

Section 4. Uses in Residential Districts

4.1 Uses Permitted in Residential Districts

- 4.1.1** In R-40, OS-60, OS-80 and OS-100 Residence Districts structures and lots may be used and structures may be altered or erected, subject to issuance of a zoning permit, for the following purposes:
- 4.1.1.1 Single-family detached dwellings with floor area of 10,000 square feet or less.
 - 4.1.1.2 Structures for use in conjunction with farming and/or land management activities on property without a residential building.
 - 4.1.1.3 Structures containing dwelling units for not more than two families, not more than one such structure per lot provided the applicable minimum lot area requirement of Section 4.2 shall be doubled.
 - 4.1.1.4 Two single-family residential dwelling units may be constructed per lot, provided the applicable minimum lot area requirements of Section 4.2 shall be doubled. Under no circumstances shall the lot subsequently be divided unless each dwelling unit and lot complies with the height, square, area and yard requirements listed in Section 4.2.
 - 4.1.1.5 A single-family residential dwelling unit with one accessory apartment. For purposes of this regulation: 1) the term “accessory apartment” shall be defined as a separate, self-contained dwelling unit within, and subordinate to, any existing single-family residence; 2) the term “primary dwelling” shall be defined as the unconverted portion of an existing single-family residence; 3) the term “principal owner” shall be defined as the owner of not less than a 50% interest in the residence. A single-family residence dwelling unit may contain one accessory apartment provided that:
 - A. The accessory apartment does not exceed 30% of the floor area of the single-family house.
 - B. The dwelling must retain its character and appearance of a single-family dwelling unit.
 - C. A maximum of two persons shall reside in an accessory apartment.
 - D. The addition of the accessory apartment must meet all building codes, fire codes, and health code requirements.
 - E. The Health District Officer shall certify that the septic system is adequate for an additional apartment, and will not create hazardous conditions for sanitary sewage.
 - F. An owner of the residence must reside in either the primary dwelling or the accessory apartment.
 - G. A Zoning Permit must be issued by the ZEO and a Certificate of the approval of the apartment recorded in the Woodbury Land Records in the form prescribed by the Commission in the name of the then current owner.
 - H. Off-street parking shall be provided in accordance with Section 7.4.
 - I. The owner of a single-family residential unit containing an accessory apartment prior to the effective date of this regulation (8/1/87) and not otherwise authorized as a permitted use may apply for a Certificate of Zoning Compliance with the ZEO. A Certificate of the approval of the apartment shall be recorded in the Woodbury Land Records in the form prescribed by the Commission in the name of the then current owner, provided that the accessory apartment conforms to the requirements of this regulation.

4.1.1.6 Accessory buildings and structures, subject to the provisions of Section 7.2.

4.1.2 The following accessory uses are permitted of right in any residential district, subject to compliance with the requirements of Sections 4.2 and 7.2 as applicable.

4.1.2.1 Private detached decks, sheds or other accessory buildings or structures with no dimension exceeding 6 (six) feet for the personal use of the property resident subject to the provisions of Section 7.2.

4.1.2.2 Keeping of dogs, cats, or similar domesticated animals as pets provided that a total of no more than six (6) animals over six (6) months in age shall be kept and no hobby kennel or commercial kennel shall be operated other than as permitted by Section 3.4.5 of these Regulations.

4.1.2.3 Keeping of ducks, geese, chickens, turkeys, pigeons, or similar small fowl for non-commercial purposes on a lot of less than 5 acres, provided that a total of no more than twenty (20) such fowl shall be kept and that any building to house such fowl is located at least 100 feet from any property line and further provided that such fowl are to be secured within a compound or coop and that any accumulation of manure is located at least 100 feet from any property line, well, stream, or watercourse.

4.1.2.4 Keeping of five (5) or fewer head of livestock, excluding pigs or mink, being raised as part of a documented educational project, provided that any building to house such livestock is located at least 100 feet from any property line and further provided that any accumulation of manure is located at least 100 feet from any property line, well, stream, or watercourse.

4.1.2.5 On a lot of less than 5 acres, one horse or pony, or other similar head of livestock, for each 60,000 square feet owned and/or leased for each such horse or pony, provided that any building to house such livestock is located at least 100 feet from any property line and further provided that any accumulation of manure is located at least 100 feet from any property line, well, stream, or watercourse.

