

*ZONING
REGULATIONS
OF THE
TOWN OF SALISBURY,
CONNECTICUT*

SALISBURY PLANNING AND ZONING COMMISSION

ZONING REGULATIONS

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REVISED ZONING REGULATIONS

The Town of Salisbury Planning and Zoning Commission, pursuant to Connecticut General Statutes Chapter 124 does hereby adopt the following comprehensive revision of the Zoning Regulations for the Town of Salisbury. The regulations are set forth below in the form of text, map and tables that collectively shall be known and cited as the Town of Salisbury Zoning Regulations.

ARTICLE I

AUTHORITY AND PURPOSE

SECTION

100 AUTHORITY

The Zoning Regulations for the Town of Salisbury are have been adopted in accordance with, and for the purpose set forth in Chapter 124 of the Connecticut General Statutes and more specifically for the following purposes.

101 PURPOSE

These Regulations are adopted in accordance in accordance with a comprehensive plan for the purpose of protecting the public health, safety and general welfare of the Town and

- To encourage the most appropriate use of land
- To conserve the value of buildings and property
- To regulate the size and location of open spaces and yards
- To provide adequate open spaces for light and air
- To secure safety from fire, panic, flood and other dangers
- To prevent overcrowding of land
- To lessen congestion in the streets
- To facilitate adequate provision for transportation, water, sewage, schools, parks and other requirements
- To encourage housing opportunities for all residents consistent with soil types, terrain, roads and public facilities
- To provide reasonable consideration for the protection of historic factors
- To encourage the preservation of agricultural land
- To protect existing and potential public surface and ground water, drinking water supplies
- To provide proper provision for soil erosion and sediment control
- To encourage energy efficient patterns of development

102 EFFECT OF REGULATIONS

In order to accomplish the above stated purposes, these Zoning Regulations shall

- Divide the Town into zone districts of such type, number, size, shape and area to implement the stated purposes and the Town Plan of Development
- Regulate the density of population, the location, the use of buildings, structures, land for businesses, industries, residences and other purposes
- Regulate the construction, reconstruction, alteration, use of buildings/structures and the use of buildings and land in each zone
- Permit certain classes of uses or types of buildings and structures only after approval of a special permit
- Regulate the height, number of stories and size of buildings and other structures and the percentage of the lot area developed, the area of yards, open spaces and buffer strips
- Regulate height, size, location of signs, parking areas and other uses of land
- Regulate development to minimize erosion and sedimentation, ground and surface water pollution and adverse impact on wetlands, watercourse, lakes and ponds, flood hazard areas, steep slopes, ridgelines and other sensitive and significant features of the natural environment.

ARTICLE II

DEFINITIONS

GENERAL

This section defines certain terms or words used in these Regulations. Words in the present tense include the future the singular number includes the plural and vice-verse. The words “arranged”, “intended”, “designed” or “used” should be synonymous in these Regulations. The word “constructed” shall be construed to include the words were constructed, “erected”, “altered”, “extended”, “moved” and “enlarged”.

ACCESSORY BUILDING OR STUCTURE

Any building or structure which is subordinate to and whose use is incidental and supplementary to the use of the principal building on the same lot or on a contiguous lot both of which lots are under the same ownership in all respects as to title and fractional interest. A detached accessory building is one, which is not attached to the principle building by any covered porch, breezeway or other roofed structure.

ACCESSORY USE

A land use located on the same lot or on a contiguous lot under the same ownership in all respect as to title and fractional interest which use is incidental and subordinate to that of the principal building or use of the land.

AUTOMOBILE, SERVICE AND REPAIR STATION

Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-up, lubrication and repair. Auto service and repair stations may include premises where automobile painting and bodywork are conducted.

BOARD CAMPS

A boarding camp is a facility for persons, primarily transients, for recreation, sports and educational uses.

BREEZEWAY

A roofed path with open sides connecting two structures.

BUILDING

Any structure having a roof, intended for the shelter, housing or enclosure of persons, animals or materials. For the purpose of these regulations a structure more than eight feet high shall be considered a building, including a fence or wall, excluding an electric transmission line, an electric light or telephone pole, highway or railroad bridge or flagpole.

BUILDING AREA

The ground area enclosed by the wall of a building together with the ground area of covered porches and other roofed portions.

BUILDING COVERAGE

Determined by dividing the building area by the gross area of the lot.

BUILDING HEIGHT

(See Article V – Section 502.5)

CLUB

An organization of persons for special purposes or for the promulgation of sports, arts, literature, politics or the like but not operated for profit, excluding churches, synagogues or other houses of worship.

CLUSTER DEVELOPMENT

A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for open space and preservation of environmentally sensitive areas.

COMMERCIAL USE

An occupation employment or enterprise that is carried on for profit by the owner, lessee or licensee.

CONDOMINIUM

An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

DAY CARE, FAMILY

A child day care facility in a private home for not more than six children and as defined in the Connecticut General Statutes Section 17-31q, in accordance with the requirement of this statute. A State Registered Family Day Care Home shall not be subject to any conditions on the operation of such home, other than those imposed by the State pursuant to this Section, if the home complies with all local codes and ordinances applicable to single and multi-family dwellings.

DAY CARE, GROUP

A child day care facility for not more than twelve children and as defined in the Connecticut General Statutes.

DAY CARE, NURSERY

A child day care facility for more than twelve children.

DWELLING

A building or portion thereof used exclusively for residential purposes, including one-family and multi-family dwellings, not including hotels, boarding or lodging houses.

DWELLING, MULTI-FAMILY

(See multi-family dwelling)

DWELLING UNIT

A room or a group of rooms located within a dwelling forming a habitable unit for one family.

EASEMENT

The right of a person, government agency or public utility companies to use public or private land owned land by another for a specific purpose.

FAMILY

Any number of individuals related by blood, marriage or adoption, including domestic servants and domestic employees, living together as a single, nonprofit housekeeping unit, occupying a dwelling unit, provided that a group of not more than six individuals not related by blood or marriage or adoption may be considered a family.

FLOOR AREA

The across horizontal interior area of a building which has a ceiling to floor height of not less than seven feet, excluding the area of basement, attics, stair wells, enclosed or open porches, balconies, garages and utility rooms.

FRONTAGE (Same as "street frontage" or "street line")

The property line dividing a street (the street right of way) and a lot.

HAZARDOUS MATERIALS

Substances or combinations of substances (except as specified below) which because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed into or on any land or water, including groundwater and any substance deemed a “hazardous waste” under the Connecticut General Statutes or the Regulations of Connecticut State Agencies. Hazardous Materials include but are not limited to

- Substances, which are toxic, flammable, corrosive, explosive, radioactive or infectious
- Substances listed in the U.S. Environmental Protection Agency’s “Title III List of Lists – Chemicals Subject to Reporting Under Title III of the Superfund Amendments and Reauthorization Act (SARA of 1986” as revised and in quantities exceeding those identified in SARA.
- Acids and alkaloids outside the Ph range of 2 to 10
- Petroleum products, including fuels and waste oils
- Synthetic organic solvents
- Any solid material which if exposed to water will leach or dissolve to form a hazardous material as defined above

EXCEPTION: HAZARDOUS MATERIALS USED ONLY IN CONJUNCTION WITH RESIDENTIAL USE OF PROPERTY FOR NON-COMMERCIAL PURPOSES OR FOR THE HANDLING OR STORAGE OF AGRICULTURE CHEMICALS IN THE ORDINARY COURSE OF AGRICULTURE OR FARMING OPERATIONS AS DEFINED IN SECTION 1-1 q OF THE CONNECTICUT GENERAL STATUES, AS AMENDED.

HOTEL

A building providing lodging for persons, with or without meals and intended primarily for the accommodation of transients and so designed that normal access and egress are controlled from a central point.

LOT

A plot or parcel of land under the same ownership occupied or capable of being occupied by only one principal building and the accessory buildings or uses customarily incidental to it, including such area, yards and dimensions as are required by these Regulations, In the case of public, institutional, commercial or industrial buildings, a group of buildings under the same ownership may be considered as occupying the same lot.

LOT, CORNER

A lot at the intersection of an abutting on two or more streets when the angle of intersection is not more than 135 degrees or where the intersection is rounded by a curve having a radius of less than 100 feet.

LOT LINE

The established division line between lots or between a lot and a street.

LOT LINE, FRONT

The line, which abuts the street or is most parallel to the street.

LOT LINE, REAR

The lot line not intersecting a front lot line that is most distant from and most closely parallel to the front line. A lot bounded by only three lot lines will not have a rear lot line.

LOT LINE, SIDE

Any lot lines not a front or rear lot line.

LOT, MINIMUM AREA

The minimum total area required for a lot as set forth in these Regulations for the various zones. The computation of minimum lot area is subject to certain exclusions (see ART. V).

MANUFACTURED HOUSING OR MODULAR HOUSING

A dwelling having as its narrowest dimension twenty-two (22) feet or more which is constructed in accordance with federal home construction and safety standards and is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A manufactured home may consist of two sections transported to the site or a series of panels or room sections transported on a truck and erected or joined together at the site.

MARINA

A facility for storing, servicing, fueling and securing launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews and guest.

MOBILE HOME

A dwelling that is not constructed in accordance with the standards set forth in the State Building Code for a site-built home and which is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis and exceeds 40 feet in length and eight feet in width.

MOTEL OR TOURIST CABIN

A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to the sleeping room.

MULTI-FAMILY DEVELOPMENT

A single building with more than three dwelling units or a lot with more than one building and more than three dwelling units. An accessory apartment approved as a special permit or the residential spaces in an inn, motel, hotel, dormitories, club and similar structures providing temporary or transient accommodations shall not be considered dwelling units for the purpose of this definition.

MULTI-FAMILY DWELLING

A building or structure designed or used for two or more dwelling units. An accessory apartment approved as a Special Permit or the residential spaces in an inn, motel, hotel, dormitories, club and similar structure providing temporary or transient accommodations shall not be considered dwelling units for the purpose of this definition.

OFFICE

A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

OUTDOOR WOODBURNING FURNACES (OWF)

As defined in Connecticut State Statutes §22a-174k (pursuant to Public Act 05-227), and as regulated by the CTDEP, an accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood burning furnace" does not include a fire pot, wood fired barbeque or chiminea.

PREMISES

All land comprising a lot and including all buildings located on the same lot.

PRINCIPAL BUILDING

A structure, which contains the principal use on the lot.

PRINCIPAL USE

The main use of land or structures, as distinguished from a secondary or accessory use.

RESEARCH LABORATORY

A building or a group of buildings in which are located facilities for scientific research, investigation, testing or experimentation but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESTAURANT, LOW TURNOVER

A business establishment whose principal business is the selling of unpackaged food to the customer ready-to-consume state, in individual servings or in non-disposable containers and where the customer consumes these foods while seated at tables or counters located within the building.

RESTAURANT, HIGH TURNOVER

Any establishment whose principal business is the sale of foods, frozen desserts or beverages in ready-to-consume individual servings for consumption either within the restaurant building or for carry-out, and where either; 1) Foods, frozen desserts or beverages are usually served in, paper, plastic or other disposable containers and where the customers are not served their food, frozen desserts or beverages by a restaurant employee at the same table or counter where the items are consumer. 2) The establishment includes a drive-up or drive-through service facility or offer curbside service.

RIGHT OF WAY

A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, and oil or gas pipeline, water main, sanitary or storm sewer main, drainage way, shade trees or special uses.

SCHOOL

A facility that provides a curriculum of elementary and secondary academic instruction including kindergartens, elementary schools, junior schools and high schools.

SETBACK

(See yard)

SIGN

Any structural or natural object which shall be used to attract attention to any object, place, activity, person institution, organization or business, which shall display or include any letter, word model, banner, flag, pennant, insignia, device or representation used as or which is in the nature of an announcement, direction or advertisement. For the purpose of this definition and these regulations, the word "sign" shall mean all signs including interior signs if visible from off the premises and shall not include the flag, pennant or insignia of any nation, state, city or other political unit or notices required by law.

STREET

A town owned and maintained street including the right of way of a State Highway including the paved travel way and the right of way or a street including a "private street" shown on a subdivision plan approved by the Planning and Zoning Commission.

STREET FRONTAGE

(See frontage)

STRUCTURE

Anything constructed or erected which requires location or attachment to something having a location on or in the ground.

SQUARE, MINIMUM

A square of a minimum dimension as specified in these Regulations, which shall fit entirely within the property lines of a lot. The purpose of the minimum square requirement is to assure that a portion of a lot will have a size and shape which is proportional to the lot area requirement, portion of a lot. However the principle structure on the lot is not required to be located within the minimum square.

TRAILER, CAMPING OR TRAVEL OR RECREATIONAL VEHICLE

A structure that is intended to be transported on a street either as a motor vehicle or attached to or hauled by a motor vehicle and is designed for temporary use as a sleeping quarters but does not satisfy one or more of the definition criteria of a mobile home.

TRAILER PARK

Any premises used or permitted to be used for the parking of more than one trailer but excluding a trailer sales area where two trailers are occupied.

WATER COMPANY, SMALL

Any person, company or corporation owning, operating managing, leasing or controlling water from a pond, lake reservoir, stream, well or distribution system designed to provide water to 150 to 250 service connections or to 25 to 1,000 persons on a regular basis. When the Commission is uncertain as to whether a proposal involves a small water company as defined above, it shall request a determination from the Connecticut Department of Public Utility Control.

YARD (And setback requirement)

Any open space located on the same lot with a principal building, unoccupied and unobstructed from the ground up, except for accessory buildings or structures or such projections as are expressly permitted in these Regulations shall be measured in a horizontal distance from the lot line. The minimum distance between a lot line and a building is also referred as the “setback” requirement.

YARD, FRONT

A yard between the principle building and the front lot line extending the full width of the lot. In case of a corner lot, extending along all streets. Also referred to as the front yard setback.

YARD, REAR

A yard extending the full width of the lot and situated between the principle building and the rear lot line. Also referred to as the rear setback.

YARD, SIDE

A yard between the principle building and the side lot line extending from the front yard to the rear yard. Any yard not a rear yard or a front yard shall be a side yard. Also referred to as the rear yard setback.

ARTICLE III

APPLICATION AND GENERAL REQUIREMENTS

SECTION

300

GENERAL

This article sets forth the basic requirements of these Regulations and provides across referencing guide and explanation of the requirements in the other articles.

301

ZONING REGULATIONS - MINIMUM REQUIREMENTS IN RELATION TO OTHER REGULATION

In interpreting and applying these Regulations, the requirements contained herein are declared to be the minimum requirements for the protection of the public, health, safety and welfare. These Regulations do not affect any easements, covenants or other agreements between parties. Where these Regulations impose a greater restriction than imposed by other ordinances, rules, regulations, licenses, or by easements, covenants or agreements, the provisions of these Regulations shall apply.

302

ZONING PERMIT REQUIRED

Unless otherwise specifically stated in these Regulations no building or part thereof shall be constructed, reconstructed, altered, enlarged or moved, no use of land shall be undertaken and no excavation for any building, structure or use (see section 901) shall be made unless a Zoning Permit has been issued by the Commission or the Zoning Administrator in accordance with the requirements of Article XI. This requirement shall apply to a Special Permit uses and to a Variance issued by the Zoning Board of Appeals.

No charge shall be made in the use of any building, structure or land unless the Commission, the Zoning Administrator, upon proper application issues a permit for such change in accordance with these Regulations.

303

SPECIAL PERMIT REQUIRED

For those uses for which a Special Permit is required (as listed in the table of uses permitted by right and by special permit) such use shall be subject to the general and specific standards and requirement set forth in Article VII. No construction or use approved as a Special Permit by the Commission shall begin or be established until a Zoning Permit has been issued.

304

NON CONFORMING SITUATIONS

No nonconforming use of land building, or structure shall be changed in use or extended unless a Zoning Permit has been issued by the Commission according to Article X.

305

SITE PLAN

A Site Plan shall be required for Special Permit uses and may be required by the Commission or the Zoning Administrator for a use permitted by right where it is necessary to determine conformance with these Regulations. The Commission may waive certain Site Plan requirements where it determines such information is not necessary to determine conformity with these Regulations (see article VI)

306

EROSION AND SEDIMENT CONTROL PLAN

An Erosion and Sediment Control Plan shall be required for any application for development when the cumulative disturbed area is more than one-half acre. A single dwelling that is not a subdivision of land shall be exempt from the requirement for an erosion and sediment control. (See article VI)

307

EVIDENCE OF SUBMISSION OF SITE PLAN OR SPECIAL EXCEPTION

The Salisbury Conservation Commission (Inland Wetland). As required by Connecticut General Statutes, any site plan or special exception application involving an inland wetland or

watercourse regulated by the Salisbury Conservation Commission shall be submitted to the Conservation Commission on or before the date that it is submitted to the Planning and Zoning Commission.

308 CERTIFICATE OF COMPLIANCE

No Certificate of Building Occupancy shall be issued by the Building Official until the Commission or the Zoning Administrator has issued, in writing, a Certificate of Zoning Compliance.

309 PERMITTED USES AND PROHIBITED USES

The table of uses permitted by right and but special permit and the supplementary provisions in Article IV state the uses allowed in the various zones. No land, building or part thereof shall be used or changed in use except as specifically provided for in said table and Article IV. Uses not listed in said table or Article IV, are prohibited.

310 AREA AND DIMENSION REQUIREMENTS

The table of area and dimension requirements (se Article V) states the requirements for lot area, frontage, setback, percentage of building coverage, building floor area, building height and other lot and dimensional requirements in the various zones. No building or structure shall be erected, constructed, enlarged, altered or arranged on a lot except in accordance with the requirements set forth in the table of area and dimensional requirements and the supplementary provisions of Article V.

311 PARKING AND LOADING, LANDSCAPE AND BUFFERING, ACCESS AND CIRCULATION REQUIREMENTS

Off street parking and loading facilities, landscaping and other buffers, provisions for access and circulation of pedestrians and vehicles shall be provided in the various zones in accordance with the requirements set forth in the table of parking requirements and the other requirements in Article V.

312 FEE

A fee for a zoning permit, Site Plan approval and/or a Special Permit shall be required as specified in the "Fee Schedule for Building Zoning, Sanitarian and Conservation", as amended. A ZONING copy of the "Fee Schedule" shall be maintained on file in the office of the First Selectman and the Planning and Zoning Office.

