

**CHAPTER 35**  
**MULTIPLE RESIDENCE DISTRICT**  
**(MR)**

**Section 035-010 Purpose**

In a Multiple Residence District, no building or premises shall be used, and no building shall be erected, expanded or structurally altered which is arranged, intended or designed to be used, for other than those permitted in a residence district or for two-family and multi-family dwellings subject to the requirements hereinafter set forth for a special permit, public hearing and site plan approval by the Zoning Commission as stated in Chapter 170. *(Effective: March 7, 1985; Amended Effective: March 11, 1996)*

**Section 035-020 Use Classifications**

**Section 035-030 Application Requirements**

An application to create or develop a Multi-Residential District or a proposal submitted to the Commission to develop an existing Multiple Residence District must be accompanied by an application for a special permit and an application for site plan approval each of which satisfies the requirements and standards set forth in Chapters 180 and 175 of these regulations. *(Effective: March 10, 1992)*. All documents, plans and drawings to be presented by the applicant at any public hearing must be submitted to the Commission at least thirty (30) days prior to such hearing. The following requirements shall be met by the applicant to develop a Multiple-Residence District. *(Effective: March 7, 1985)*

**Section 035-040 Site Requirements**

1. Each lot shall contain no fewer than four thousand (4,000) square feet for each family dwelling unit and shall have a frontage on a public highway of not less than one hundred fifty (150) feet.
2. The aggregate ground cover for each multi-unit dwelling(s) and accessory building(s) shall not exceed twenty-five percent (25%) of the lot area.
3. If more than one (1) multi-unit dwelling is located on any one (1) lot, the aggregate ground coverage of such multi-unit dwellings and accessory buildings shall not exceed twenty-five percent (25%) of the lot area.
4. The lot shall be located so that its vehicular access and egress are onto a state highway or onto a town road of sufficient width and capacity to absorb the expected increase in traffic. The standards, including any amendments thereof, of the Commissioner of the State Transportation or his successor shall govern compliance with this requirement.

5. The land within the required lot area shall contain soil having no severe limitations for urban use as determined by the United States Department of Agriculture, Soil Conservation Service.
6. No site location shall be approved unless served by a public water supply and connected to the town sanitary sewer system.

**Section 035-050      Building Requirements**

1. No building shall exceed a height of thirty-five (35) feet, and no space have more than three (3) sides of floor level below the subterranean grade shall be used for dwelling purposes.
2. All multi-unit dwellings and accessory buildings shall have a minimum of fifty (50) feet from the front lot line or if there is no established street line, then a minimum of seventy-five (75) feet from the center of the paved road, sixty (60) feet from the side lot lines and sixty (60) feet from the back lot lines.
3. No multi-unit dwelling parking area or other accessory buildings or uses shall be located within fifty (50) feet of any front lot line, or within fifteen (15) feet of any back lot line or side lot line.
4. The distance between the front of any multi-unit dwelling and any side of any other multi-unit dwelling on the same lot shall be not less than one hundred (100) feet.
5. The distance between the ends of any two (2) multi-unit dwellings on the same lot shall not be less than fifty (50) feet or less than twice the height of the taller of the buildings, whichever is greater.
6. No court or open space which is bounded on three (3) or more sides by walls of any building or buildings, principal or accessory, shall be less in any horizontal dimension than fifty (50) feet or less than twice the height of any building wall facing such court or open space, whichever is greater.
7. No multi-unit dwelling shall contain more than twelve (12) units.
8. Each family dwelling unit shall have two (2) separate and remote means of egress, each leading directly outdoors and stairways meeting a two-hour fire-resistant rating, as provided in the State Building Code.
9. The floor area and number of rooms devoted to living area in each family dwelling unit shall be not less than is listed below. All measurements shall be inside dimensions. Only that space within the dwelling unit used exclusively for living purposes shall be considered. Laundries, halls, closets, vestibules and stairways shall be expressly excluded from consideration.

## 10. Minimum Floor Area

Number of Rooms	(square feet)
Fewer than 3	500
For 3	750
For each additional	125

Bathrooms of fewer than sixty (60) square feet and kitchens of less than ninety (90) square feet in area shall each count as a half-room.

### **Section 035-060 Accessory Buildings and Uses**

Accessory buildings and uses may include minor service buildings related to the use and maintenance of the multi-unit dwelling or dwellings. Garages and swimming pools will be permitted for the exclusive use of the occupants of the premises, and their guests.

### **Section 035-070 Parking Areas**

Parking areas shall be at least ten (10) feet from any dwelling unit within the development and at least five (5) feet from any interior line, shall comply with Chapter 130 hereof and shall be suitably screened from abutting residential uses. Entrance and exit drives shall be laid out so as to prevent traffic hazards and nuisances. Enclosed garage space, if provided, shall be considered its parking computed at parity with non-covered required parking in meeting the off street parking requirements for the multi-family zone. No portion of any such parking area shall be more one hundred fifty (150) feet from the entrance of any building served thereby.

### **Section 035-080 Refuse Collection Area and Facilities**

1. The owner of the multi-unit dwelling or the Homeowner Association shall provide facilities for the disposal and collection of garbage and refuse from all dwelling units. Such facilities shall be in conveniently located areas, properly enclosed and screened from view.
2. Areas capable of placement of refuse collection dumpsters are to be marked on the site plans and access provided, so that a truck may process the removal of the refuse.

### **Section 035-090 Landscaping and Recreation**

1. The entire area of the lot shall be suitably landscaped, and provisions shall be made for playgrounds and other recreational areas, which shall be at least twenty thousand (20,000) square feet in a contiguous piece for the first six (6) families or less, and not less than one thousand (1,000) square feet for each additional family. Land use for recreational purposes shall have not more than an average slope of

five percent (5%) and shall not exceed fifteen percent (15%) in any given area and shall be drained and maintained by the owner of the premises as directed by the Commission.

2. The Commission may require that the playground and other recreation areas be screened from driveways, streets and parking areas by fencing or another suitable alternative. (*Effective: February 2, 2004*)

### **Section 035-100      Affordable Housing Provisions**

1. The Commission may permit an increase in the allowable number of units in a specific application for the purpose of providing affordable housing. This increase shall not exceed 20% and the additional units shall be dedicated to being affordable as defined by section §8-39a of the General Statutes and shall be constructed in accordance with a contract entered into between the developer applying for the special exemption and the Town of New Milford pursuant to the provisions of Section §8-2g(a) of the General Statutes.
2. Section §8-2g(b) of the General Statutes requires the Commission to notify the Town Council of its decision to adopt the regulation proposed herein to encourage the development of affordable housing. At the same time the Commission must request the Town to “establish or designate an agency to implement a program designed to establish income criteria in accordance with subsection (a) of §8-2g of the General Statutes and oversee the sale or rental of any units of affordable housing constructed pursuant to said subsection (a) of §8-2g of the General Statutes to persons and families satisfying such income criteria.”
3. If the Town Council does not enact such an ordinance within 120 days following the date of such request, the Commission may notify the Housing Authority of the Town, or if the Town has not by resolution authorized the Housing Authority to transact business in accordance with the provisions of Section 8-40 of the General Statutes then, in that event, the Commission must notify the town agency with responsibility for housing matters that it has adopted the above regulation and upon receiving such notice the Housing Authority or municipal agency with responsibility for housing matters must implement such program. (*Effective: October 31, 1991*)