4.1.2.6 Provision of room and board for no more than one person unrelated to the property owner.

4.1.2.7 Parking of no more than two (2) recreational vehicles, including boats, on a property, provided that

A. any such vehicle shall not exceed forty (40) feet in length;

B. such vehicles shall either be parked or stored at all times in a fully enclosed structure or, if parked or stored outdoors, shall not be located within the front or side yards or within five (5) feet of the rear lot line and not visible from the street;

C. such vehicles shall not be used for living, recreation, or business purposes while parked or stored on the property; and

D. such vehicle shall be directly owned or leased by the owner or tenant of the premises on which they are parked or stored.

4.1.2.8 Parking of no more than one registered commercial vehicle, school bus, or public utility vehicle of twenty (20) feet or less in length and not more than two (2) ton capacity. Any other such vehicle parked or stored on a lot in a residential district shall be parked or stored in such a manner as not to be visible from any other lot or from any street.

4.1.2.9 Off street parking in accordance with Section 7.4 of these Regulations.

4.1.3 Home Occupation

The purpose of this section is to regulate activities carried out for financial gain and conducted by persons residing on a property, located entirely within a dwelling or within an accessory building on that property, which are clearly incidental and secondary to the use of the dwelling for residential purposes and not disruptive to adjacent properties or the neighborhood.

4.1.3.1 Standards

The following standards and requirements shall apply to all Home Occupations:

- A. There shall be no external evidence of the home occupation, other than as specifically permitted.
- B. This regulation shall not apply to farms.
- C. Home Occupations may occupy an aggregate area in the dwelling and/or accessory building up to fifty percent (50%) of the floor area of the principal building.
- D. Off street parking shall be provided to accommodate the needs of both the home occupation and the residence. Parking shall be properly graded and drained.
- E. No finished goods or materials, except those products ancillary to the home occupation, shall be shipped to the home occupation location for resale.
- F. At time of application the following information shall be submitted:
 - i. A detailed site plan indicating location of proposed parking, how parking will be graded, surfaced and drained.
 - ii. A detailed floor plan indicating location and area of all interior business uses.
 - iii. A detailed narrative regarding the proposed home occupation including, but not limited to, hours of operation, number of employees, nature of business, method of deliveries to the home, anticipated number of motor vehicles that will visit the business weekly, number and types of vehicles and equipment associated with the business as well as submittal of copies registrations of vehicles associated with the business that will be stored on the subject property.
 - iv. Details regarding any outside use of the property.

4.1.3.2 Home Office

Use of a portion of a residence or accessory building for a home business or professional office by residents of the property is permitted subject to the following additional standards and issuance of zoning permit:

- i. No non-resident employees
- ii. Maximum of 35 motor vehicles associated with the Home Office to visit the site per week.

4.1.3.3 Minor Home Occupation

Use of a portion of a single family or two-family residence or accessory building for the production of homemade goods and merchandise, homemade and home-grown foods and food products by residents of the property is permitted subject to the following additional standards and issuance of a zoning permit.

- i. No non-resident employees
- ii. Maximum of 35 motor vehicles associated with the Minor Home Occupation to visit the site per week

4.1.3.4 Major Home Occupation

Based on the potential for the following Major Home Occupations to negatively impact a residential neighborhood, these home occupations are permitted only as an incidental use to a single family or two-family residence after approval of a Special Permit Application.

- A. The sale of antiques, arts, and crafts not manufactured on the premises from a primary dwelling or accessory building.

- B. Shop and storage use of principal and accessory buildings by contracting and building tradesmen and other similar occupations including but not limited to landscapers, tree service contractors and excavation contractors subject to the following standards:
 - i. There shall be no outside storage of material, inventory, tools or machinery associated with the business. All of these items shall be stored in a permanent building.
 - ii. Any such use must be incidental to the work of such tradesman or contractor off the premises.
 - iii. Any motor vehicle associated with the General Home Occupation shall be appropriately located and screened.
- C. Home Occupations, Offices or Businesses that employ persons not residing in the dwelling and/or anticipate more than 35 motor vehicles associated with the home occupation to visit the premises per week.

4.2 Height, Square, Area, and Yard Requirements

All lots created, and structures erected or altered after the enactment of these Regulations shall conform to the requirements specified for the districts in which the lot or structure is located listed in the following schedules entitled “Height, Square, Area, and Yard Requirements.”