313 PROCEDURES FOR THE REVIEW OF APPLICATIONS AND ACTION BY THE PLANNING AND ZONING COMMISSION

The minimum procedural requirements for processing applications shall be as set forth in the Connecticut General Statutes.

314 SEWAGE DISPOSAL AND WATER SUPPLY APPROVAL REQUIRED

Prior to the approval of a Zoning Permit, the applicant shall obtain from the Health Officer (Torrington Area Health District), written approval of the plans for sewage disposal and water supply. (See Article XI)

315 FIRE MARSHAL APPROVAL

When a building or use is intended to accommodate the public, plans and specifications must be approved in writing by the Fire Marshal.

ARTICLE IV

ZONING DISTRICTS, ZONING MAPS AND

USES PERMITTED BY RIGHT AND BY SPECIAL PERMIT

SECTION
400

ZONING DISTRICT AND ZONING MAPS

For the purpose of these Regulations and Town of Salisbury is hereby divided into the following zones or zoning districts; (Note: the term “zone”, “district” and “zoning district” have the same meaning.)

401

ZONES

ZONING MAP LEGEND

Residence 10 Zone	R - 10
Residence 20 Zone	R – 20
Rural Residence 1 Village Zone	RR – IV
Rural Residence 1 Zone	RR – 1
Rural Residence 3 Zone	RR – 3
Mount Riga Zone	MR
Lakeside Zone	LA
Rural Enterprise Zone	RE
Commercial Zone	C – 20
General Commercial Zone	CG – 20
Industrial Zone	LI – 1
Industrial Zone	LI – 20

401.2

In addition to the above zones, the following overlay zones are established and superimposed upon the above stated zones. The requirements of the Overlay Zones as set forth in Article VII shall be in addition to the requirements of the underlying zone. Where the requirements of the overlay zone are more restrictive than the underlying zone the more restrictive requirement shall apply. The overlay zones are:

ZONES

ZONING MAP LEGEND

Flood Plain Overlay Zone	FP
Housatonic River Overlay Zone	HR
Aquifer Protection Overlay Zone	AP
Lake Protection	LA
Lake Protection Overlay Zone	LP

402

ZONING MAPS

402.1

The boundaries of the zones established 401.1 above are shown on the following zoning maps, listed below. These maps and any amendments thereto are hereby made a part of these Regulations. The official Zoning Maps shall remain on file in the Town Clerk’s Office and in the Planning and Zoning Office.

ZONING MAP #1	Salisbury, Connecticut, Feb. 8, 1993 as revised
ZONING MAP #2	Salisbury, Connecticut, Feb. 26, 1973 as revised
ZONING MAP #3	Salisbury, Connecticut, Feb. 26, 1973 as revised

402.2

The boundaries of the Overlay Zones established in 401.2 shall be as shown on the following zoning maps. These maps and any amendments thereto are hereby made a part of these Regulations. The official Overlay Zone Maps shall remain on file in the Town Clerk’s Office and in the Planning and Zoning Office.

a. **The Flood Plain Overlay Zone** - Flood Insurance Rate Maps (FIRM), dated January 5, 1989, with accompanying floodway maps and other supporting data and any revision thereto which defines areas of special flood hazard.

b. **The Housatonic River Overlay Zone** – Housatonic River Corridor Map dated November 1, 1980.

c. **The Aquifer Protection Overlay Zone** – “Aquifer Protection Overlay Zone Map, Town of Salisbury” dated October 6, 1986 as amended.

d. **The Lake Protection Overlay Zone** – The Lake Protection Overlay Zone shall be as defined in Article VIII. The Lake Protection Overlay Zone covers an area of 300 feet along the lake shoreline (as defined herein) on the shoreline of the following lakes: Wononscopomuc, East and West Twin and Wononpakook. (Article VIII of the Zoning Regulations).

403

INTERPRETATION OF THE ZONE BOUNDARIES

Unless otherwise indicated on the Zoning Map the boundaries of the zones established in 401.1 above are the centerlines of streets, the middle of the channel of waterways, the centerline of the tracks of railroad lines or on the centerline of utility rights of way. Where a boundary is shown parallel to a street, such boundary shall be interpreted as running parallel to the nearest street line and at such distance from it as indicated on the Zoning Map. If not indicated, such distance shall be 200 feet from the nearest street line.

The boundaries of the Overlay Zone established in 401.2 above follow natural features such as soil types, flood areas and water recharge areas and are established based upon technical information as described for each Overlay Zone in Article VIII. The area of a zone shall include the land under rivers, streams, lakes or ponds in said Zone.

In the case of uncertainty as to the location of any zone boundary line, the determination thereof shall be made by the Commission in accordance with these rules and any other specific guidelines for established zone boundaries as set forth in these Regulations.

404

LOTS LOCATED IN MORE THAN ONE ZONE

For all zones in 401.1 above where a lot of record existed at the time of the adoption of these Regulations or amendment thereto, and said lot is divided by a Zone, boundary line, a use or regulation which applies in one Zone may extend not more than 100' into the adjacent Zone where it otherwise would not be permitted.

405

ZONES – STATEMENT OF PURPOSE

405.1

SINGLE FAMILY VILLAGE RESIDENTIAL ZONING DISTRICTS (R-0, R-20)

The purpose of these districts is to provide for the orderly development of the village center residential neighborhood housing on smaller lots in a manner, which preserves the historic rural New England character of the Salisbury and Lakeville village centers.

405.2

SINGLE FAMILY RURAL RESIDENTIAL ZONING DISTRICT (RR-IV, RR-3)

The purpose of these districts is to provide for residential housing and other Special Permit uses compatible with the rural residential – agricultural character of the Town and natural resource development limitations. These districts encompass most of the geographic area of the Town. Much of the land in district has topographic, soils and water resource characteristics, which limit development potentials. The RR-IV district is located in a transition area adjacent to the village center where housing clusters are encouraged to maintain open space entry-ways to the village centers and to contain and control the public water and sewer lines.

405.3

SINGLE FAMILY SPECIAL RESIDENTIAL ZONING DISTRICTS: MOUNT RIGA AND LAKE RESIDENTIAL ZONING DISTRICTS

a. **Mount Riga special residential zoning district (MR).** - This zone established in the area around Mount Rigs, permits single-family residential housing and other Special Permit uses. The purpose of this zone is to provide for uses and standards consistent with the special development limitations on this rugged, remote mountain area location.

b. **Lake residential zoning district (LA)** – This zone is established around Lake Wononscopomuc and permits single-family residential housing and other Special Permit uses. The Lake has experienced an acceleration of eutrophication caused by primarily by development

under and other human activities. Accordingly the purpose of this zone is to permit development under standards designed to reduce the effects of eutrophication (weed and algae growth in the lake) and protect water quality.

405.4 RURAL ENTERPRISE ZONE (RE)

The purpose of this district is to provide for a mixture of uses – residential, recreations, commercial and other in a location removed from the village center and in a manner compatible with the soils and topography limitations of the district and with conditions designed to protect the neighboring residential property values.

405.5 VILLAGE CENTER COMMERCIAL ZONING DISTRICTS (C-20, CG-20)

The primary purpose of this district is to provide centralized, compact area for local and area retail, office, business and specialized uses and services and associated parking, pedestrian circulation and landscaping. The requirements for these districts are also aimed at maintaining the historic rural New England character of the Salisbury and Lakeville village centers.

405.6 INDUSTRIAL ZONING DISTRICTS (LI-1, LI-20)

The purpose of these districts is to provide appropriate locations for offices, manufacturing, warehousing and research uses in existing industrial areas along major highways where major utilities are available.

405.7 OVERLAY ZONES (FP, HR, AP and LP – see Article VIII)

410 USE REGULATIONS

411 TABLE OF USES PERMITTED BY RIGHT AND BY SPECIAL PERMIT

Except as otherwise provided by law or under the requirements of one or more of the Overlay Zones (see 407.5 above) no building, structure or land shall be used or occupied unless it is permitted in the following table of uses permitted by right and by special permit according to Zoning District herein after cited as the “Table of Uses”.

411.1 A use listed in the table of uses where denoted by the letter:

- **P** is a use permitted by right, provided that all requirements of these Regulations have been satisfied and provided that a Zoning Permit has been issued in accordance with Article XI.
- **S** is a Special Permit use, which may be established, provided all the requirements of these Regulations have been satisfied and a Special Permit has been issued in accordance with Article VII and a Zoning Permit has been issued in accordance with Article XI.
- **T** is a temporary use permitted by right, provided that all requirements of these Regulations have been satisfied and provided that a Zoning Permit has been issued in accordance with Article XI (see section 413).
- **X** indicates no Zoning Permit is required.
- **BLANK** indicates the use is not permitted (see section 414).

412 – TABLE OF USES PERMITTED BY RIGHT AND SPECIAL PERMIT

USE	RESIDENTIAL ZONES								COMMERCIAL AND INDUSTRIAL ZONES			
	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	LI-1	LI-20
A. Residential & Related Uses												
1. Single family Detached Dwelling (Site Plan Not Required)	P	P	P	P	P	P	P	P	P	P		
2. Accessory Dwelling Unit on Lot with Single Family Residence (436)	P	P	P	P	P	P	P	P	P	P		
3. Multi-Family Dwelling – Max. 3 Dwelling Units in a Building (716)	S	S	S	S	S			S	S	S		
4. Multi-Family Development (717)	S	S		S								
5. Cluster Development (717)	S	S		S								
6. Town or Non-Profit Affordable Housing (718)	S	S	S	S	S		S	S				
B. Agricultural and Related Uses	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	LI-1	LI-20
1. Agricultural or Farming use and Related Equipment/Vehicle (No Raising Fur Bearing Animals. Except Rabbits)	P	P	P	P	P	P	P	P	P	P	P	P
2. Truck or Nursery Gardening, Greenhouse Incidental Thereto and Related Equipment/Vehicle			P	P	P	P		P	P	P		
3. Farm Stand for Sale & Display of Farm and Garden Produce Min. 80% Grown on Premises Max. 20% Grown on Premises in State of Ct. Min. Setback – 20’ from Street Line			P	P	P			P				
4. Forestry, Including Cutting, Sawing and Storage of Timber			P	P	P	P		P				
5. Permanent Sawmill – Min. Lot 5 ac. Min. Setback 150’ from Street line			S	S	S			S				
6. Portable, Sawmill – Min. Lot 5ac. Mini setback (when in operation) 150’ street line 200’ other line			P	PP	P	P		P				
7. Commercial Green house (min. setback 75’)			S*	S*	S*		P					
8. Commercial Livery, Boarding or Riding Stable (including showing and training) Commercial Kennel, Vet Hospital Min. Lot – 3 ac. Min. Setback 150’ between Bldg/Enclosures for animals & Prop. Lines			S	S	S			S				

P = Permitted use by right to submission of a Site Plan according to Article VI
 S = Special Permit subject to the general and specific standards in Article VII
 (123) = Use is subject to specific standards and requirements in this section number
 Blank = Not Permitted X = No Zoning Permit Required T = Temporary Use

412 – TABLE OF USES PERMITTED BY RIGHT AND SPECIAL PERMIT

USE	RESIDENTIAL ZONES								COMMERCIAL AND INDUSTRIAL ZONES			
	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	LI-1	LI-20
C. Educational and Institutional												
1. School/College Operated by Non-Profit Corporation Min. Lot 5 ac. Min. Street Frontage 400' Max. Building Coverage 15% of Lot	S	S	S	S	S		S		S	S		
2. Family Day Care (C.G.S. 17-31q)	P	P	P	P	P	P	P	P	P	P		
3. Group Day Care (C.G.S. 17-31a)	S	S	S	S	S	S	S	S	S	S		
4. Nursery School – Min. Lot 1 Ac. Min. Front Lot Line – 150' No Play Apparatus in Front/Side Yard	S	S	S	S	S	P	S	S	S	S	S	S
5. Religious or philanthropic structures or uses excluding Hospitals and Correctional Institutions Min. Lot 5 ac. (unless served by Public Water & Sewer) Max. Building Coverage 15% of lot	S	S	S	S	S		S	S	S	S		
6. Hospitals, Clinic, Convalescent Home, Nursing Home, Extended Care Family and Similar Use – (No correctional institution or inst. For insane/mentally ill) Min. Lot 1 ac. Plus 4000 sq ft/bed or 2000 sq ft/bed w/public water service	S	S	S	S	S			S	S	S		
7. Community Residence for mentally retarded (C.G.S. 8-3e)	P	P	P	P	P	P	P					
8. Community Residence for mentally retarded (C.G.S. 803g)	S	S		S								
D. Public Services, Municipal & Utility	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	L1-1	L1-20
1. Municipal Building and Facilities Essential to the public Convenience and Welfare	S	S	S	S	S	S	S	S	S	S	S	S
2. Volunteer Fire Company	S	S	S	S	S	S	S	S	S	S	S	S
3. Cemeteries	S	S	S	S	S	S		S	S	S	S	S
4. Public Utility Facilities (not including power generating facilities) and building essential to the public convenience and necessity (also subject to C.G.S. chapter 277a-283)	S	S	S	S	S	S	S	S	S	S	S	S
5. Communication Towers	X	X	S	S	S	S	X	S	X	X	X	X
6. Communication Antennas	P	P	P	P	P	P	P	P	P	P	P	P

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412 – TABLE OF USES PERMITTED BY RIGHT AND SPECIAL PERMIT

USE	RESIDENTIAL ZONES								COMMERCIAL AND INDUSTRIAL ZONES			
	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	LI-1	LI-20
E. Offices and Financial												
1. Professional or Business Office								S	P	P	P	S
2. Financial Institution									P	P		S
3. Office – Residential Use (713a)			S	S	S							
F. Retail Sales and Services	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	LI-1	LI-20
1. Retail Store, including retail liquor package store									P	P		S
2. Personal & Repair Service Establishment, Tailor ex. Appliance Repair, Barber, Shoe Repair, Self Service Laundry, Clothes Cleaning									P	P		S
3. Antique and Second Hand Store – no outside display									P	P		S
4. Restaurant – low Turnover (Min. Lot-2 Acres)				S*	S*			S*	P	P	S	S
5. Restaurant – High Turnover									S	S	S	S
6. Hotel – Min. lot 5 acres plus 4000 sq. ft./guest sleep accommodation, Min. Front side & rear yard – 100’			S		S				S	S		
7. Hotels								S	S	S		
8. Motels, Tourist Cabin with not less than 4 units, /min. Lot 2 acres plus 4000 sq ft/guest sleep accommodation Min. front side & rear yard – 100’ min. building separation – 15’ for each 15’ in height			S		S			S	S	S		
9. Auto Sales, Service, Repair, Filing Station and/or Car Wash (724)										S	S	
10. Laundry & Cleaning Establishment									S	S	S	
11. Commercial Parking Area								P	P	P		S
G. Recreational and Entertainment	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	LI-1	LI-20
1. Public Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P
2. Indoor Tennis, Racquetball or Squash Facility								S	S	S		
3. Exercise Center, Dance Studio and Establishments for Musical and Theatrical Instruction									P	P		
4. Indoor Theater (stage or Film)									P	P		

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412 – TABLE OF USES PERMITTED BY RIGHT AND SPECIAL PERMIT

USE	RESIDENTIAL ZONES								COMMERCIAL AND INDUSTRIAL ZONES			
	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	LI-1	LI-20
G. Recreational and Entertainment												
5. Commercial or Non Profit Cross Country Ski Area (720)			S	S	S	S	S					
6. Outdoor Commercial Limited to skating rink, ski area, golf driving range, picnic area, tennis, beach and swimming area								S				
7. Commercial Golf Course								P				
8. Outdoor recreation uses operated by a non-profit organization limited to Golf Course, tennis Club and riding			S	S	S	S		S				
9. Library, Museum or Auditorium operated by a non-profit organization	S	S	S	S	S	S	S		S	S	S	S
10. Fraternal Club or Lodge	S	S	S	S	S	S	S		S	S	S	S
11. Boarding Camp-Min. Lot 100 ac. (721)			S	S	S	S						
12. Track for Racing Motor Vehicles (722)								S				
13. Carnival, Fair, Circus, Show, Athletic Meet or Similar Event by a local Church, School, Civic Assoc., Special Club, Vol. Fire Dept./other Non-Profit Organization (412)	T	T	T	T	T	T	T	T	T	T	T	T
H. Industrial and Research	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	LI-1	LI-20
1. Manufacture and Assembly of parts for products								S			S	S
2. Processing of Dairy Products								S			S	S
3. Carpentry & Woodworking								S	S	S	S	S
4. Newspaper Printing, Job Printing, Photoengraving, Book Binding and Publishing Plant (Min. Lot 20 Acres + buffer)								S*	S	S	S	S
5. Research Lab.								S			S	S
6. Contractor's Equipment Storage (723)			S		S			S		S		
7. Sales of Contractor Equipment (723)										S		
8. Lumber/Building Material Storage and Sales										S	S	

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412 – TABLE OF USES PERMITTED BY RIGHT AND SPECIAL PERMIT

USE	RESIDENTIAL ZONES								COMMERCIAL AND INDUSTRIAL ZONES			
	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	LI-1	LI-20
H. Industrial and Research												
9. Wholesale Distributing Establishment Storage Warehouse, Truck Terminal, Including Storage & Handling of Meat										S	S	
10. Natural Resource Removal (900)	S	S	S	S	S	S		S	S	S	S	S
I. Miscellaneous	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	LI-1	LI-20
1. Undertaker – Min. lot 1 acre, no parking front/side yard	S	S	S	S	S			S	S	S		
2. Lot on proposed dead end street (725)	S	S	S	S	S		S	S	S	S	S	S
J. Accessory Uses (Continued)	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	L11	L1-20
1. Accessory Uses – General (420)	P	P	P	P	P	P	P	P	P	P	P	P
2. Accessory Building – General (420)	P	P	P	P	P	P	P	P	P	P	P	P
3. Farming, Gardening, Raising of crops & fruit and keeping of a family flock of poultry or other farm animals as an incidental and accessory use to a residential use (No commercial poultry raising of fur bearing animals or swine)	X	X	X	X	X	X	X	X	X	X	X	X
4. Signs – see section 920 for all sign requirements												
5. Home office of Convenience (431)	X	X	X	X	X	X	X	X	X	X	X	X
6. Home Occupation (712)	S	S	S	S	S		S	S	P	P		
7. Home Office w/outside employees (713)	S	S	S	S	S		S	S	P	P		
8. Keeping of horses – min. lot 3 acres	P	P	P	P	P	P	P	P	P	P		
9. Removal landing or dock (421.2)	P	P	P	P	P	P	P	P	P	P	P	P
10. Bed and Breakfast	S	S	S	S	S		S	S	S	S		
11. Letting of a room/board (435)	X	X	X	X	X	X	X	X	X	X	X	X
12. Commercial Vehicle and equipment storage as accessory use (433)	P	P	P	P	P	P		P	P	P	P	P
13. Outside storage of equipment and Inventory											S	P
14. Construction trailer (412)	T	T	T	T	T	T	T	T	T	T	T	T
15. Dwelling for caretaker (432)												P

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TEMPORARY USES CONSTRUCTION TRAILER

A construction trailer may be used as a temporary office in connection with a bona-fide construction project, provided that it is not used for human habitation and provided the term for the use of the trailer is limited to the duration of the construction project.

