zone to not less than 25 feet.

Redundant?

1.6.K Parking / Storage

1. **Parking / Storage Of Commercial Vehicles** - The storage or parking of not more than one (1) resident-owned registered commercially licensed motor vehicle is permitted as an accessory use in a residential zone provided such vehicle does not exceed the size of a ten thousand pound gross vehicle weight rating (GVWR) vehicle as defined in these Regulations.
2. The storage or parking of not more than one (1) resident-owned registered commercial motor vehicle not exceeding the size of a ten thousand pound gross vehicle weight rating (GVWR) vehicle, as defined in these Regulations.
3. **Contractor Equipment** - The storage or parking of business equipment on the premises, by contractors owning the premises, for contracts to be performed elsewhere, where there is no other outward evidence of such commercial use on the premises or the approaches thereto, provided such equipment or motor vehicle is housed or is arranged in an orderly way on a plot of land set aside for such purpose and each piece of equipment shall be stored at least one-hundred (100) feet from the property line and one-hundred (100) feet from the highway unless otherwise invisible from the highway.

Suggest a more comprehensive approach to commercial vehicles since the ambiguities in the current regulations create a challenge

Are these the same or two different things?

- Registered commercially licensed
- Registered commercial

Can someone have one of each?

4. **Parking / Storage Of Recreational Vehicle** - The storage or parking of not more than one (1) non-commercial recreational vehicle, camping trailer, trailer or trailer coach, boat and boat trailer providing that such vehicle shall:
 - a. Not be used as permanent living accommodations.
 - b. Not exceed thirty (30) feet in overall length.
 - c. Be registered and/or licensed in the State of Connecticut.
 - d. Be owned by the resident/occupant of the residential premises within which it is stored or parked.
 - e. Be stored within a permanent structure or, if in the outdoors, it shall be parked in an orderly manner behind the front building line or on the driveway, or at a location that may be approved by the Zoning Enforcement Officer.
 - f. Be buffered or screened to shield the visual impact on neighboring properties.

1.6.L Private Clubs

1. Buildings and facilities for social and/or recreational purposes (such as a country club) provided:
 - a. The buildings and facilities shall be owned and operated by a registered non-profit organization where the affairs and management, of such organization are conducted by a board of directors, executive committee, or similar body chosen by the members.
 - b. Food and alcoholic beverages may be served on such premises to members and their guests provided that the serving of food and alcoholic beverages is secondary to the principal social and/or recreational purpose of the organization.
 - c. Customary country clubs MUST include, but are not limited to, swimming, tennis and/or golf course.

Received by email on 6/25/2024 @ 8:20 a.m.
by Tricia Quinn, Asst. Town Clerk, New Fairfield