4.2.1 Residential Districts Requirements

Height, Square, Area, and Yard Requirements: R-40, OS-60, OS-80, OS-100

District	Min. Lot Area Sq.ft. (1)	Min. Lot Frontage (2)	Min. Front Yard Setback	Min. Rear Yard Setback	Min. Side Yard Setback	Min. Combined Side Yard Setback	Max. Bldg. Cov.	Min. Bldg. Square	Max. Total Cov.	Max. Bldg. or Structure Height (3)
R-40	40,000	150'	50'	50'	20'	50'	12%	135'	30%	35'
OS-60	60,000	200'	50'	50'	30'	60'	10%	180'	25%	35'
OS-80	80,000	200'	50'	50'	30'	60'	10%	180'	25%	35'
OS-100	100,000	225'	50'	50'	40'	80'	10%	200'	25%	35'

1. In lots containing wetlands and/or watercourses, only 20% of the wetlands and/or watercourse area shall be counted toward the minimum lot area requirements.
2. Measured at the street line or, if an interior lot, at the interior lot line.
3. The provisions with respect to height shall not apply to the following.
 - Roof parapets and turrets 3 feet or less in height.
 - Church spires and belfries, pole type TV antennas, ground-mounted flagpoles, and chimneys.
 - Cupolas and domes not used for human habitation, clock towers, bell towers and roof ventilators; provided that
 - The cumulative square foot area of these structures cannot exceed 5% of the footprint of the roof area of the building on which it is located, or 100 square feet, whichever is less; and
 - The structure shall fit within a 10' x 10' square; and
 - The structure shall not extend more than 5 feet above the ridge of the roof or top of flat roof on which it is located.
 - Wireless Communications Facilities approved in accordance with Section 3.4.10.

4.2.2 Interior lots shall meet the following requirements:

- 4.2.2.1 In residence districts, a lot which lacks the required width at the street line or building line (an interior lot) may be used as otherwise permitted in these Regulations provided that a portion of said lot not less than 50 feet in width throughout its length (the access way) shall have frontage on a street and there shall be no other access strip within 150 feet, measured along the street line, of the access way for such lot. Rights of way shall not be deemed access strips. No portion of such lot lying between the street and the straight line closest to the street along which such lot meets that minimum width requirement of these Regulations (the interior lot line) shall be included in the determination of the area of such lot. The interior lot line shall be considered the street line for purposes of determining required yards.
- 4.2.2.2 In residence districts, interior lots of record prior to April 1, 1969, need not have frontage on a street provided any such lot shall have an unobstructed access strip or right of way not less than 20 feet wide to a street, unless the area of such lot shall exceed twice the area requirement of the district in which the lot is located, in which event such access strip or right of way shall be not less than 50 feet wide throughout its length. The lot line from which the right of access leads shall be considered the front line of the interior lot.

4.2.3 Miscellaneous Yard Requirements

- 4.2.3.1 Setback and coverage requirements for accessory buildings or other structures shall be as provided in Section 7.2.
- 4.2.3.2 Architectural Features: Uninhabitable architectural features that do not touch the ground may extend no more than three (3) feet into any required yard.
- 4.2.3.3 Dormers, no higher than the peak line of the subject roof, individually less than 15 feet wide, and collectively occupying no more than fifty (50%) percent of an existing roof and extending into any required yard no more than the building wall. For the purposes of this section, a dormer is a permanent superstructure projecting from a sloping roof equipped with a window or a vent.
- 4.2.3.4 Porches: Whether or not enclosed, a porch shall be considered a part of the building for the purpose of determining the size of the yard or the amount of building coverage.
- 4.2.3.5 Swimming Pools/Tennis Courts: Swimming pools and tennis courts shall not be permitted to project into any required yard to a point closer than one - half of the minimum required building setback distance from any property line. The setback for a swimming pool shall be measured from the edge of any deck or platform structure adjacent to the swimming pool or otherwise the exterior lip of the swimming pool nearest a property line.
- 4.2.3.6 Fences: Fences are permitted in any yard with no height restriction except: a) at corners as set forth in Section 4.2.3.7; and b) within 15 feet of a property line, no fence may exceed a height of eight feet.
- 4.2.3.7 Corner Visibility: On a corner lot, no planting, structure or other obstructions to vision more than three feet in height shall be placed or maintained within the triangular area formed by the intersecting street lines and a straight line connecting points on said street lines, each of which point is 25 feet distant from the point of the intersection.