CAMPING OR TRAVEL TRAILER OR RECREATION VEHICLE

No zoning permit shall be required for an unused and unoccupied camping or travel trailer or recreational vehicle or boat trailer provided it is located in the rear yard and owned by the occupant of the premises and provided the wheels are maintained on the camping, travel trailer or recreational vehicle.

CARNIVAL, FAIR, CIRCUS, SHOW, ATHLETIC MEET OR SIMILAR EVENT

Event by a local church, school, Civic Association, special Club, volunteer Fire Department/other non-profit organizations. No temporary Zoning Permit shall be required provided the length of the event does not exceed a period of 10 days. An event for a period of more than 10 days shall require a Zoning Permit subject to the approval of the Commission.

414 **PROHIBITED USES**

A use, which is listed in the Table of Uses but is denoted with a blank under a particular zone, is prohibited in that zone. A use, which is not listed in the Tables of Uses are prohibited.

415 **OTHER REGULATIONS**

Other Federal, State or Town regulations may apply to a property or proposed use. Also a property may be subject to private easements or deed restrictions, which may affect its use or development. The Town does not enforce such other Government requirements or private restrictions unless the Town itself is specifically a party to such requirement or restrictions.

420 **ACCESSORY BUILDINGS AND USES**421 **KEY DEFINITIONS (see article II definitions)****BUILDINGS**

A building is any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or materials. Any other structure more than eight feet high shall be considered a building for the purposes of these Regulations, including a fence or wall but excluding an electric transmission line or an electric light, telephone or telegraph pole, highway or railroad bridge or flagpole.

ACCESSORY BUILDING

An accessory building or use is one, which is incidental and subordinate to a principal use of a building or land and which is located on the same lot or a contiguous lot where both lots are under the same ownership in all respects as to title and fractional interest.

DETACHED ACCESSORY BUILDING

A detached accessory building is an accessory building, which is not attached to the principal building by any covered porch, breeze way or other roofed structure.

PRINCIPAL BUILDING

A structure which contains the principal use on the lot.

In a residential Zoning District, a principal building shall include the main dwelling and a detached building connected by a breezeway meeting the following requirements:

- a. The breezeway roof width, as measured perpendicular to the linear direction of travel from one building to the other, does not exceed eight (8) feet, except as needed

- at corners;
- b. The breezeway follows a reasonable direct path between each building;
- c. The breezeway sides are entirely open except for necessary structural supports;
- d. The total maximum total length of all breezeways on the property shall be twenty-five (25) feet;
- e. A breezeway shall be considered impervious surface, and;
- f. A breezeway shall be no greater than 15' in height.

422 GENERAL REQUIREMENTS FOR ACCESSORY BUILDINGS

A Zoning Permit for an accessory building may be issued by the Zoning Administrator subject to these Regulations and the following requirements:

- a. The Zoning Administrator may issue a zoning permit for an accessory building located to the rear of a line drawn between the side lot lines and the plane of the front face of the principal building provided the accessory building is located outside of the required side and rear yards.
- b. The Zoning Administrator may issue a permit for an accessory building located within the side or rear yards provided it is located a minimum of 5' from the property line and it is not to be used for human habitation or for housing animals and it is 15' or less in building height.

422.2 Requirements for accessory buildings located to the front of the principal dwelling:

- a. The Zoning Administrator may issue a Zoning Permit for an accessory building located to the front of a line drawn between the side lot lines and the plane of the front face of the principal building provided the accessory building is set back 100' or more from the front lot line and that no accessory building shall be located within the required side or front yards.

422.3 MEASUREMENTS OF BUILDING HEIGHT FOR ACCESSORY BUILDINGS

The height of an accessory building or structure shall be determined by measuring the vertical distance between horizontal planes drawn through the lowest point of the building which is visible above the finished grade to the highest point of the roof.

423 SPECIFIC REQUIREMENTS FOR CERTAIN ACCESSORY BUILDINGS OR STRUCTURE

423.1 BUILDING on the shoreline of a lake, pond or stream. No building shall be located within 75 feet of any lake, pond or stream.

423.2 No principal building shall be located within 75' and no attached deck or detached accessory building shall be located within 50' of a lake, pond, river or stream shown on the Salisbury Inland Wetland and Watercourses Map and regulated as a watercourse by the Salisbury conservation and Inland Wetland Commission with the following exceptions.

423.2a REMOVABLE LANDINGS AND DOCKS

Removable landings and docks are permitted accessory structures and uses provided they are located at least 10' from any side lot lines and do not extend over water more than 50' beyond the main shore line. Where a lot has a width or less than 20', a removable landing or dock may be permitted provided it is located between the side lot lines and has a width of not more than four feet.

423.2b An accessory building as defined in these regulations may be located less than 50' from a water body as described above or in a Lake Protection Overlay Zone less than 75' from the reference line, subject to securing a Special Permit in accordance with the general requirements of Section 700 and the following specific requirements:

- a. The applicant shall submit a site plan and shall demonstrate to the satisfaction of the Commission that the lot has a vegetated buffer along the shoreline of the water body and that the proposed building and site development has been conceived and designed in a manner that will not result in an appreciable harmful effect to the water body including impact on water quality, groundwater quality, trees, vegetation, erosion and sedimentation.

Prior to reaching its decision, the Commission shall consider any report submitted to the Commission by the Conservation and Inland Wetland Commission.

b. The site plan shall show the location and area of existing and proposed buildings and any other surface consisting of an impermeable material. An impermeable material shall be defined as any material impenetrable by water or other liquid substance. The total area of the lot covered by buildings and impermeable material does not exceed 10% of the total lot area.

c. The proposed accessory building shall be located a minimum of 20 feet from all property lines.

d. It shall not be equipped with sanitary facilities or water service or otherwise be designed for human habitation or for housing animals.

e. It shall be 15 feet or less in building height.

f. As a condition of the permit the Commission may require submission of a storm water management plan, which will control any potential harmful effect of storm water run from the lot to the water body.

The plan shall consider the existing site conditions in relation to the water body C its slope, the location and ground coverage of existing and proposed buildings and the existing vegetation within 75 feet of the water body.

Where it determines that such would be necessary or desirable to reduce the effect of storm water run off to the water body, the Commission may require as a condition of the Special Permit that a vegetative buffer be established and permanently maintained along the shore line of the water body. The vegetative buffer shall consist of indigenous trees and shrubs and shall be designed to maintain water quality, retard the flow of existing and potentially increased water run-off to the water body and to compensate for the loss of vegetation due to the building construction.

430 SPECIFIC REQUIREMENTS FOR CERTAIN ACCESSORY USES

431 HOME OFFICE OF CONVENIENCE

No Zoning Permit shall be required for a home office of convenience conducted by the occupant of a Dwelling provided:

- The office shall be located within the dwelling or within an accessory building, which is located on the same lot as the dwelling. The floor area of the office shall not exceed more than 25 percent of the gross floor area of the dwelling.
- There shall be no person employed on the premises other than members of the family residing in the dwelling
- There shall be no outside sign or other visible indication of the office use
- The office use shall not increase the vehicular and pedestrian traffic to the dwelling
- No hazardous materials other than those associated with on-site heating purposes are stored, used or disposed of on the property.

432 DWELLING FOR CARETAKER AS AN ACCESSORY USE

In the LI-1 and LI-20 zones a dwelling shall be permitted for a caretaker or a proprietor as an accessory use to any use permitted subject to the following requirements

433 COMMERCIAL VEHICLE AND EQUIPMENT STORAGE

Commercial vehicle and equipment storage on any lot or any group of immediately adjoining lots in any zone may be permitted as an accessory use to the principal use on the lot or any group of immediately adjoining lots in any zone subject to the following:

- 433.1 Such commercial vehicles or equipment must occupy a combined area of less than 750 square feet, with no one vehicle or piece of equipment occupying more than 250 square feet.

433.2 Said vehicle and equipment shall be owned by the resident of the premises and operated by said resident or his employee,

433.3 A Zoning Permit for such accessory use shall be required to the requirements of Article XI of these regulations.

433.4 The period of the Zoning Permit shall not exceed four years but may be renewed without re-application, at the request of the permittee, if upon inspection by the Commission or the Zoning Administrator the character of the surrounding area has not been adversely affected, it is found that the storage is not detrimental to the public health, safety and general welfare and if the operation is being conducted in compliance with the provisions of these Regulations. Any persons storing not more than one registered commercial vehicle, occupying not more than 200 square feet, shall be exempt from the requirement for a Zoning permit.

435 LETTING OF A ROOM AND FURNISHING OF BOARDS AS AN ACCESSORY USE

The letting of a single room and furnishing of board in an owner occupied dwelling shall permitted use without the requirement for a Zoning Permit.

436 ACCESSORY DWELLING UNIT (12.3.08)

436.1 The purpose of this regulation is to broaden the options for housing opportunities in the Town of Salisbury by permitting an accessory dwelling unit associated with a single family owner occupied dwelling.

436.2 GENERAL

An accessory dwelling unit may be permitted where the site plan and proposed improvements are designed to maintain residential appearance and character on the lot. One accessory dwelling unit shall be permitted. An accessory dwelling unit may be permitted within a single-family dwelling or an approved accessory building associated with a single family dwelling in Zoning Districts as set forth in the table of uses subject to the standards and requirements herein.

436.3 OWNER OCCUPIED

The application for an accessory dwelling unit in an existing dwelling or existing accessory building shall demonstrate that the applicant is the owner of the lot and resides in the principle dwelling. Upon completion of the accessory dwelling unit the lot owner shall reside in either the principle dwelling or the accessory dwelling unit.

The Commission may permit construction of an accessory dwelling unit within a proposed or existing single family dwelling subject to approval of a site plan application. [as part of an application for construction of a single-family dwelling unit provided that as a condition of the Special Permit the Certification of Zoning Compliance for the accessory dwelling unit shall not be issued until after the Certificate of Zoning Compliance and Certificate of Occupancy has been issued for the principle single family dwelling.]

436.4 FLOOR AREAS AND APPEARANCE

The floor area of the accessory dwelling unit shall be subordinate to the floor area of the principle dwelling on the lot with the following requirements:

- The minimum floor area of the apartment shall be 350 square feet.
- The maximum floor area of an accessory dwelling unit within a dwelling shall be no more than 40% of the total floor area of the principal residential dwelling.
- The maximum floor area of an accessory dwelling unit within an approved accessory building shall be no more than 2,000 square feet or 40% of the total floor area of the principle residential dwelling which ever is less. (Note: Floor area is defined as “the gross horizontal interior area of a building which has a ceiling to floor height of not less

than seven feet, excluding the area of basement, attics, stairwells, enclosed or open porches, balconies, garage and utility rooms.)

436.5 LOCATION AND DESIGN

Applications involving additions to existing structures or new construction shall be accompanied by a site plan with elevations of the exterior of the structure. Additions to an existing dwelling for purpose of creating an accessory dwelling unit shall:

- Provide no more than one entrance visible from the front yard and
- Have a scale and exterior appearance that blends with and maintains the appearance of the singled dwelling as a single-family residence.

436.6 ACCESSORY DWELLING UNIT AN ACCESSORY STRUCTURE

Additions or modifications to an existing accessory structure or construction of a new accessory structure for purpose of creating an accessory unit shall require a special permit and shall be designed to appear more like an accessory structure than a residential dwelling in term of size, scale and exterior feature.

An accessory building constructed after the effective date of this amendment of July 13, 2003 proposed for accessory dwelling use shall meet the yard requirements for a principle dwelling. Where it is determined necessary to protect neighboring property values, privacy or to shield lighting or parking, the Commission may require a landscape screen between an accessory building unit and neighboring property line(s).

436.7 OFF-STREET PARKING

A lot with a principle dwelling and an accessory dwelling unit shall have at least 3 off-street parking spaces. Wherever possible the parking space(s) serving the accessory dwelling unit to be located to the rear of the dwelling or accessory building. Where new parking space(s) are proposed in view from a street the Commission may require these be screened from public view.

436.8 ACCESS

The accessory dwelling unit shall have its own outside access to the parking area and shall be equipped with its own kitchen, bath and utility services.

436.9 SEWAGE

Where the lot is served by an on-site septic system the Regional Health District shall certify that the existing system or any proposed modified or new subsurface sewage disposal system is/are adequate to serve the proposed use.

The Health District may require a complete new sanitary system if the existing system is inadequate for the proposed use or if insufficient data is available concerning the nature of the existing system

ARTICLE V

LOT AND BUILDING AREA AND DIMENSION REQUIREMENTS,

PARKING AND LOADING, ACCESS AND CIRCULATION, LANDSCAPE BUFFERS

SECTION

500

GENERAL

501

AREA AND DIMENSION REQUIREMENTS

Section 501 table area and dimension requirements on the following page states the requirements for lot area, frontage, yards, minimum square, distance between buildings, building coverage, building height and other lot and dimensional requirements in the various zones. No building or structure shall be erected, constructed, enlarged, altered or arranged on a lot except in accordance with the requirements set forth in the table of area and dimension requirements and the other provisions of this Article.

502

SUPPLEMENTARY REGULATIONS AND EXCEPTIONS TO THE TABLE OF AREA AND DIMENSION REQUIREMENTS

502.1

ACCESS AND FRONTAGE REQUIREMENT

A lot shall have a minimum frontage of 25 feet on a street. A lot shall have a safe and suitable corridor for vehicular access from the street frontage to the principal building on the lot.

502.2

STREET FRONTAGE

The definition of a street @ shall be as set forth in Article II. The street frontage requirement can be satisfied only where it is provided on a street situated within the Town of Salisbury.

502.3

UNOBSTRUCTED EASEMENT OF ACCESS/PRIVATE RIGHT OF WAY

The requirement for minimum street frontage may be satisfied by an unobstructed easement of access or a private right of way through another building lot provided:

- The access way is at least 25 feet wide at all points to a public street
- Is located along a lot boundary line and shall not divide a lot into portion except where it is demonstrated to the satisfaction of the Commission that the topography along the property boundary will not permit location of a safe access way along the property boundary line.

The area of a access easement or right of way shall not be permitted in the computation of the minimum lot area, minimum yard or building setback requirements however with the approval of the Commission an accessory building may be located within 10 feet of such an access way.

502.4

MINIMUM SQUARE REQUIREMENTS

Each lot shall be of a size and shape such that it is capable of containing a square of a minimum dimension as specified in the table of are and dimension requirements.

501 – TABLE OF AREA AND REQUIREMENTS

Zone	Minimum Lot Area Requirements (square Feet)			Minimum Yard (Feet)			Minimum Square Each Side (feet)	Minimum Distance Between Building (Feet)	Maximum Building Coverage Percent of Lot	Maximum Building Height Principal Building	Min. Street Frontage (Feet)
	One Family Dwelling	Multi Family Dwelling Development	Multi Family or Cluster	Front	Sides	Rear					
R-10	10,000	10,000 plus 5,000/DU (1)	See Section 717	30	15	20	75 (6)	10	30 or 35 See Section 502.5	30 or 35 See Section 502.2	25
R-20	20,000	10,000/DU	6 Acres	40	20	30	90 (6)	10	15		25
RR1	80,000 (2)	80,000 (2)		40	30	30	150 (6)	10	10		25
RR1V	80,000 (2)	40,000/DU (3)	12 Acres	40	30	30	150 (6)	10	10		25
RR3	120,000	120,000/DU		40	30	30	300 (6)	10	10		25
MR	3 Acres			50	100	100					25
LA	40,000 (4)	20,000/DU		50	25	25	150 (4) (6)	10	10		25

COMMERCIAL AND INDUSTRIAL ZONES

Zone	Minimum Lot Area Requirements (square Feet)			Minimum Yard (Feet)			Minimum Square Each Side (feet)	Minimum Distance Between Building (Feet)	Maximum Building Coverage Percent of Lot	Maximum Building Height Principal Building	Min. Street Frontage (Feet)
	One Family Dwelling	Multi Family Dwelling Development	Multi Family or Cluster	Front	Sides	Rear					
RE	80,000	40,000/DU		100	50	50	150 (6)		10 (5)		25
C-20	20,000	5,000/DU		20	12	30	90 (6)	10	25 (5)		25
CG-20	20,000	5,000/DU		20	12	30	90 (6)	10	25 (5)		25
LI-1	40,000 (7)			50	25	30	150 (6)	10	15 (5)		25
LI-20	20,000 (7)			30	12	30	100 (6)	10	66 2/3 (5)		25

NOTES

501. TABLE OF AREA AND DIMENSIONS

- (1) Lot area – for a multifamily dwelling the minimum lot area shall be 2,000 square feet.
Minimum square – for a multi family dwelling the maximum square shall be 100’ each side.
- (2) 40,000 square feet minimum lot area allowed by special permit where connected to public water and sewer systems
- (3) 20,000 square feet minimum lot area per dwelling unit allowed by special permit where connected to public sewage system.
- (4) Lot area – 20,000 square feet minimum lot area where connected to public water and sewage system with a minimum of 90 square feet.
- (5) A Storm Water Management Plan meeting the requirements of this section shall be required for any site plan application in the C-20, CG-20, LI-1 or LI-20 zoning districts where the total impervious surface on the lot is greater than 20% and/or where the proposed site plan involves the disturbance of more than one half acre of land. All such plans shall be subject to review by the Town Engineer. Storm water management plans shall be designed to meet the following objectives, standards and requirements:
 - Prevent flooding of on-site or off site property
 - Minimize pollutant loads in storm water runoff into inland wetlands, surface and subsurface water
 - Maintain the hydrology of existing sub-watersheds including wetlands and water courses
 - Direct channeling (via pipe or paved culvert or the like) of untreated surface water runoff into adjacent ground and surface water shall be prohibited
 - On-site storage of storm water shall be employed to the maximum extent feasible. On-site storage methods include but not limited to landscaped depressions, grass swales, infiltration trenches and retention or detention basins
 - Pollutants shall be controlled at their source to the maximum extent feasible using best available control technology contain the contamination. Methods include but are not limited to sweeping of streets and parking lots, especially in the early spring, the use of oil traps and sediments basins prior to infiltration, the use of pervious surfaces and encouragement of sheet flow to filter strips
 - The Commission may withhold the approval of a storm water system design if it fails to meet the above objectives
 - The maintenance of a private storm water system is the responsibility of the property owner. The Commission may require that a maintenance program be developed and submitted to them for approval. The Commission may require that a bond be posted and/or that periodic reports be filed with the Town to ensure that the required maintenance has been performed
 - All runoff control structure located on private property shall be accessible at all times for Town inspection
- (6) The lot shall be of such shape that one side of the minimum square may be placed on the front yard setback.
- (7) The lot area for an accessory dwelling for one caretaker/proprietor as an accessory use shall be 50,000 square feet in the LI-1 zone and 30,000 square feet in the LI-20 zone.
- (8) The maximum total impervious surfaces allowed on a lot in the LA zone shall be 20%.
- (9) Impervious surfaces – any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surfaces shall not include graveled driveways or graveled parking area or other porous surfaces.

502.5 HEIGHT – GENERAL

No building or structure shall exceed maximum building height specified in this district.

a. MAXIMUM BUILDING HEIGHT- PRINCIPLE BUILDING

The maximum building height for a building on a lot shall be:

- 35’ for gable, hip and gambrel roofed buildings
- 30’ for flat or mansard roofed buildings or any other type of building roof.

b. Requirements for measurement of building height for a principal building on a lot in all zones: (Note: see section 422.3 for requirement for measurement of building height for accessory buildings.)

The maximum building height shall be determined by measuring the vertical distance between a horizontal plain through the average of the finished lot grade at the base of the building to:

- The mid-point between the eaves and ridge of the highest roof for a gable, hip or gambrel roofed building or
- The highest point of the highest roof (including the top of the parapet) for a flat or mansard roofed building or any other type of building roof.

c. A plan prepared by a registered land surveyor (R.L.S.) showing the calculation of the average elevation of the finished grade and the maximum building height measurement may be required by the Zoning Administrator where such documentation is needed to clearly determine that the application meets the building height requirements.

The average elevation of the finished lot grade at the base of the building shall be determined based upon the measurements taken at the finished grade every 5’ along the building walls.

502.6 COMPUTATION OF MINIMUM LOT AREA – AREAS NOT PERMITTED

The area of any lake, pond, and watercourse or inland wetland as defined by the Salisbury Conservation Commissions shall not be included in the calculation of the required minimum area of any lot or the minimum depth or width of any required yard.

The area of a water, sewer, power or similar utility easement or unobstructed easement of access or private right of way for access shall not be included in the calculation of the required minimum area of any lot.

The area of a storm drainage easement may be included in the computation of the minimum lot area requirement.

502.7 YARD AND SETBACK REQUIREMENTS FROM WATERCOURSES AND INLAND WETLANDS

No building shall be located within 75 feet of any lake, pond or stream. (See Article IV section 423.1)

In determining the minimum depth or width of any required yard the surface area of any lake, pond, watercourse or inland, wetland as defined by the Salisbury Conservation Commission shall not be used.

502.8 EXCEPTIONS TO BUILDING HEIGHT MAXIMUM REQUIREMENT

The maximum height limitation as shown on the table of area and dimension requirements shall not apply to church spires, farm buildings, cupolas and similar parts of a structure not used for human occupancy, nor to chimneys, tanks, skylights, communications antennas, windmills and similar mechanical appurtenance usually above the roof level.

502.9 EXCEPTIONS TO THE YARD REQUIREMENTS FOR CERTAIN PROJECTIONS

Nothing in these Regulations shall prohibit:

- a. The projection or overhang of not more than one foot into a required yard of pilaster, course, sills, cornices, fire escapes or similar architectural features.
- b. The projection of an addition to an existing building into the required side or rear yard where the addition is clearly designed to function solely for the purpose of either:
 - A handicapped access which is necessary or is required according to the State Building Codes or
 - A fire egress required by the State Building Code and/or the Connecticut Fire Safety Code provided that the applicant submits a copy of a written statement of approval for the proposed addition signed by the Fire Marshall.

502.10 LIMITATION ON HEIGHT AT STREET INTERSECTIONS

Unless otherwise specifically provided for under these Regulations no fence, wall hedge, shrubbery or other obstruction to vision in excess of three feet in height shall be placed or maintained at street intersections within the triangular area formed by intersecting street right-of-way lines and a line connecting points 20 feet distant from the point of the street right of way intersection.

520 PARKING AND LOADING REQUIREMENTS AND DEFINITION OF TERMS

Off street parking and loading facilities shall be provided in the various zones in accordance with the requirements set forth in this section. The following defines common words and phrases used in this section.

PARKING AREA - The portion of a lot used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation area, loading and unloading areas and parking spaces and aisles.

PARKING AISLES - That portion of the parking lot consisting of lanes providing vehicular access to parking spaces.

PARKING SPACE – A portion of the parking lot for the parking of one vehicle.

521 SITE PLAN REQUIRED FOR PARKING FACILITIES

Parking area shall be provided pursuant to a site plan for parking to be approved by the Commission or the Zoning Administrator. Such parking areas shall be provided, in accordance with the requirements herein after specified to accommodate the motor vehicle of all occupants, employees, customers, residents and other persons normally visiting or expected to use such building or premises at any one time.

522 LOCATION OF REQUIRED PARKING FACILITIES

Required parking facilities shall be located on the same lot as the building or other use served, except that with the approval of the Planning and Zoning Commission parking facilities may be at “satellite” locations (see Section 526).

523 GENERAL REQUIREMENTS – PARKING SPACES AND AISLES

a. The area required for parking spaces shall be exclusive of driveways and aisle space necessary for access.

b. Unless otherwise specifically provided for, each required parking spaces, shall contain a rectangular area at least 19 feet long by 9 feet wide. Lines delineating parking spaces may be drawn at various angles in relation to curbs or aisles provided each parking space contains the rectangular area required in this section.

c. In parking area containing 10 or more parking spaces, up to 20 percent of the parking spaces may contain a rectangular area of 7 ½ feet in width by 15 feet in length. If such spaces provided, they shall be conspicuously designated as reserved for a small or compact cars only at.

d. Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than 22 feet by 9 feet.

e. Parking aisle widths shall be provided according to the angle of the parking space as follows:

PARKING SPACE ANGLE (IN DEGREES)					
	0	30	45	60	90
Aisle width for:					
One way traffic	13'	11'	13'	18'	24'
Two way traffic	19'	20'	21'	23'	24'

524

GENERAL PARKING REQUIREMENTS FOR ALL USES OTHER THAN SINGLE AND TWO FAMILY DWELLINGS

a. Parking areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street.

b. Parking areas shall be designed so that sanitation, emergency and other public service vehicles can safely access the site without backing unreasonable distance or making dangerous turning movements.

c. Parking areas that include more than 10 parking spaces proposed for use regularly 5 days a week shall be graded and surfaced with material(s) that provide protection against potholes, erosion and dust.

d. Parking areas not required the surface specified in c. above, shall be graded and surfaced with crushed stone, gravel or other suitable material to provide a surface that is stable and will help to reduce dust and erosion. Bricks, stones, railroad ties or other similar materials shall define the perimeter of such a parking area. The driveway leading from the parking area to the street shall be paved as provided in c. above for a distance of 15 feet from the edge of the paved street.

e. Paved parking spaces shall be appropriately demarcated with painted lines.

f. Parking areas shall be properly maintained, free from potholes and with parking space lines clearly marked.

525

JOINT USE OF REQUIRED PARKING SPACES

a. A parking area may contain required spaces for several different uses; however the count of parking spaces for one use may not be credited to any other use, unless specifically permitted by the Commission as a joint use of parking spaces.

b. The Commission may approve a zoning permit for the joint use of parking spaces only where it determines that the nature of the uses involved are such that parking demand associated with the uses required primarily at different times.

EXAMPLE 1: An office use and weekend retail use.

A parking lot used in connection with an office building on Monday-Friday is generally 90 percent vacant on weekends. An antique store with access to the same parking area operates only on weekends therefore it can be credited with 90 percent of the office parking spaces during the weekend.

EXAMPLE 2: A church parking lot is occupied at 50% of its capacity on days other than Sunday. Therefore another use could be credited with the 50 percent of the church parking lot spaces during the weekend.

c. The owner of the lot and commercial building and the persons operating the uses involved in the joint parking proposal shall sign a statement to the Commission explaining how the proposed joint parking plan meets the standards stated above and their agreement to maintain a joint parking arrangement. A change of use for any use subject to a joint parking plan permit shall automatically void the permit. The signed statement shall acknowledge that the owner operators are aware of this condition.

d. If joint use of required parking by two or more principal uses involves satellite parking spaces, then the provisions of Section 526 shall also apply.

526

SATELLITE PARKING

a. If the number of off street parking spaces required by this section cannot be reasonably provided on the same lot with the principal use, then spaces may be provided on a separately owned adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to as “satellite” parking spaces.

b. All satellite parking spaces shall be located within 500 feet of a public entrance of the principal building of the host use. Where the host use does not involve a building the satellite parking spaces shall be within 500 feet of the lot’s parking area.

c. The applicant must present satisfactory written evidence that the owner of the satellite space has provided permission for such parking use. The permit to approve satellite parking shall state that the validity of the zoning permit is dependent upon maintaining the required number of parking spaces.

527

SPECIAL PARKING PROVISION FOR LOTS WITH EXISTING BUILDING IN VILLAGE CENTER AREAS

a. The purpose of this section is to permit flexibility in parking requirements in recognition of the unique site and parking conditions in the Village Center areas and to provide for the continued productive use of commercial and industrial building and lots in the Village Center areas in manner that protects the public safety and avoids traffic conflicts.

Within the Village Center Zones (C-20, CG-20, and LI-20) the applicant/owner of a building may apply for a permit “Village Center Parking” Special Permit provided:

- The lot has one or more building(s) which were constructed before the effective date of this regulation (insert date here) and
- The building(s) are proposed for a change in use which does not involve an enlargement of the building and the parking requirements set forth in Section 528 cannot be met on the existing lot due to insufficient area on the lot for parking.

c. Where it determines that it is necessary the Commission shall require the applicant to provide a detailed parking-needs analysis for the prepared by Connecticut qualified traffic and parking engineer.

d. In deciding on the Special Permit the Commission shall consider the following factors:

- Nature of the proposed use, its parking demands in relation to the parking demands of uses in the surrounding area and the pattern of traffic and parking in the surrounding area
- The availability of municipal parking within a reasonable distance of the use and C provisions for joint parking and satellite parking.

e. The Commission may approve a Village Center Parking Special Permit with less than the number of parking spaces required under Section 528 upon consideration of the above factors and any detailed parking needs analysis. In its decision on such approval the Commission shall find that the parking provided would not jeopardize the public safety or create parking conflicts. Where it determines it is necessary to protect public safety or to avoid traffic and parking conflicts the Commission may attach conditions to the permit including but not limited to, limited on the hour of operation of the use, requirements and limitations on employee parking, use of

satellite parking and the requirement for renewal of the permit two years from the date of approval.

528

NUMBER OF PARKING SPACES REQUIRED

a. A sufficient number of parking spaces shall be provided to accommodate the number of vehicles ordinarily likely to be attracted to a proposed use. Consideration shall include but not be limited to: the vehicle of all occupants, employees, customers, residents and other persons normally visiting or expected to use such building or premises at any one time.

The Commission shall determine the number of parking spaces required in reference to the presumptive requirements set forth in the following Table of Parking Requirements. This table establishes standards for parking space requirements for general categories of uses. All specific potential uses are not listed in this table. The Commission shall decide all questions concerning the appropriate standards to apply in determining the number of required parking spaces.

b. In reaching a decision on a Special Permit use the Commission shall determine that the number of parking spaces provided are adequate to meet demands of the proposed use. In addition to the requirements set forth in the following table the Commission shall consider the parking demands of the proposed use including but not limited to such factors as level of customer traffic, hours of operation, location, relationship of the proposed use to uses in the surrounding area and information presented by qualified traffic and parking experts.

TABLE OF PARKING REQUIREMENTS	
USE	PARKING SPACE (PS) REQUIRED
A. RESIDENTIAL & RELATED USES	
Single Family Detached Dwelling	2
Accessory Apartment in a Single Family Residential Dwelling	3
Multi-Family Dwelling – Max. 3 Dwelling Units (DU) in a building	2 per DU, except 1 bedroom unit
Multi-Family Development DU, plus 1/each 4 DU	1 each bedroom
Town or Non-Profit Affordable Housing	See regulations
B. AGRICULTURAL AND RELATED USES	
Farm Stand for Sale & Display of Farm and Garden Produce	See regulations
Commercial Greenhouse Gross Floor Area (GFA)	1/200 square feet of GFA
Commercial Livery, Boarding	Determined Based on need assessment
Commercial Kennel or Vet Hospital	1/200 square feet of GFA

TABLE OF PARING REQUIREMENTS

USE	PARKING SPACE (PS) REQUIRED
C. EDUCATIONAL AND INSTIRUTIONAL	
School/College Operated by Non-Profit Corporation	See section 528a
Family Day Care	1/each 3 children
Group Day Care	1/each 3 children
Nursery School	1/employee plus 1/200 square feet GFA
¼ seats in portion for services Church and Related Buildings residence, plus 1/200 square feet GFA for other	Plus number required for
Religious or Philanthropic Buildings or uses for service + 1/200 Square feet for other GFA	¼ seats in area
Hospital, Clinic, other Medical Building w/more than 10,000 square feet GFA	2/beds or 1/150 square feet of GFA (whichever greater)
Convalescent Home, Nursing Home Extended Care Facility or Similar Use Or limited income persons 1/DU	3/every 5 beds, non-profit/public operated housing for elderly
D. EMERGENCY SERVICE	
Volunteer Fire Company, other Emergency Service Facilities	Determined based on need assessment
E. OFFICES AND FINANCIAL	
Professional or Business Office (not related to goods or merchandise for sale)	1/200 square feet GFA
Medical Offices w/more than 10,000 square feet GFA	1/150 square feet GFA
Financial Institution	1/200 square feet GFA
1/200 square feet GFA in Bank w/drive in window per window/station	Main building plus 5PS

TABLE OF PARKING REQUIREMENTS

USE	PARKING SPACE (PS) REQUIRED
F. RETAIL SALES AND SERVICES	
Retail Store (including Retail Liquor) W/o outside storage	1/200 square feet GFA
Convenience Store	1/150 square feet GFA
Personal & Repair Service Establishments Eg. Appliance Repair, Barber, Tailor, Shoe Repair	1/400 square feet GFA
Antique and Second Store – No outside display	1/400 square feet GFA
Restaurant – Low turnover (all service indoor)	1/100 square feet GFA
Restaurant – High turnover (all service indoor) 1/each 4 outside seats	1/200 square feet GFA plus
Hotel/restaurant or other facilities	1/each room rented, plus PF for
Motel, Tourist Cabin with not less than 4 units	Same as hotel
Auto service and repair (w/o body work) 1/every 3 employees on max. shift	1/200 square feet GFA
Car wash – conveyor type Equal to 5x capacity of wash operation	Plus stacking capacity
Car wash – self service	2/stall (for drying and cleaning) plus in front of each stall
Automotive sales & service 1/200 square feet GFA of area devoted	1/200 square feet GFA
Gas sales at pump w/o conflict w/other PS	To gas sales, plus area for cars
Laundry & Cleaning Establishment	1/200 square feet GFA
G. RECREATIONAL AND ENTERTAINMENT	
Indoor Tennis, Racquetball or Exercise Center Dance studio or similar recreational facility to Accommodate plus 1/200 square feet/other Floor area	1/every 3 persons facility is designed
Establishments for Musical (Except for children see 528a.)	1/student in largest
Indoor Theater (stage or film)	1/every 3 seats

TABLE OF PARKING REQUIREMENTS

USE	PARKING SPACE (PS) REQUIRED
G. RECREATIONAL AND ENTERTAINMENT	
Commercial Outdoor Recreational areas such as Outdoor Skating Rinks, Ski Areas, Picnic areas and Swimming Areas & Similar areas	1/200 square feet GFA plus 1/every 3 persons facility is designed to accommodate
Golf Driving Range	1/tee plus 1/200 square feet of GFA
Miniature Golf	1/300 square feet plus 1/200 square feet of GFA
Commercial Golf Course operated by a non-profit Organization such as Golf Courses, Tennis/Riding Club & Similar	1/200 square feet of GFA plus 1/every 3 person designed to accommodate
Library, Museum or Auditorium Operated by a non-profit organization, Fraternal Club/Lodge	1/300 square feet of GFA
H. INDUSTRIAL AND RESEARCH	
Manufacture and Assembly of parts for products Newspaper Printing, Job Printing, Book Binding, Publishing Plant and Research Laboratory 1/every 2 employees on max. shift but not less than 1 PS	½ employees on max. shift, except in a Commercial District PS per 200 square of GFA
Contractor's Equipment Storage devoted to storage whether inside or outside	Per every 5,000 square feet of area
Sale of Contractor Equipment, Lumber/Building Material Storage and Sales, Wholesale Distributing, Storage Warehouse, Truck Terminal, Including Storage & Handling of meat	1/400 square feet GFA
Natural Resources Removal on Max. Shift	1/every two employees
I. MISCELLANEOUS	
Undertaker – min. Lot 1 acre No parking front/side yards	1/100 square feet of GFA
J. ACCESSORY USES	
Home Occupation Professional Office in a dwelling-2 PS for attorney, 1 or all others	4 PS for office of physicians/dentist
Letting of rooms or furnishing board	1/each bedroom rented
Bed and Breakfast	1/guest room

529

TRUCK LOADING SPACE

In the case of hospitals, institutions, hotels, retail, wholesale and industrial buildings having a floor area of more than 20,000 square feet. Street space shall be provided for loading and unloading of trucks at the rate of one space of not less than 400 square feet in area for building having a floor area from 20,000 to 39,999 square feet. Two spaces of not less than 400 square feet in area for each building having a floor area of 40,000 to 99,999 square feet and three spaces of not less than 400 square feet in area each for building having a floor area of 100,000 square feet or more.