- 4.2.3.8 Corner Lots: In all residence districts, front yard requirements must be met on both sides of a corner lot. All accessory buildings shall maintain front yard requirements for both street frontages.
- 4.2.3.9 Through Lots: A through lot shall maintain minimum front yard requirements along any street it adjoins.
- 4.2.3.10 Expansion of a Structure: Any horizontal or vertical expansion of an existing structure shall conform to the height, area, and yard requirements of Section 4.2.1 whether or not such existing structure is conforming to these Regulations, except for features regulated by Sections 4.2.3.1 and 4.2.3.2

4.3 Uses Permitted by Special Permit in Residential Districts

In addition to the provisions of Section 3.4, the following uses are permitted when authorized by Special Permit in accordance with Section 8 of the Regulations:

- 4.3.1 Single family detached dwellings with floor area of 10,000 square feet or more.
- 4.3.2 Hospitals (not including animal hospitals), sanitariums, rest homes, convalescent or nursing homes, provided that the predominantly residential character of the district is maintained and subject to the following conditions:
 - A. Location: No site shall be approved unless it is on or within 300 feet of a State highway and unless adequate potable water is available, and the Health Officer certifies that sanitary facilities can be provided in such a way as to eliminate any possible sanitation hazard or nuisance.
 - B. Site Area: One acre of site shall be required for each 10 patient beds and in no case shall the site be less than five acres.
 - C. Site Requirements: In no case shall any structure or parking area be located less than 50 feet from any property line. Landscape planting meeting the requirements of Buffer yard "C", set forth in Section 7.3.2.8 shall be provided.
 - D. Parking areas required by Section 7.4 of these Regulations shall be provided.
 - E. Open Space: Suitable recreational facilities, as deemed appropriate in function and area by the Commission, shall be provided.
 - F. Drives and Access and Exit Points: Internal circulation shall provide for the easy movement of vehicular and pedestrian traffic and the convenient access of emergency vehicles.
 - G. None of these uses shall create offensive noises, odors or unsightly appearances noticeable off the premises.
- 4.3.3 The conversion of existing one family dwellings to contain two or more dwelling units, provided that:
 - A. Such dwelling shall have been erected not less than 10 years before conversion to two dwelling units and not less than 25 years before conversion to more than two dwelling units.
 - B. Such dwelling shall be located on a lot having an area of not less than one-and-one-half times the minimum lot size.
 - C. Each dwelling unit shall require three-quarters of the minimum lot size.

- D. After conversion such dwelling shall retain substantially its original character and appearance as a one family residence.
- E. Off-street parking shall be provided in accordance with Section 7.4.
- F. The Health District Officer certifies in writing that the conversion will not create hazardous conditions for sanitation or other conditions affecting health and safety.

4.3.4 On a lot of not less than three acres, subject to provision of a landscaped buffer yard meeting the requirements of Buffer yard “B” as set forth in Section 7.3.2.8

- A. A garden center, greenhouse, nursery or landscape service, including the sale of plants, whether grown on the premises or not, and related supplies and services;
- B. The sale of farm produce and related products which are primarily grown and produced on the premises.

4.3.5 The provision of rooms as bed and breakfast service for transient visitors in a residential structure provided the following conditions are met:

- A. The owner of the principal dwelling and lot shall reside on the property housing the bed and breakfast use.
- B. There shall be provided a parking area sufficient to accommodate additional parking at the rate of one space per guestroom. Such parking shall be screened with a landscaped buffer yard meeting the requirements of Buffer yard “B” set forth in Sections 7.3.2.8 and shall not be located in the front yard unless the Commission determines that such parking is more consistent with preserving the residential character of the neighborhood.
- C. The structure must be able to accommodate guestrooms based upon interior arrangement, size and structural condition.
- D. No more than four guestrooms rated for double occupancy are permitted in a structure.
- E. The regional Health District shall certify that the existing or proposed modified subsurface sewage disposal system is adequate to serve the proposed use.
- F. Complete bathrooms shall be provided at the rate of one per two guestrooms.
- G. The length of stay shall not exceed fourteen consecutive days per guest. Food service shall be limited to breakfast for registered guests only.

4.3.6 The letting of more than one room or provision of board to not more than four persons unrelated to the owner of the premises provided that conditions A-F of Section 4.3.5, above, shall apply.

4.3.7 Open Space Subdivisions: To permit the development of residential subdivisions that apply conservation design principles to preserve substantial portions of subdivided parcels as open space, protect views, vistas, and visual focal points, and provide for circulation patterns which are compatible with variation of building setbacks and clustering of homes, the Woodbury Planning Commission may grant Special Permits for open space subdivisions on parcels of 10 acres or more, provided that the lots as proposed meet the requirements of this Section.