530

LANDSCAPE STANDARDS AND REQUIREMENTS

531

STATEMENT OF PURPOSE

The purpose of this section is to establish landscape standards compatible with the rural character of the Town, to retain natural vegetation for scenic and water quality purpose and to enhance the appearance, of public areas such as parking lots.

Properly places and designed landscape areas help visually separate different categories of land uses and minimize the conflict between adjoining uses of land. Site development factors which tend to reduce property values and can be mitigated by landscape buffers include but are not limited to: noise, glare of light, signs and incompatible building, parking and loading areas, access ways and circulation area. Landscape areas provide attractive separating spaces that reduce these adverse impacts.

532

STANDARDS AND REQUIREMENTS

532.1

GENERAL

For all uses other than permitted residential uses, the portion of a lot not covered by buildings, other structures, outside storage or paved area shall be suitably landscaped with trees, shrubs, lawns or other landscape materials. Areas not disturbed by filling, grading, excavation or other construction activity, shall be whenever possible left as natural terrain.

532.2

LANDSCAPE PLAN REQUIRED

The Commission may require submission of a Landscape Plan prepared by a registered Landscape Architect as part any Special Permit application.

It shall require a landscape plan as part of the Site Plan application for development of a lot located in a Commercial or Industrial zone where such lot borders a residential zone and for a Special Permit application involving a non-residential use located on a lot in a residential zone. The Commission may require a Landscape Plan for any use involving outside storage of goods, material or machinery.

532.3

LANDSCAPE PLAN

Where a Landscape is required a registered Landscape Architect shall provide a professional assessment of the visual impact of the development on the surrounding land uses and as viewed from public streets serving the site. Where required by the Commission the Landscape Architect shall provide cross section views from various vantage points off the site showing the existing and the proposed development and landscape materials. The commission may waive the Landscape Architect requirement where it determines that a visual assessment and/or cross sections are not needed.

The Landscape Plan shall be designed to mitigate the visual impact of the proposed development on the existing and the probable future development of the area surrounding the site. The plan shall include a detailed estimate of the cost of installation and maintenance of the landscape materials.

The Commission shall review and decide on the Landscape Plan in consideration of the purposes stated in 531 above. The Commission may require that one or all of the yard areas along property boundary line shall be landscaped with evergreen shrubs or trees, or such landscaping

combination with embankments, fences and/or walls, to provide a screen and transition from the site to the surrounding area.

Natural stands of trees and shrubs located within the required yards shall be preserved wherever possible. The Commission shall require planting of additional trees and shrubs on a lot to provide a visual buffer between the proposed non-residential building and structures and any adjacent zoned property and from the street.

540 ACCESS AND CIRCULATION

541 STANDARDS FOR ACCESS AND CIRCULATION ON LOTS IN NON-CONFORMING RESIDENTIAL ZONE DISTRICTS

The use of land, buildings and other structures that is subject to the requirement for a Site Plan and the construction, reconstruction, enlargement, moving or structural alteration of buildings and other structures in connection with a Site Plan for such use shall conform to the following standards for access and circulation.

541.1 GENERAL STANDARDS

Vehicular access to a lot and circulation on a lot shall be designed in a manner that:

- Safeguards against hazards to traffic and pedestrians in the street and upon the lot and
- Avoids traffic congestion on any street and
- Provides safe and convenient circulation upon the lot

541.2 SPECIFIC STANDARDS FOR ACCESS AND CIRCULATION ON LOTS IN NON-RESIDENTIAL ZONE DISTRICTS

- Wherever possible, vehicular access to and from the lot shall be arranged to avoid traffic use of local residential streets located in or bordered by a Residential Zone District.
- The street or highway providing access to the lot shall have a traffic carrying capacity, roadway improvements and traffic management facilities that are sufficient to accommodate the amount and type of traffic generated by the use.
- Where necessary to safeguard against traffic or pedestrian hazard and/or to avoid traffic congestion provision shall be made for turning lanes, traffic direction islands, frontage road driveways and traffic controls within the street.
- Wherever possible, provision shall be made for circulation driveway connections between adjoining lots with similar existing or proposed non-residential uses, where such driveway connection will facilitate fire protection service and/or where such driveway will improve safety of circulation between lots and avoid the need to travel upon a street.

542 STANDARDS AND REQUIREMENTS FOR DRIVEWAY CONSTRUCTION AND ACCESS IN RR1, RRIV, RR3, MR, AND LA RESIDENTIAL ZONES

The following standards and requirements shall apply to driveways with a length greater than 75' as measured from the street property line to the driveway terminus. Construction of a residential driveway within the town owned right of way requires a permit signed by the First Selectman in accord with the requirements of Town Ordinance.

542.1 Driveway Permit Application. A newly constructed or relocated driveway shall require a zoning permit. The zoning permit application shall provide the following information:

- a. The location, width, length and grades of the proposed driveway;
- b. A plan for driveway drainage, including stormwater runoff calculations where the Commission finds such is necessary to determine that the application meets the requirements of this regulation;

- c. Materials used in the driveway construction;
- d. The time the work shall commence and terminate;
- e. The party performing the driveway construction;
- f. A Soil Erosion and Sedimentation Control Plan in accord with Section 609.

542.2

STANDARDS AND REQUIREMENTS FOR DESIGN AND CONSTRUCTION

- a. Driveway corridors shall be located to follow to the extent possible, existing contours to minimize disturbance and erosion and to avoid wetlands and watercourses;
- b. Driveway intersections with a town street or State highway shall be planned for safety and to minimize conflict with vehicular travel on the public roadway;
- c. The driveway drainage plan shall be designed to shed water along length of driveway side slopes and to avoid concentration of water runoff and runoff onto existing or proposed streets, street rights of way and adjoining property;
- d. Crowned driveways are encouraged and driveway curbing is discouraged;
- e. The maximum driveway grade for the first 100' beyond the Town or State right of way shall be 12%;
- f. Maximum driveway grade shall be 18%. Any segment with a grade over 15% or all segments of a driveway added together with grade over 15% shall not exceed 10% of the total driveway length. Driveway length shall be measured from the street property line to the driveway terminus;
- g. The length of any grade over 15% shall be paved, however, a comparable surfacing may be approved subject to review and recommendation of the Commission's or the Town Engineer;
- h. A proposed driveway with a grade over 15% shall require submission of a Site Plan meeting the requirements of these regulations;
- i. The Commission may require submission of an as built plan where it determines such a plan is needed to document the final grade to provide locations of drainage improvements or other elements of the approved driveway plan.

ARTICLE VI

SITE PLANS

EROSION AND SEDIMENT CONTROL PLANS

SECTION

600

SITE PLANS

601

PURPOSE OF SITE PLAN

The site plan is intended to provide the Commission with information that will enable it to determine that the proposed activity is consistent with both the specific requirements as well as the spirit of these Regulations; that it will be of such character as to harmonize with the neighborhood or accomplish a transition in character between unlike areas; that it will protect neighboring property values, preserve historic or significant natural features, enhance the character and beauty of the community, avoid undue traffic congestion; that it will not result in soil erosion or sedimentation of natural or man-made drainage features.

602

APPLICABILITY

A site plan, as prescribed in this section, shall accompany the application for any permitted use or Special Permit or for any expansion thereof, except for single-family homes and permitted accessory buildings and uses unless otherwise specified. The site plan shall be approved by the Commission, or its authorized agent, prior to the issuance of a zoning permit or Special Permit.

603

SUBMISSION TO THE CONSERVATION COMMISSION (INLAND WETLANDS)

If a Site Plan Application involves an activity regulated pursuant to the requirements of the Salisbury Inland Wetlands Regulations, the applicant shall submit an application for a permit to the Conservation Commission (Inland Wetlands) not later than the day such application is filed with the Planning and Zoning Commission. The decision of the Planning and Zoning Commission shall not be rendered on the site plan application until the Conservation Commission (Inland Wetlands) has submitted a report with its final decision.

In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Conservation Inland Wetlands Commission.

604

DECISION TIME LIMIT

A site submitted as part of a Special Permit application shall be subject to the time limits for Special Permit applications.

A decision by the Commission or its authorized agent, on a site Plan submitted as part of a zoning permit application shall be rendered within 65 days after receipt of such site plan. The applicant may withdraw such plan or may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed two further 65-day periods.

605

PERFORMANCE GUARANTEE

The Commission may require a performance guarantee in an amount and in a form satisfactory to the Commission to guarantee satisfactory completion of drainage facilities, erosion and sediment control measures, parking and access features, walkways, recreation facilities, buffer strips and any other site improvements other than buildings. The applicant shall provide an estimate of improvements to be guaranteed, together with a description of the basis of the estimate.

Where a guarantee is required, no zoning permit or Special Permit shall be issued until the guarantee is received. The guarantee shall be held until The Commission votes its release. The Commission shall not release the guarantee until it has certified that all of the requirements of the permit have been met.

EXPIRATION OF SITE PLAN APPROVAL

All work in connection with a site plan shall be completed within five years after the date of approval of the site plan (unless otherwise provided for in the Connecticut General Statutes.) The site plan shall include an approval block, which shall state the date on which such five-year period expires. Failure to complete all work within such required time for completion shall result in automatic expiration of the approval of such site plan. Work for the purpose of this requirement means all physical improvements required by the approval plan.

SITE PLAN – GENERAL REQUIREMENTS

The site plan shall be accurately drawn to a scale not to exceed 1" = 100' on sheets not to exceed 24" X 36".

Site plan shall be certified correct to A-2 Survey Standards by a Connecticut Registered Land Surveyor (R.L.S.) where it determines that A-2 level of accuracy is not necessary to determine compliance with these regulations the Commission may upon request of the applicant allow a less degree of accuracy for the location of certain improvements or certain property lines.

The design, layout and computations relating to the construction of facilities for storm drainage or improvements such as a new access way, parking area, shall be prepared by a Connecticut registered engineer or where qualified to do so by a Connecticut registered landscape architect. Where the regulations require a landscape buffer or such is required as a condition of approval of a Special Permit the landscape plan shall be prepared by a professional landscape architect or landscape designer.

A site plan shall contain the following information as applicable, as determined by the Commission or its authorized agent:

- a. Name of applicant and owner of property
- b. Scale and North arrow
- c. Property boundary, dimensions, angles, area, zoning classification and zoning setback lines
- d. Names of record owners of abutting properties
- e. Locations and dimensions of all existing and proposed buildings, driveways, parking and loading areas, storage area, and drainage features. Location of fences and walls, natural and artificial water features, wetlands and exposed ledge rock. All statistical data to show that the requirements of the regulations have been met adjacent properties and how they relate to the proposed development and the neighborhood and to the street pattern within 500 feet.
- f. Signs and lighting, locations, size, height, orientation design and plans of all signs and outdoor lighting. Lighting plans shall show types of fixture and level of wattage. For site plan proposing a high level of illumination such as a parking lot for retail stores with a floor area of over 5,000 square feet, auto dealerships and similar uses the commission may require an "iso-lux plan" or similar detailed plan providing level of illumination in foot candles at ground level.
- g. Locations and methods of water supply and sewage disposal facilities
- h. Illustrations elevations and renderings of the proposed buildings and project area sufficient to show clearly what is proposed as required by the Commission. A landscaping plan shall be submitted which shows existing and proposed landscaping, buffering and planting including a table of sizes, types and amounts of proposed materials.
- i. Certification on the plan or separately by the Health Officer concerning satisfactory conditions for sewage disposal, consistent with the State Health Code
- j. Where grading is required, existing and proposed contours at two-foot intervals, based upon field survey.

k. Existing and post construction surface drainage patterns. The Planning and Zoning Commission may modify the submission requirements of any site plan, if in the opinion of the Commission, the scope and circumstances of such a proposed development are such that certain information is not necessary to complete a review of the proposed project.

608 SITE PLAN STANDARDS

608.1 LIGHTING STANDARDS

a. All exterior lights and illuminated signs shall be designed, located, installed and directed in such a manner as to prevent objectionable light at and glare across property lines and disability glare at any location on or off the property.

b. All parking lot lighting shall be full cut-off type fixtures.

c. Externally lit signs, display, building and aesthetic must be lit from the top and shine downward. The light must be shielded to prevent direct glare and/or light trespass. The light shall be designed to be contained to the target area.

d. All building lighting for security or aesthetics shall be full cut-off type or a shielded type, not allowing any upward distribution of light "Wallpack" type fixtures shall not be permitted. Floodlighting is discouraged and if used must be shielded to prevent:

- Disability glare for drivers or pedestrians
- Light trespass beyond the property line
- Light above 90 degree, horizontal plane

e. Adjacent to residential property, no direct lighting source shall be visible at the property line at ground level or above

f. FOOT CANDLE: A unit of measure for illuminance. A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

FULL CUT-OFF TYPE FIXTURE: A luminaries or light fixture that; by design of the housing, does not allow any light dispersion or direct glare to shine above a 90 degree, horizontal plane from the base of the fixture. Full cut-off fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated and disability glare will result.

HORIZONTAL ILLUMINANCE: The measurement of brightness from a light source, usually measured in foot-candle of lumens, which is taken through a light meter's sensor at a horizontal position.

LIGHT TRESPASS: Light from an artificial light source that is intruding into an area where it is not wanted or does not belong.

UPLIGHTING: Any light source that distributes illumination above 90-degree horizontal plane

609 EROSION AND SEDIMENT CONTROL PLAN C GENERAL

A soil erosion and sediment control plan shall be submitted for certification by the Commission, with any application for development when the cumulative disturbed area is more than one-half acre. A single family dwelling that is not part of a subdivision of land shall be exempt from these soil erosion and sediment control regulations.

A lot in a subdivision shall be subject to the requirements for an erosion and sedimentation control plan both as part of the subdivision plan and as part of an application for a zoning permit. The applicant shall describe in mapped and narrative form the measure to be taken to control erosion and sedimentation both during and after construction. The plan and its specific measures shall be based upon the best available technology and shall be in accordance with the principle

and the minimum standards of the Connecticut Guidelines for erosion and sediment control (1985) as amended.

The soil erosion and sediment control plan shall be designed to result in development that minimizes erosion and sedimentation during construction, is stabilized and protected from erosion when completed and does not cause off-site erosion and/or sedimentation.

610 EROSION AND SEDIMENT CONTROL PLAN REQUIREMENTS

Mapped information as required below shall be shown separately or as part of the site plan and/or construction plan. Said plan shall contain but not be limited to the following:

610.1 A narrative describing the:

- Development project
- Time schedule for undertaken and completing the following:

All major construction activities indicating the anticipated start and completion of development. Grading operations and stabilizing disturbed areas, applying erosion and sediment control measures and facilities onto the land

- Design criteria, construction details, detailed installation/application procedures and maintenance program
- Soil erosion and sediment control measures

610.2 A site plan map at a scale not to exceed 1" = 100' to reveal:

- Existing and proposed topography
- Within the disturbed area, topographic contours shall be shown at no less than two feet contour intervals based upon field survey
- Proposed site alterations and disturbed area, including cleared, excavated, filled or graded area location of and other detailed information concerning erosion and sediment control measures and facilities.

611 ISSUANCE OR DENIAL OF CERTIFICATION

611.1 The Commission shall either certify that the soil erosion control plan complies with the requirements and objectives of this regulation or deny certification when the development proposal does not comply with these regulations.

611.2 Nothing in these regulations shall be construed as extending the time limits for the approval of any application under Chapters 124, 125A or 126 of the General Statutes.

611.3 Prior to certification, any plan submitted to the Commission may be reviewed by the Litchfield County Soil and Water Conservation District or a qualified person designed by the Commission which may make recommendations concerning such plan, provided such review shall be completed within thirty (30) days of the receipt of such plan.

612 CONDITIONS RELATING TO SOIL EROSION AND SEDIMENT CONTROL

612.1 Planned soil erosion and sediment control measures and facilities shall be installed as scheduled according to the certified plan. The Commission may require a performance bond or other form of surety acceptable to the Commission to guarantee completion of the proposed erosion and sediment control measures.

612.2 All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified plan.

613

INSPECTION

Inspection by the Commission or its authorized agent during development shall ensure compliance with the certified plan and that control measures and facilities are properly performed, installed and maintained.

614

EROSION AND SEDIMENT CONTROL PLAN DEFINITIONS

Certification is approval by the Salisbury Planning and Zoning Commission (herein after the Commission) that a soil erosion and sediment plan complies with the applicable requirements of these regulations.

Disturbed Area is an area where ground cover is destroyed or removed leaving the land subject to accelerated erosion.

Erosion means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Sediment is soil material, either mineral or organic, that is in suspension, is transported or has been moved from its site of origin by erosion

Soil is an unconsolidated mineral/organic material of any origin.

Soil erosion and sediment control plan is a scheme that minimizes soil erosion and sedimentation resulting from development and includes a map and narrative.

ARTICLE VII

SPECIAL PERMIT USES

SECTION

700

SPECIAL PERMIT USES

701

GENERAL

This Article sets forth the standards and procedures for Commission action on Special Permit uses listed in the table of uses permitted by Zone. Certain uses are placed in a Special Permit classification because their characteristics or proposed locations could be detrimental to adjacent properties, the neighborhood or the zone. Each Special Permit use shall be considered on an individual basis subject to the standards and requirements of these regulations.

702

AUTHORITY

The Zoning Administrator shall not issue a Zoning Permit for a Special Permit use unless and until the Commission has approved a Special Permit application.

703

GENERAL STANDARDS

The Commission shall grant an application for a Special Permit if the Commission finds that all of the conditions for a Special Permit for the particular building, structure or use of land prescribed in these regulations have been met and that the following conditions set forth in subsections 703.1-703.8 inclusive, applicable to all applications for Special Permits, have also been met:

703.1

The Site Plan for a Special Permit use shall be in conformity with the purpose and intent of the Town Plan of Development adopted by the Commission and shall provide for appropriate continuation and improvement of street(s).

703.2

The Site Plan and Preliminary Architectural Plans shall provide for a site design which is in harmony with the neighborhood, accomplishes a transition in character between areas of unlike character between areas of unlike character, protects property values and preserves and enhances the appearance and beauty of the community.

703.3

The location of the proposed Special Permit use is such that: (a) the proximity of the proposed Special Permit use will not have a detrimental effect upon any church, school, library, public playground or similar facility or use; and (b) the number of similar existing Special Permit uses in the vicinity is such that the granting of the proposed Special Permit will not be determined to the public health, safety and welfare.

703.4

Vehicular and pedestrian traffic to and from in the vicinity of the use occasioned by the use will not be hazardous or detrimental to the character of the zone or the neighborhood as a result of any increase occasioned by the use. In making its determination with respect to this criterion, the Commission shall consider the proposed location, the size and layout of the Special Permit use, its nature and the intensity of operations involved and its relation to local streets providing access to the site. The Commission shall give due consideration to any recommendation by the Board of Selectman regarding the adequacy of any town road proposed to be used for access.

703.5

The number, location and arrangement of off-street parking and loading spaces shall be adequate for the proposed use.

703.6

The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, signs and lighting on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and building or significantly impair the value thereof.

703.7

The proposed use will not have a significant adverse effect upon property values or appearance in the neighborhood, taking into account the topography of the lot and the character, location and height of proposed buildings, structures and landscaping.

703.8

The Commission is satisfied that the applicant has shown the adequacy of:

- a. Proposed methods for disposal of wastes and provision for volume and quality of water supply,
- b. Proposed measures for prevention of pollution of surface and ground water supplies and where applicable measures to meet State and Federal requirements for drinking water standards
- c. Proposed measures for control of storm water run-off
- d. Proposed site design, layout of proposed buildings and structures to protect the value of nearby properties and to protect nearby properties from noise, vibrations, lighting or glare, odors, emissions, smoke or other air contaminant, which exceed any applicable State or Federal standards or requirement.

Where the Commission determines that the proposed use may result in any noise, vibration, lighting, glare, odors, emissions, smoke or other air containment which exceed any applicable State or Federal standards for requirement, which could be recorded beyond the property line, the applicant shall provide documentation of such projected impact prepared by an expert qualified to do so retained at the applicant's expense; and the Commission must be satisfied that the condition does not exceed any applicable State or Federal standards or requirements and will not endanger the public health, safety, convenience and property values of nearby properties and their occupants.

- e. Proposed methods to foster an energy efficient layout and landscaping plan
- f. Existing fire and police protection, transportation, water and sewer facilities, schools or other public facilities to meet the needs of the proposed use.

704

APPLICATION

An application for a Special Permit shall be made on form provided by the Commission.

704.1

COMPONENTS OF THE APPLICATION

The application in addition to matters specifically required on said forms shall also include the following:

- a. A written statement describing the proposed use in sufficient detail to permit the Commission to determine whether the proposed use complies with these Regulations. A copy of the statement shall be forwarded by the applicant by Certified Mail, Return Receipt Requested to the owner of record of all property(s) abutting the property on which the Special Permit use is proposed. The Certified Mail – Return Receipts signed by the recipients shall be filed with the Commission prior to the commencement of the public hearing on the Special Permit application.
- b. The fee for the Special Permit application, in the amount set in the fee schedule for Building, Zoning, Sanitarian and Conservation as the same may be amended from time to time.
- c. Four (4) copies of a Site Plan prepared in conformity with Article VI, Section 600 of these regulations.
- d. Two (2) copies of Preliminary Architectural Plans for all proposed buildings, structures and signs, such plans to include general exterior elevations, perspective drawings, general floor plans and drawings of proposed signs.

704.2

INFORMATION NOT NECESSARY/ADDITIONAL INFORMATION

Upon the written request of an applicant, the Commission may by resolution determine that all or part of the information required as part of the Site Plan or Preliminary Architectural Plan is not necessary to enable the Commission to decide upon the application and therefore the applicant is excused from having to submit such information.

The Commission may also require additional information when it determines that it needs such additional information in order to determine whether the proposed use complies with the standards and requirements of these regulations.

The Commission may also require additional information when it determines that it needs such additional information in order to determine whether the proposed use complies with the standards and requirements of these regulations.

705 CONDITIONS AND SAFEGUARDS

In granting a Special Permit, the Commission shall attach such conditions and safeguards as may be required to satisfy the General Standards (703 above) and the specific standards for certain Special Permit uses as set forth herein. The Special Permit shall authorize only the particular use or specified in the Commission approval.

The Special Permit and any condition attached thereto shall remain with the property as long as the Special Permit use is in operation or for such limited term as may be established as a condition of the permit.

706 PERFORMANCE GUARANTEE

The Commission may require a performance guarantee in accord with Article VI, Section 605 and in an amount and in a form satisfactory to the Commission to guarantee satisfactory completion of drainage, facilities, erosion and sediment control measures, parking and access facilities buffer strips and any other site improvements, other than buildings. The applicant shall provide a cost estimate of improvements to be bonded, together with a description of the basis for the estimate.

707 DECISION-NOTICE AND REQUIREMENT FOR FILING AND RECORDING OF SPECIAL PERMITS

In its decision on a Special Permit application the Commission shall cite on its records the reasons for the decision and shall notify the applicant and publish the decision in accordance with the requirements of the Connecticut General Statutes.

Any Special Permit issued under these Regulations shall not become effective until copies of the permit are:

- Filed in the office of the Town Clerk and
- Recorded in the Town land records

The copy of the Special Permit filed in the land records shall:

- Contain a description of the premises
- Specify the nature of the Special Permit
- State the regulation under which the Special Permit is issued
- State the names of all owners of record of the premises

The applicant or record owner shall be responsible for filing and recording the Special Permit and shall pay all filing and recording fees.

708 REQUIRED REVIEW

As a condition of approval of a Special Permit, the Commission may require the applicant to periodically submit information and/or it may stipulate that the Commission for the purpose of determining that the use is in compliance with certain regulation requirements will conduct a periodic review and/or permit conditions.

709 ZONING PERMIT REQUIRED – EXPIRATION AND EXTENSION

After approval of a Special Permit a Zoning Permit shall be required prior to commencement of the use or construction. The Special Permit shall be automatically void if the application for a Zoning Permit is not received by the Zoning Enforcement Officer within two years from the effective date of the Special Permit. The Commission upon receipt of a written request may extend this deadline for a total of not more than one year.

710 VIOLATIONS AND REVOCATION

Failure to strictly adhere to the documents plans, terms, and/or conditions of an approved Special Permit shall be a violation of these Regulations.

The Commission may revoke a Special Permit for due cause in accord with the procedure set forth in Article XI.

711 AMENDMENTS OR MODIFICATIONS

A Special Permit use may be amended or modified provided application should be made in the same manner as the original application subject to the same procedures for approval, with the following exception. An amendment or modification, which does not materially alter the Special Permit as determined by the Commission, may be authorized with Commission approval, without a public hearing.

STANDARDS AND REQUIREMENTS FOR CERTAIN SPECIAL PERMIT USES

In addition to the above requirements certain Special Permit Uses shall conform to the specific standards and requirements for each use as provided in the following sections.

712 HOME OCCUPATION

712.1 STATEMENT OF PURPOSE AND DEFINITION

a. PURPOSE. The purpose of the home occupation section of these regulations is to provide the opportunity for the use of an owner occupied dwelling for limited office, professional, business or home shop and repair services purposes subject to standards and criteria designed to preserve the residential character of the property, protect the property values and the character of the surrounding neighborhood.

b. DEFINITION. A home occupation for the purpose of these Regulations is defined as any activity conducted in a residence for financial gain, which meets the standards, and criteria set forth herein and provided the activity is clearly incidental to the use of the dwelling for residential purposes.

712.2 USES PERMITTED STANDARDS AND CRITERIA CONDITIONS

a. USES PERMITTED. Uses permitted, as home occupation shall be determined by the Commission in accordance with the following general and specific standards and criteria.

b. STANDARDS AND CRITERIA. The following general standards and specific standards and criteria shall be in addition to the general standards for all Special Permits.

c. CONDITIONS. The Commission may attach such conditions to the Special Permit it deems necessary to accomplish the purpose, standards and criteria set forth in this regulation. Conditions may include, but are not limited to, hours of operation, number of delivery vehicles, and number of off-street parking spaces.

712.3 GENERAL STANDARDS

The home occupation use shall not alter the exterior appearance of a residential lot and or the structures on it in a manner that would cause these to differ from its residential character either by use of materials, construction, lighting, signs, the emission of sound, vibrations or electrical impulses, and outside storage.

712.4 OUTSIDE EMPLOYEES

No more than two non-residents, non-family member shall work on the lot in association with the home occupation.

712.5 STATEMENT OF USE MAXIMUM FLOOR AREA REQUIREMENT AND LAYOUT PLAN

a. The applicant shall submit a written statement describing the type and nature of the use which statement shall include an estimate of the daily volume of client/customer visitation, traffic generation and parking needs and such other information as the Commission shall require to make a determination that the proposed use qualifies under the standards and requirements of these Regulations.

b. The application shall include building layout plans clearly drawn to scale showing the floor area and layout of the residence and/or accessory building and the floor area (in square feet) devoted to the home occupation.

c. A home occupation may occupy a portion of a single-family dwelling and/or an accessory structure located on the same residential lot. The total floor area occupied by the home occupation in the dwelling and/or in the accessory structure shall not exceed 1/3 of the gross floor area of the dwelling.

712.6 EXTERIOR APPEARANCE

Other than permitted signs and required off street parking there shall be no exterior non-residential evidence of the home occupation. There shall be no exterior storage of goods, supplies or other material associated with the home occupation.

712.7 SALES

There shall be no sales of goods to customers on the premises with the following exception. The sale of goods, products or crafts that are grown or made primarily on the premises may be permitted where the Commission determines that such sales activity meet all of the other standards of this regulation.

Where sales are proposed as a part of the home occupation the applicant shall submit a sample of the proposed product as part of the application.

712.8 HOME SHOP AND REPAIR SERVICES

Home shop and repair services may be permitted as a home occupation provided:

- The scale and nature of the activity is such that it can be conducted in compliance with the standards stated herein
- The applicant demonstrates that there is indoor space adequately located and arrange to accommodate all activities associated with the service and
- The Commission finds that the activity will be able to be conducted without producing noise, odor, electrical emissions or other external effects, which would adversely impact neighboring residents.

No motor repair services shall be permitted except for the repair of small motors, which are part of a household appliances or yard equipment. Repair services expressly not permitted include, but are not limited to repair, restoration or painting of automobile, motorcycles, farm equipment or the repair of any vehicle, which requires licensing for operation on a public way.

712.9 TRAFFIC AND PARKING

a. TRAFFIC. The Commission shall determine that traffic generated by the home occupation use will not result in an adverse impact on neighboring residences in term of the volume of expected vehicles, the type of vehicles, the hours of vehicles entering and leaving the premises. The Commission shall consider the size and location of the lot, buildings, parking area and relationship to residences.

As a condition of the permit the Commission may limit the delivery and pickup of material and commodities by a commercial vehicle, the location and number of parking spaces, and the number of clients/customers permitted on the premises.

b. **PARKING.** No on-street parking shall be permitted in association with a home occupation use. Off-street parking shall be provided to accommodate the parking needs of the home occupation. Off-street parking shall not be permitted in the front yard, except where the applicant demonstrates that there is no alternative and the parking area is shielded year around from view from the street and neighboring residences by a landscape screen.

A landscape screen of a parking area shall also be required if based upon site inspection and public hearing testimony the Commission determines that such a screen is necessary to protect neighboring residential property values and to maintain the single family residential appearance of the neighborhood.

712.10 **HAZARDOUS MATERIALS**

Home occupation uses involving the storage, use or disposal of hazardous materials shall be permitted only where the Commission has determined that the proposed use will not pose a threat to ground water quality or could cause or result in air pollution. Such determination shall consider the type of home occupation, the amount and type of hazardous materials involved and the adequacy of plans submitted by the applicant for hazardous materials use, storage and disposal.

Home occupation used identified as posing a significant threat to ground water quality or air quality shall not be permitted. Uses identified by the State Department of Environmental Protection which pose a substantial risk at or a major threat at to ground water quality include, but are not limited to, furniture stripping, photo processing, beauty salons, and auto and major appliance repair (A protecting Connecticut Groundwater – A guide to groundwater Protection for local officials, Connecticut EP, September, 1984).

Any home occupation use which will result in an increase in the volume of water used, which may impact ground water quality or result in an increased volume of sewage disposal shall be reviewed by the Torrington Area Health District, the Bridgeport Hydraulic Company and/or the Water Pollution Control Authority as necessary. It shall be the responsibility of the applicant to provide documentation of the health district, Water Company and/or Water Pollution Control Authority review.

712.11 **ACCESSORY BUILDING**

The home occupation may occupy an accessory building if its location and appearance is consistent with the residential appearance of the lot and neighborhood and the Commission determines that the type and intensity of the proposed use will not alter the residential character of the lot.

713 **HOME OFFICE USE**

713.1 **STATEMENT OF PURPOSE**

This regulation is limited to the use of an owner occupied dwelling or accessory building for business and professional home office use. The purpose of this regulation is to provide the opportunity for a home office with more than one, but not more than three outside full time employees. This category of home office use shall be permitted only where the Commission determines that the type, appearance and traffic projected with the office use is compatible with the residential lot, dwelling and neighborhood.

713a.1 **STATEMENT OF PURPOSE AND DIMFINITION**

a. **PURPOSE.** The purpose of this regulation is to provide alternative locations for low impact office uses consistent with single-family residential district and to provide an alternative productive use for large, older residential buildings and farm structures.

b. **DEFINITION.** Low Turnover Office use; a low turn over office use shall be an office use with a low rate of clients or customers visitation to the office site. Office uses meeting these criteria include business offices involving financial, administrative or clerical operations or similar

offices where business is not dependent upon regular, re-occurring customer or client visitation to the site. It includes business that contract clients/customers primarily by telecommunication device or a professional office with low visitors/client turnover.

Personal services uses shall not qualify including but not limited to personal services such as barbers, hairdressers, beauticians, tailor, and masseuse.

713b.2

STANDARDS AND REQUIREMENTS

The following standards and requirements shall apply for an office use in a residential zone:

- a. **EXISTING BUILDINGS.** The applicant shall provide certification that the original portion of the main building proposed for the office use was in existence not less than 50 years before the date of the application. The main building shall have a total floor area of not less than 2,500 square feet.
 - b. **RURAL AND HISTORIC CHARACTER.** The site plan involving a residential or farm structure shall show that it's residential or farm appearance is retained. Building with a domed, free form, A-frame, flat roof and the like are not consistent with the historic character of the Town and are nor eligible for conversion under this regulation.
 - c. **ACCESS.** The building shall be located on a lot with a principle access from a State highway or from a Town road where the Commission finds such local road to be safe and adequate for the proposed use.
 - d. **MINIMUM LOT SIZE AND NUMBER OF EMPLOYEES.** The lot shall have an area that is not less than twice the lot size requirement for the residential district. Where the proposed maximum number of employees working on the site at any time is greater than 5 the minimum area of the lot shall be 5 acres.
 - e. **APARTMENT USE.** A portion of the building may be maintained for residential use provided it complies with the requirements for an Accessory Apartment.
 - f. **BUILDING DESIGN, SCALE AND PROPORTION.** Proposed additions and modifications to the existing building may be permitted provided it is consistent with scale, height, proportions and character of the existing building and the neighborhood
 - g. **SETBACK.** The office building shall meet the area and dimension requirements for the zone; however the Commission may permit a lesser setback (minimum yard) where it will not have an adverse effect on neighboring residences.
 - h. **EXTERNAL ELEMENTS.** All materials, construction, lighting, signs and other external elements of the building and site shall be compatible with the residential character of the neighborhood and rural and historic character of the Town.
 - i. **TRAFFIC.** Where an application involves access from a town road or more than three non-resident, non-family members, employees, the applicant shall submit a traffic study prepared by a qualify traffic engineer. The study shall project the traffic (volume and type) and assess its impact of road systems serving the site and the neighborhood.
- The Commission may attach conditions to a Special Permit where necessary to maintain the residential character of the neighborhood. Conditions may include but shall not be limited to delivery and pickup by commercial vehicles, the location and number of parking spaces, the number of clients/customers permitted on the premises.
- j. **PARKING.** No on-street parking shall be permitted. Off-street parking shall be adequate to accommodate projected paring needs based upon the traffic study, the applicant's projected parking analysis and the Commission's assessment of parking needs.

PARKING AREAS:

- Shall be to the side or rear of building

- Shall not be permitted in the area between the property line and the setback line
- Shall be shielded year around from view from the street and neighboring residences.

A landscape screen of parking areas shall be required where the Commission determines it necessary to protect neighboring residential property values or to maintain the neighborhood residential appearance.

k. EMPLOYEES. The number of employees working on the property at any given time may be limited as a condition of the permit but in no case shall the number exceed 15.

The Commission may limit the number of employees where it is necessary to meet either the Special Permit general standards and/or due to; the size of the lot, type of office, projected client visitation activity, projected number and size of delivery vehicle and any other factors relating to the traffic impact of the proposed use on the site and the surrounding neighborhood.

l. Maximum lot coverage. The ratio of the footprint of all buildings, including non-office buildings on the site, to the total lot area shall not exceed 10%. The ratio of the total area of all impervious surfaces; buildings, parking, areas (paved or unpaved) and other impervious surfaces on the lot to the total lot area shall not exceed 20%.

For the purpose of this regulation the computation of total lot area shall not include the area of any lake, pond, watercourse or inland wetland as defined by the Salisbury Conservation Commission.

m. Other than permitted signs and required off street parking there shall be no exterior non-residential evidence of office. There shall be no exterior storage of goods, supplies or other material associated with the office.

n. Sales. There shall be no retail sales of goods to customers on the premises.

o. Hazardous Materials. The storage, use or disposal of hazardous Materials shall be permitted only to the extent that such materials are clearly related and incidental to the office.