4.3.7.1 **Project Requirements:** In addition to other criteria contained elsewhere in these Regulations and the applicable provisions of the Woodbury Subdivision Regulations, applications for Special Permits to permit open space subdivisions shall comply with the following:

- A. Neighborhood Compatibility: that the design elements of the proposed development will not adversely affect the characteristics of the neighborhood.
- B. Adequate Utilities to Serve the Development: that the water supply, sewage disposal, and storm drainage facilities are or can be made adequate to serve the development as proposed and have been designed in accordance with accepted engineering standards.
- C. Character and Extent of Area to be Preserved as Open Space: that the area proposed to meet the minimum open space requirement shall be of a size, configuration, and location to meet one or more of the following criteria:
 - i. Land meeting the objectives and criteria for open space preservation as specified in the Woodbury Plan of Conservation and Development.
 - ii. Areas providing for the expansion and/or protection of existing open space and recreational areas.
 - iii. Areas of woodland and/or farmland useful as wildlife habitat.
 - iv. Stream belts.
 - v. Prime agricultural land.
 - vi. Areas providing or protecting existing or potential drinking water supplies.
 - vii. Areas adjacent to town streets with features such as large trees and stone walls that retain the rural character of the Town.
 - viii. Ridge tops and other areas of scenic vistas, which add to the open space quality of the Town.
 - ix. Areas of significant tree cover, identified historic and archeological sites, water-related resources, or other agricultural or environmentally important lands, soils or geological phenomena.
 - x. Land which serves as buffer between existing residential development and proposed development areas.

4.3.7.2 **Height, Square, Area, Yard, and Open Space Requirements:** Where approved by the Planning Commission by a Special Permit, lots in an open space subdivision shall meet the following requirements, unless waived under Section 4.3.7.5 below:

Minimum Road Frontage	Front Yard*	Rear Yard	Side Yard	Min. Bldg. Square	Max. Bldg. or Structure Height	Max. Bldg. Cov.	Max. Lot Cov.
85'	25'	15'	15'	100'	35'	12%	25%

*Measured at street line or interior lot line

At least 50% of the parcel to be subdivided shall be protected as open space meeting the standards of Section 4.3.7.1.C.

4.3.7.3 **Other Requirements for Open Space Subdivisions:**

- A. Buildings on lots proposed along existing public streets shall meet the front yard setback requirements of Section 4.2. Buildings on lots proposed along new public streets shall be set back a minimum of 25 feet from the front lot line.

- B. Proposed building lots shall meet the setback requirements for the underlying residential district for any side or rear lot line abutting property previously subdivided in accordance with the height, square, area, yard, and open space requirements of the underlying zoning district.
 - C. Principal buildings shall be separated by at least 30 feet or the height of the building, whichever is greater, from any other principal building on a separate lot.
 - D. The lot area shall be adequate to accommodate the required on-site utilities consistent with the standards of the Public Health Code.
- 4.3.7.4 **Interior Lots:** Notwithstanding other provisions of these Regulations to the contrary, interior lots are permitted in open space subdivisions provided they meet the requirements in Section 4.3.7.3, above. Additionally, up to two interior lots may have adjacent access ways provided they are at least 150 feet distant along the street line from the access to another interior lot. The owned access way leading to an interior lot shall be a minimum of 20 feet in width. No portion of such lot lying between the street and the straight line closest to the street along which such line meets the requirements of Section 4.3.7.2 (the interior lot line) shall be included in the determination of the area of such lot. The interior lot line shall be considered the street line for the purpose of determining required yards.
- 4.3.7.5 **Shared Access:** In an open space subdivision the Planning Commission may waive the requirements for road frontage and/or the demonstration of a feasible driveway for up to 25 percent of the proposed lots, each of which is accessed by a shared driveway. The right-of-way for a shared access driveway shall be at least 30 feet.
- 4.3.7.6 **Maintenance Requirements:** The applicant shall present sufficient information to the Planning Commission to demonstrate that adequate provisions can be made to ensure the sustained maintenance of the development. Such provisions shall specifically address proposed community water and sewer systems necessary to implement the development as proposed
- 4.3.7.7 **Density Limitations:** The maximum number of lots shall be limited to that number as calculated under the provisions of the Open Space Subdivision standards in the Woodbury Subdivision Regulations.