713c.2

STATEMENT OF USE, BUILDING LAYOUT PLAN AND SITE PLAN

a. STATEMENT OF USE. The applicant shall submit a written statement describing the type and nature of the use. The statement shall include an estimate of the daily volume of clients/customers visitation, traffic generation and parking needs and such other information the Commission requires making a determination that the proposed use qualifies under the standards and requirements of these regulations.

b. BUILDING PLAN AND SITE PLAN. The application shall include building layout plans clearly drawn to scale showing the floor area and layout of the building including office and residential area in square feet. The site plan shall show the area of the footprint for all buildings and structures on the lot and shall compute the ratio of same to the total lot area in accord with the requirement of this regulation.

713.2

USES PERMITTED – STANDARDS AND CRITERIA - CONDITIONS

a. USES PERMITTED. Uses permitted are limited to office uses for business and professional activities, which meet the standards and criteria stated herein.

b. STANDARDS AND CRITERIA. The following general standards and specific standards and criteria shall be in addition to the general standards for all Special Permits.

c. CONDITIONS. The Commission may attach such conditions to the Special Permit it deems necessary to accomplish the purpose, standards and criteria set forth in this regulation. Conditions may include but are not limited to hours of operation, number of delivery vehicles, and number of off-street parking spaces.

713.3

GENERAL STANDARD

Other than permitted signs the home office use shall not alter the exterior appearance of a residential lot and/or structures on it in a manner that would cause these to differ from its residential character either by use of materials, construction, lighting, the emission of sound, vibrations or electrical impulses, outside storage and so forth.

713.4 OUTSIDE EMPLOYEES

No more than three non-residents, non-family members shall work on the lot in association with the home occupation.

713.5 TRAFFIC AND ACCESS

Office uses with outside employees that generate a customer/client turnover and traffic volume not compatible with the narrow and limited traffic carrying capacity of residential streets in the Town of Salisbury shall be permitted only where access is provided to and from a State Highway.

Uses with a customer/client turnover and traffic volume which may not be compatible with a residential street, include but are not limited to, medical offices, dentist office, lawyer office and similar uses. The Commission shall determine on a case-by-case basis uses that meet the above stated criterion or are sufficiently to the above listed uses.

713.6 DWELLING/ACCESSORY BUILDING AND FLOOR AREA

The office use may be located in a single-family dwelling or an approved accessory building only. The total floor area occupied by the office in the dwelling and/or in the accessory building shall not exceed ½ of the gross floor area of the dwelling.

713.7 OFF-STREET PARKING

Off -street parking shall be provided to accommodate the parking needs of the office use. Where the Commission determines it is necessary to retain the residential appearance of the lot and neighborhood or to control the number of vehicles, it may limit the number and location of off-street parking spaces as a condition of the Special Permit. No on street parking shall be permitted.

Off-street parking shall not be permitted in the front yard, except where the applicant demonstrates there is no alternative space and the parking area shall be shielded from view from the street and neighboring residences by a landscape screen.

A landscape screen of a parking area shall also be required where based upon site inspection and public hearing testimony. The Commission determines that such a screen is necessary to protect neighboring residential property values and maintain the single-family residential appearance of the neighborhood.

713.8 HAZARDOUS MATERIALS

Home office uses typically do not use of hazardous materials however certain uses such as a medical office, clinic or dentist office that do involve the storage, use or disposal of hazardous materials shall be permitted only where the Commission has determined that the proposed use will not pose a threat to air or ground water quality. Such determination shall consider the type of home occupation, the amount and type of hazardous materials and the plans for hazardous material use, storage and disposal.

Any home occupation use which will result in an increase in the volume of water used, which may impact ground water quality and/or result in an increase in the volume of sewage disposal shall be reviewed by the Torrington Area Health District, the Bridgeport Hydraulic Company and/or the Water Pollution Control Authority as necessary.

713.9 ACCESSORY BUILDING

The home office may occupy an accessory building if its location and appearance is consistent with the residential appearance of the lot and neighborhood and the Commission determines that the type and intensity of the proposed use located in an accessory building will not alter the residential character of the lot.

714 BED AND BREAKFAST

The provision of rooms for transient visitors in a residential structure may be permitted as a Special Permit subject to the general requirements of this Article and the following specific standards and criteria.

714.1 STANDARDS AND CRITERIA-BED AND BREAKFAST

The following standards and criteria shall be applied by the Commission in reviewing and deciding upon any application for a bed and breakfast Special Permit.

714.2 OWNER/RESIDENT

The owner of the principal dwelling shall reside on the property housing the bed and breakfast use.

714.3 PARKING

The lot shall be large enough to provide additional parking at the rate of one space per guest room, screened from public view and preferably located on the rear portion of the lot.

714.4 STRUCTURE SUITABLE FOR USE

The applicant must show that the structure is suitable to accommodate guest rooms based upon its interior arrangement, size and structural condition.

714.5 MAXIMUM ROOMS

No more than 3 guest rooms rated for double occupancy are permitted in a structure in which the owner is a resident.

714.6 BATHROOMS

Complete bathrooms shall be provided at the rate of one per two guest rooms.

714.7 WATER AND SEPTIC APPROVAL

The applicant shall present certification from the Regional Health District that the existing or proposed well and subsurface sewage disposal system is adequate to serve the proposed use. Where the use is served by the Town sewer system and/or the public water system the applicant shall submit evidence that the Water Pollution Control Authority and/or the water company is or be served by the utility.

714.8 ADDITIONS

Minor additions may be made to a structure, up to 200 square feet, for improvements necessary for a bed and breakfast use.

714.9 LENGTH OF STAY

The length of stay for a bed and breakfast use shall be of a transient nature. The owner operator shall maintain a guest registration book noting length of stay. Food service shall be limited to service to overnight guests.

714.10 PERMIT

The operation of a bed and breakfast use shall require written zoning permit. The Zoning Administrator following approval of a Special Permit by the Commission will issue this permit. Willful failure to abide by these regulations is cause for the Commission to revoke such permit.

715 MULTI-FAMILY DWELLING

Multi-family dwelling of not more than 3 dwelling units, shall be permitted provided that all regulations as to lot size, density, parking and other requirements for the zone are met.

716 MULTI-FAMILY AND CLUSTER DEVELOPMENT

Multi-family development and cluster development may be permitted by Special Permit subject to all of the conditions in this section and provided also that public water and sewer shall serve such development.

716.1 If a tract of land to be developed for multi-family development or cluster development is situated in more than one residential use district, the total number of dwelling units shall be no greater than the sum of the number of dwelling units allowed for the acreage in each district according to the lot size requirement for each district.

716.2 Application for a Special Permit for multi-family development or cluster development shall be on a form provided by the Commission together with such additional data as the applicant wishes to submit.

716.3 The applicant shall originally submit preliminary sketches. The final application plans shall be certified by an engineer, surveyor or architect licensed to practice in Connecticut.

716.4 If the area proposed to be used for multi-family development or cluster development shall be part of a larger tract of land, then the Commission may require a perimeter sketch of the whole tract and a general plan of development and a sketch of the whole tract.

716.5 The Commission before issuing a Special Permit for multi-family development or cluster development shall find that:

717.6 The total number and location of the dwelling is in accord with the Plan of Development of the Town.

716.7 Existing desirable terrain features will be retained and undue alteration or destruction of them will be avoided.

716.8 Adequate provision is made for useable open space and its proper future maintenance.

716.9 Adequate provision is made for parking, service facilities, grading and landscaping, playground facilities, lighting, drying yards and traffic circulation.

716.10 All roads from the nearest public road in Salisbury to each entrance to the area will be constructed in compliance with the road specifications referenced in the Subdivision Regulations.

716.11 Proper buffer strips and screening will be provided where required by the Commission.

716.12 The number of multi-family dwelling units or cluster development units proposed and their location within the Town will result in a completed project that will be equal to or better than the use of same land for single family dwellings in regard to the general welfare, health and safety of the Town.

716.13 Construction may progress in various stages as approved by the Commission.

716.14 The applicant has provided a bond with corporate surety in an amount and for a period of time that will insure completion of each stage of the project in accord with these Regulations.

716.15 Treatment of open space. The Town of Salisbury may accept the dedication of land or any interest therein for permanent open space or the owner may provide for and establish an organization for the ownership and maintenance of permanent open space, as may be recommended by the Commission.

Any such organization shall not be dissolved nor shall it dispose of such permanent open space or any part thereof, by sale or otherwise, except to an organization established for the purpose of owning and maintaining such space, without first offering to dedicate such space to the Town.

716.16 In the event that the organization established to own and maintain permanent open space, or any successor organization, shall at any time after establishment of the permanent open space fail to maintain such open space in reasonable order and condition, the Commission may serve written notice upon such organization or upon the residents within the area for which the permanent open space was established setting forth the manner in which the organization has failed to maintain the open space in reasonable condition.

Such notice shall include a demand that such deficiencies of maintenance be cured within thirty days after the receipt of such notice and shall state the date and place of a hearing which shall be held within fourteen days after the receipt of such notice, said hearing to be held by the Commission.

At such hearing, the Commission may modify the terms of the original notice as to the deficiencies and may give an extension of such time, the Commission shall notify the chief executive officer of the Town who may thereafter enter upon said open space and maintain the same for a period of one year, in order to preserve the taxable value of the properties within the area for which the permanent space was established and to prevent the open space from becoming a public nuisance. Such entry and maintenance shall not vest in the public any rights to use the open space except if such open space is voluntarily dedicated to the public by its owners and accepted by the Town.

Before the expiration of said year, the Commission shall, upon its initiative or upon the request of the organization responsible for the maintenance of the open space prior to such entry call a public hearing upon notice to such organization or to the residents of the area for which the permanent open space was established, who shall show cause why such maintenance by the Town shall not, at the election of the Commission, continue for a succeeding year. If the Commission shall determine that such organization is ready and able to maintain such open space in reasonable condition, the Town shall cease to maintain such open space at the end of said year. If the Commission shall determine such organization is not ready and able to maintain such open space in a reasonable condition, the Town may, in its discretion, continue to maintain such open space during the next succeeding year-end, subject to a similar hearing and determination, from year to year thereafter.

716.17 Before the Commission shall grant a Special Permit for any multi-family or cluster development the owner of the area to be used for such dwelling units shall impose upon such area a set of restrictions, covenants and conditions and record the same in the land records which provide that in the event the Town shall maintain any part or all of any such permanent open space it may levy a lien against any land within the Town owned by the organization responsible for the maintenance of such open space and/or against the individual properties within the area for which the open space was established in proportion to the total assessed value each of such individual property bears to the total cost of such Town maintenance.

Such restrictions, covenants and conditions shall provide that any such lien shall be valid for not more than ten years from the date it was recorded and may be foreclosed by the Town in the same manner as tax liens against real property. Such covenants, restrictions and conditions shall be approved by the Town Attorney as to form and contest before the Commission accepts them and recorded.

717 **AFFORDABLE MULTI-FAMILY HOUSING SPONSORED BY THE TOWN OF SALISBURY OR A NON-PROFIT ORGANIZATION**

717.1 Affordable multi-family housing sponsored by the Town of Salisbury or a non-profit organization as herein after prescribed may be permitted by Special Permit subject to all the standards, conditions and requirements of this section and those applicable in the zoning district in which the Special Permit use is to be located, as the same may be amended from time to time. The Special Permit may be issued only a written finding by the Commission that:

a. There is a need for such housing in the Town of Salisbury

b. The project for which the Special Permit is sought meets all relevant requirements of public health and safety and off-street parking;

c. Granting the Special Permit will provide an opportunity for affordable, multi-family housing sponsored by an eligible sponsor as herein after prescribed; and

d. The location of the housing is suitable and preferably, but not necessarily, uses existing buildings near village centers on public sewer and water line.

717.2 Such a Special Permit may only be issued to and upon the application of

a. The Town of Salisbury or

b. A community housing development corporation meeting all of the requirements of general statutes Sec. 8-217, as the same may be amended from time to time or

c. A non-profit organization from taxation for federal income purpose, which organization has been certified to be such by the Board of Selectmen of the Town of Salisbury and has been certified by the Board of Selectmen as an entity capable of constructing and operating the proposed affordable multi-family housing project; provided however, that such certifications may be made by action of a Town meeting in lieu of certification by the Board of Selectmen.

717.3 If the site is to be served by Town sewer and water, the maximum density shall be eight (8) units per acre. If the site is not to be served by Town water and sewer, the maximum density shall be that permitted by the Torrington Area Health District but in no event shall exceed eight (8) units per acre.

717.4 If the Commission finds that existing building are to be used for the project without substantial modification for the dwelling units, the number of dwelling units shall not exceed eight (8) per building. If the Commission finds that new buildings are to be constructed or the exterior of existing buildings are to be substantially modified for the dwelling units, the number of dwelling units shall not exceed six (6) units per building. An associated community building may be permitted as an accessory structure to the dwelling units.

717.5 The minimum acreage for an affordable housing project under this section shall be one acre for projects using new construction for the dwelling units. Projects utilizing only the existing buildings for the dwelling units may be permitted on the existing lot provided that parking and health requirements have been met and any new construction on the lot meets requirements.

717.6 Each dwelling unit shall be provided with 1.5 spaces of off-street parking on the lot.

717.7 Proper screening shall be provided where required by the Commission.

718 RESEARCH LABORATORIES

Research laboratories may be permitted subject to the general standards and requirements of this Article and the following specific standards and requirements.

718.1 BUILDING COVERAGE shall not exceed 10% of the lot area building coverage combined with the area of outside storage of goods and machinery shall not exceed 20% of the lot area.

718.2 No outside storage shall be permitted in the LI-20 zone. Outside storage areas in the RE and LI-1 zones shall be located and designed so that any goods and/or machinery shall be completely screened year around from view from both the highway and abutting property lines. The applicant shall submit a landscape plan prepared in accordance with the requirements in Article V which demonstrates compliance with this standard.

719 COMMERCIAL OR NON-PROFIT CROSS COUNTRY SKI AREA

Commercial or non-profit cross-country ski area may be permitted subject to the general standards and requirements of this Article and the following specific standards and requirements.

719.1 The minimum lot size shall be 10 acres exclusive of the area of any lake, pond or other year around standing water body.

- 719.2 The applicant shall include a site layout of proposed cross-country ski trails. Where trails area proposed in proximity to lot lines the Commission may require landscape planting to provide a screen to surrounding uses.
- 719.3 The applicant shall demonstrate that the proposed off-street parking is adequate for the use.
- 719.4 No outdoor permanent loud speaker, public address system or outside illumination of ski slopes shall be permitted.
- 719.5 ACCESSORY BUILDING and uses shall be for equipment rental and changing purposes only.

720 BOARDING CAMP

Boarding camp shall be defined as any land, including structure, used for overnight camping and recreational, training or educational purposes for groups including youth outdoor recreational camps such as Y.M.C.A. camps and scout camps or camps for adults limited to training and educational purposes, such as corporate training. Boarding camp staff may include administrative personnel, counselors, teachers and auxiliary help for kitchen and grounds.

- 720.1 The minimum lot size shall be 100 acres, exclusive of the area of any lake, pond or other year around standing water body.
- 720.2 The length of stay for boarding camp for outdoor recreational camping shall be limited to summer season. The length of stay for all other boarding camp uses shall be not more than weeks for any individual.
- 720.3 Off-street parking areas shall be designed to provide for the largest camp function. No parking shall be permitted within 100 feet of a property line or public street.
- 720.4 The minimum setback of any building or structure from any lot line shall be 200 feet. However, the Planning and Zoning Commission may require additional setback considering the use of the building, traffic, noise and visibility and the potential impact on surrounding land uses.
- 720.5 There shall be one main entrance, with at least one additional entrance for emergency use.
- 720.6 The Commission may require a Landscape Plan in accord with the requirements of Article V in locations where it determines that a landscape screen is needed to preserve and protect the rural character of the surrounding land uses.

721 TRACKS FOR RACING MOTOR VEHICLES

A track for racing motor vehicles excluding motorcycles to which admission may be charged and for automotive education and research in safety and for performance testing of a scientific nature may be permitted subject to the general standards and requirements of this Article and the following specific standards and requirements.

- 721.1 No races shall be conducted on any such track except during such hours as permitted by Court Order dated 5/12/59.
- 721.2 Wherever the land on which a race track is situated abuts or faces a residential zone district, there shall be minimum of fifty foot buffer strips along each yard or part thereof so abutting or facing, which shall contain a screen of shrubbery not less than fifteen feet in width nor less than six feet in height at the time of occupancy or within one year of the adoption of this amendment to the regulations whichever is the latter date and shall thereafter be suitable and neatly maintained by the owner and/or his tenant and/or his or their agent. Any such screen shall consist of at least fifty percent evergreens so as to maintain a dense screen at all seasons of the year.
- 721.3 The lot shall have adequate frontage on or access to a principal traffic street or street capable of handling the volume of traffic to be generated thereon. The access and service roads connecting with the principal Traffic Street or streets shall be so located and designed as to avoid unsafe traffic conditions or congestion. Traffic control devices and lighting of access points at or across street or access intersections shall be provided at the expense of the owner when required and provision shall be made for safe pedestrian traffic to, from and within the lot. The design and

location of access and intersections with public highways shall be subject the approval to the Selectmen for a Town road or the Connecticut Department of Transportation for a State highway.

- 721.4 Adequate off-street parking shall be provided to accommodate the vehicles of employees, proprietors, participants, customers, visitors and others.
- 721.5 Not more than three signs, containing not more than 50 square feet each, advertising the use of the premises shall be permitted on the premises. Any sign not visible from off the premises is permitted directional signs containing not more than six square feet each are permitted.
- 721.6 No sign, with the exception of scoreboards, visible off the premises shall be illuminated by exposed tubes or other exposed light source not shall any flashing sign be visible from off the premises. Spot or other lighting or any sign, building, structure, land track, parking space or any other part of the premises shall be so arranged that the light source is not visible from any point off the premises.
- 721.7 ACCESSORY USES may include grandstands, judges; stands, automobile repair pits, rest rooms, lunch counters or stands. Accessory uses may also include the use of the premises for automobile shows and exhibitions, for the sale of motor vehicles, automotive parts and accessories and fuels, for manufacturing and automotive repair incident to the other activities herein permitted. Other accessory uses may include the production of television, motion picture or radio programs and related lighting and sound equipment.

722 CONTRACTORS' EQUIPMENT STORAGE

- 722.1 Contractors' equipment storage for vehicles, equipment, materials and/or supplies may be permitted by Special Permit in the RR-1, RE and RR-3 zones, subject to all of the standards, conditions, requirements of this section and those applicable in the zoning district in which the Special Permit use is to be located, as the same may be amended from time to time. Contractors' equipment storage and sales of contractors' equipment may be permitted by Special Permit in the CG-20 zone subject to all of the following standards except 723.4d and 723.4k.

Permits for such storage may be issued for periods not exceeding two years and may be renewed, without re-application, at the request of the permit holder, if, upon inspection the Commission finds that the character of the surrounding area has not been adversely affected, the storage is not detrimental to the public health, safety and general welfare and is being conducted in compliance with the provisions of these regulations. Such Special Permit may be issued for storage sites meeting the following conditions and safeguards.

722.2 SIZE OF STORAGE AND SETBACKS

- a. The permissible size of the storage area shall be determined by the Commission but shall not exceed 40,000 square feet in size.
- b. A storage area of over 25,000 square feet, including maneuvering space, shall be on a lot of at least minimum lot size for the zone. Setback shall be 100 feet for front yard and 50 feet for side or rear yard.
- c. A storage area of over 25,000 square feet to a maximum of 40,000 square feet, including maneuvering space, shall be on a lot at least minimum lot size for the zone and of sufficient size to allow the storage area with setbacks of 100 feet for front, rear and side yard.
- d. The Commission may waive, in whole or in part, the requirement for setback in excess of normal setback for the zone if the commission finds that for reasons of topography of the site extra setbacks are not required to protect neighboring properties.

722.3 APPLICATION

The application shall include, in addition to general requirements for Special Permits:

- a. The number of employees;
- b. The number and gross weight of all vehicles and equipment owned or leased by the applicant;

- c. The type and amount of material and method of storing;
- d. The amount and composition of waste or potentially hazardous or toxic materials and the proposed methods of disposing of said waste or material.

722.4

STANDARDS

The following standards shall apply;

- a. The method of storing material shall insure protection against contamination of around and surface waters.
- b. Any fuel storage tanks on the site shall be located above ground.
- c. Garbage and waste materials placed outdoors shall be kept in covered sanitary containers behind enclosures.
- d. Adequate provision shall be made to prevent the emission of dust, smoke, fumes, odor, glare, noise or vibration beyond the lot line.
- e. Any area not used for storage or covered by a building or structure will be maintained around cover or natural plant material.
- f. The storage site shall be screened by fence or natural plant material or by a building from the street and adjacent lot so as to protect the neighbors from unreasonable noise, dust or view of the site. The storage area may be enclosed in a building or if outside, proper screening from the street and neighboring properties shall be provided as required by the Commission.
- g. The storage site shall not include wetlands, wells and primary and reserve septic fields, residential lawns and unrelated buildings.
- h. Repair area shall be constructed of an impervious material with all storm water runoff collected and discharged into a sedimentation chamber with periodic removal of gas, oil, silt, and sand. At the discretion of the Commission, parking areas may be required to be constructed of an imperious material with all storm water runoff collected and discharged into a sedimentation chamber with periodic removal of gas, oil, silt and sand.
- i. Locations to access roads, stockpiling and equipment storage shall be selected so as to minimize adverse affect on surrounding properties.
- j. The location of the storage shall be monumental to the satisfaction of the Commission.
- k. The storage site shall be regular in shape and shall have no side measuring less than 100 feet.

722.5

The Commission may require a performance bond in an amount and in a form satisfactory to the commission to guarantee satisfactory completion of drainage facilities, erosion and sediment control measures, parking and access facilities, buffer strips and any other site improvements other than buildings. The applicant shall provide a cost estimate of improvements to be bonded, together with a description of the basic for the estimate.

Where a bond is required, no Special Permit shall be issued until the bond is received. The bond shall be held until the Commission votes its release. The Commission shall not release the bond until it has certified that all of the requirements of the permit have been met.

722.6

The storage site operation shall be subject to inspections by the zoning enforcement officer for the purpose of verification of the proper handling and disposal of waste and toxic or hazardous materials. This Commission or its officers shall have the right to order the revocation of any permit and the discontinuance of any operation conducted in violation of any of the provisions of these regulations or in any way detrimental to the health, safety or general welfare, in which event such operations shall forthwith cease and desist.

- 722.7 Contractors' equipment storage may be permitted in the aquifer protection district subject to special precautions as may be required by the Commission to assure protection of the aquifer.
- 723 AUTO SALES, SERVICE, REPAIR, FILLING STATION AND/OR CAR WASH
- Auto sales and/or service stations, repair garages and filling stations (including a car wash but only where in connection with one of these uses and where located on the same lot) may be permitted by the Commission as a Special Permit subject to the following requirements.
- 723.1 A site Plan shall be required be required in accordance with the requirements of Article VI. The site plan shall provide detailed plans for vehicle and pedestrian access and circulation. The plan shall show the location size and dimensions for each exterior sign and lighting fixture. A rendering shall be provided for each proposed sign and lighting fixture. No vending machine or display goods or equipment shall be outside the building.
- 723.2 The principal building shall be separated from the public highway by inside clearly defined by curbing. Such island shall be at least 10 feet in width. Lance of ingress and egress shall be clearly defined by curbing.
- 723.3 Water quality requirements:
- a. No discharge shall be permitted to the groundwater
 - b. No floor drains shall be allowed
 - c. All sweepings, wash water and auto fluids shall be disposed of off premises in accordance with a site disposal plan prepared by the applicant.
- 724 LOTS ON A DEAD END SUBDIVISION STREET
- All lots in a subdivision with primary access to a proposed dead end street where the total length of the dead end exceeds 2,000' and/or the total number of dwelling units exceeds 20 shall be allowed as a Special Permit subject to the following requirements and the requirements for dead end streets as stated in the Subdivision Regulations.
- 724.1 The Special Permit application shall be submitted simultaneously with a subdivision application. The Special Permit application shall be subject to the following requirements.
- 724.2 The application shall include a report prepared by a Connecticut licensed transportation engineer, which evaluates and recommends relating to the safety of the dead end road considering its proposed length, the overall development plan for the site and the number. Location and density of dwelling units served.
- The engineer's report shall address but not limited to the following factors:
- a. The road grade, pavement width and cleared right of way width as it would affect access by emergency equipment and the potential for a temporary blockage,
 - b. Identify and evaluate all existing and potential conditions which could pose a threat to temporary blockage of the dead end road , bridge, steep slopes' rock area and large trees adjacent to roadway and location of utility lines.
 - c. Identify potential alternative emergency access ways to the dwelling units in the subdivision
 - d. Identify and evaluate proposed or needed on site safety improvements, including but not limited to fire ponds, emergency pull offs or turnabout areas.
 - e. Identify and evaluate the potential to extend the proposed dead end road to a connector road and the costs related to any potential extension,
 - f. Analysis of the potential need for and the benefit of providing an internal loop on the dead end road and a split entry to the dead end road at the intersection with a connector street.

The Commission shall refer all subdivision applications involving a proposed dead end road to the Selectmen and the Volunteer Fire Department and shall consider any report received in its decision on the subdivision application.

725 ESTABLISHMENT FOR INSTRUCTION IN THE FINE ARTS OR PERFORMING ARTS

An establishment for instruction in the fine art or performing arts may be permitted as a Special Permit in rural residential zones RR1, RR1V, RR3 and RE subject to the general standards and requirements of this Article and the following specific standards and requirements.

725.1 The Commission may limit the number of students permitted in the establishment at any one time in consideration of the suitability of the site to accommodate the project volume of traffic. In no case shall the number of students on the site at one time exceed 60.

725.2 The minimum street frontage shall be 100 feet.

725.3 Minimum lot area shall be 4 acres with the following exception: Where the street frontage requirement and access are provided on a State numbered highway and the facility is served by public water and sewer system the Commission may permit a minimum lot area of not less than the minimum lot area required for the Zone in which the lot is located as provided in Section 501 and the notes which are a part thereof. Minimum lot area shall be computed in accordance with section 502.5.

725.4 a. Buildings and parking areas shall setback from property lines by a distance that is not less than twice the minimum setback requirement for front, side and rear as provided in Section 501 for the zone in which the lot is located except as provided in subdivision b and c of this section.

b. The Commission may reduce the above stated setback requirement from one or more of the property lines (front, side or rear) to not less than the minimum setback provided under Section 501 subject to the following standards: The applicant must demonstrate to the satisfaction of the Commission that the existing or proposed topography and/or the Landscape Plan prepared in accordance with Section 530 will effectively screen the view of the building and parking area on the site as observed along the property line (front, side or rear).

c. The Commission may reduce the setback requirements stated in Section 726.4a from one or more of the property lines (front, side, or rear) to less than the minimum setback provided under Section 501 if the Commission determines that:

- The application involves a proposal to convert a single-family residence to a performing arts school or fine arts school use.
- The residence will retain its single-family appearance.
- Parking area meet the requirements of Section 726.7 and 726.8
- Such conversion will be a productive re-use of a large, older, single-family residence and such use will be compatible with the development in the surrounding neighborhood.

725.5 Maximum impervious surface coverage by buildings, parking areas and other impervious surface on the lot shall not exceed 30% of the total lot area as computed in accordance with Section 502.5

725.6 In all case the design of building(s) shall be consistent with the character and ambiance of the surroundings, neighboring buildings and the Town's rural and historic character. Applicants are encouraged to retain the traditional and historic character of the existing buildings.

725.7 Parking areas shall be screened to maintain the single-family residential appearance of the neighborhood and to protect neighboring residential property values.

725.8 The Landscape Plan as required under Section 530 shall be designed to screen parking areas, maintain the single-family residential appearance of the neighborhood and protect neighboring residential property values.

725.9 The applicant shall provide documentation that the systems proposed for sewer treatment and the traffic, parking and vehicular circulation plan for the site will adequately and safely provide for the maximum project number of students, employees and visitors on the school site at any one time.

726 COMMUNICATION TOWERS

1. STATEMENT OF PURPOSE: This regulation establishes standards and requirements for towers and wireless communication facilities. It has been drafted in consideration of Telecommunications Act of 1996.

The purpose of the regulation is to placement of antennas, towers and other wireless facilities, to protect the Town's visual quality and to assure the safety of the community and:

- To require the information necessary to evaluate the proposed facility,
- To establish locations least disruptive to the public health, safety and welfare of the Town of Salisbury and consistent with the Town Plan.
- To minimize adverse visual effects through proper design, siting and vegetative screening
- To avoid potential damage to adjacent properties
- To minimize the height of towers and the number of towers, especially free standing towers.
- To provide for the orderly removal of abandoned antennas and towers.

2. DEFINITIONS: When used in this section, the following words or phrases shall have the meaning defined below:

ANTENNA: A device used to receive or transmit telecommunications or radio signals.

WIRELESS COMMUNICATION FACILITIES: The equipment and structure used to receive or transmit telecommunications or radio signals and to transmit signals to another wireless site, another communications source or receiver or to a central switching location.

COMMUNICATION TOWER: A support structure intended to support antennas and associated equipment. Examples include a monopole, lattice and roof stub structures.

ADEQUATE COVERAGE: Coverage is considered to be adequate within that area surrounding Base Station Tower where the predicted or measured median field strength of the transmitted signal is greater than -95 dbm. It is acceptable for these to be holds within the area of adequate coverage where the signal is less than -95 dbm, so long as the signal regains its strength to greater than -95 dbm further away from the Base Station Tower. The boundary of the area of adequate coverage is that location past which the signal does not regain strength of greater than -95 dbm. COBBS PROTOCOL: The testing protocol, which is to be used to monitor the emission from existing and new Personal Wireless Service facilities upon adoption of this regulation.

3. SITE SELECTION POLICES – PREFERRED AREAS: The preferred location of antennas or towers and wireless facilities shall be:

- a. ANTENNAS – On existing communication towers or existing buildings, water towers or other suitable structures.
- b. TOWERS – In locations where the existing topography, vegetation, building or other structures provide the greatest amount of screening and have the least long-range visual effect.
- c. On Town owned land or building where the Town has determined that such town owned land or building is appropriate for a tower or antenna.

4. APPLICATION REQUIREMENTS: All application for antennas, towers and wireless facilities subject to local authority shall be filed with the Commission and shall include:

a. TOPOGRAPHIC – Location Map. The applicant shall provide a topographic location map at a scale of 1" = 2,000' showing:

b. The antenna or tower or location

c. Existing and proposed tower in and outside the Town that would connect or be interconnected with or "hand off" to the proposed facility.

d. The boundaries of the tower viewed, the area within the tower can be seen based upon as assessment of the topography surrounding the site.

e. An evaluation of the visual effect of the proposed tower location both within the Town and adjacent towns. Areas of special concern to be addressed in this evaluation shall include but not limited to:

- The area identified as existing or proposed open space or preservation areas in the Town Plan, especially the Housatonic River Inner and Outer Corridor areas land and lying within 300 feet of a sub regional watershed line as shown on maps prepared by the State DEP Natural Resource Center and on file in the Town Hall.
- Areas within the Salisbury center, Lakeville center.

5. PERMITTED USES: Where the Commission determines that an antenna proposed on an existing structure or building meets the following criteria (a, b or c below), such antennas and wireless facilities shall be allowed as a permitted use subject to submission of Site Plan in accord with the requirements of .4 above and Article 6.

a. An omnidirectional or whip antenna with a length of 20 feet or less than 7 inches or less in diameter provided its material matches the exterior of the structure.

b. A directional or panel antenna 6 feet or less in height and 2 feet or less in width, provided its material matches the exterior of the structure

c. A satellite and microwave dish antenna 6 feet or less in diameter, provided the building or rooftop mount is located or screened so it is not visible from abutting public streets.

d. Any antenna or wireless telecommunication facilities dedicated to the following purpose shall be a permitted use subject to submission of a Site Plan in accord with the requirements of .4 above and Article V. section 16: Police, Fire, Ambulance and other Emergency Dispatch, Amateur (HAM) Radio, Citizens Band Radio; an existing Commercial Radio Tower; Radio Dispatch Services and/or roof mounted Satellite Uplink dishes, meeting the requirement of c. above for business uses.

After the adoption of this regulation, any new Tower erected for the primary purpose of providing Wireless Telecommunication for any of the purposes listed in this subsection shall not be shared by any personal wireless service provider unless the Tower is located on a site which complies with all standards and requirements of this regulation and the personal wireless provider obtains a Personal Wireless Facility Special Exception under this regulation.

6. SPECIAL EXCEPTION REQUIREMENTS: All applicants not meeting the above criteria shall require a Special Exception and the application shall be subject to application requirements in .4 above and the following submission requirements, standards and criteria.

a. A new tower shall be on a lot of not less than 2 acres and shall be of an area and configurations such that the tower in the proposed location shall setback from all property lines a distance equivalent to the height of the tower plus 20%.

b. No new tower shall be permitted in the R10, R20, LA, C20, LI or LI20 unless it is demonstrated by the applicant to the satisfaction of the Commission that no site is feasible in zones where allowed as a Special Permit uses.

c. Tower Plan Proposal Report: A written report prepared by qualified expert(s) including:

- c1. A description of the service area for each communication system on the tower.
- c2. The rationale and justification for the proposed antenna or tower in the proposed location. New tower application shall demonstrate the service proposed can't be provided with equipment added to an existing or other proposed antennas or tower.
- c3. Identify all tall structures potentially suitable for antenna, which are located within one quarter of a mile of the site.
- c4. A rendering drawn to scale depicting the tower showing all antenna and wireless facilities details and dimensions, including any lighting, colors and accessory elements.
- c5. Documentation that the antenna height is the minimum required to provide adequate coverage as defined herein.
- c6. An analysis comparing the site to alternative sites within the proposed service area.
- c7. A soil report complying with Appendix I: Geotechnical Investigations, ANSI/EIA-222-E manual standards, as amended, verifying the design specifications of the tower foundation and anchors for the guy wires, if used.
- c8. Documentation that the applicant qualifies as a provider of Personal Wireless Service as that term is defined under the Telecommunications Act of 1996.

7. AN ENVIRONMENTAL IMPACT AND EVALUATION OF THE SITE EMISSION REPORT assessing the environmental impact of the proposed tower and site construction and operation assessing its impact on;

- a. Areas designed as conservation or preservation in the Town Plan and in the State Plan of Conservation and Development.
- b. Areas defined under 8 below subsections e to I
- c. Site emissions: List each transmitter to be utilized, its frequency limits, signal band width and the upper limit of both peak and average power of each transmitter. List also the characteristics of any emergency or back-up power source to be situated at the site, including noise level specification if electro-mechanical.

The applicant shall also prepare and submit an analysis of the combined worst case RF density computed using FCC office of science and technology bulletin 65 in comparison to the applicable FCC power density standards.

8. SITE PLAN: A site plan meeting the requirements of these regulations showing the following:

- a. The antenna and/or tower location and guy-wires.
- b. Areas of construction or improvement, including the access road to the site.
- c. The boundaries of the tower fall zone.
- d. The location of any approved or proposed buildings or construction adjacent to the site. The following areas on or adjacent to the site shall be shown either on the Site Plan or a separate Existing Conditions Map.
- e. Protected areas.
- f. All inland wetlands and watercourses
- g. Critical habitats for plants and animals
- h. Historic structures or sites, unusual features, buildings, monuments or areas.
- i. Permanently protected lands, such as State park and forest lands, land protected by a land trust.

9. LANDSCAPE AND SCREENING REQUIREMENTS: For a new tower a fence with a minimum height of 8 feet shall be provided. Existing vegetation on and around the site shall be preserved to the greatest extent possible. A planting plan shall be provided to screen building(s), fuel tanks, other man-made structures and much of the tower as possible.

The plan shall show an evergreen screen surrounding the site. The screen shall be a row of evergreen trees (planted 10 feet on center maximum). The evergreen shall have a minimum height of 6 feet at planting and be a type that grows to a minimum of 15 feet at maturity. The Commission may accept any combination of existing vegetation, topography, walls or other features provided it meets or exceeds the above evergreen screen requirement.

10. A CONSTRUCTION PLAN MAP: A construction plan map prepared by a Connecticut licensed engineer showing construction and drainage details, including the access road and construction or drainage improvements, including above-ground wires, cables, ducts, utility and signal cables, guying and guy-anchor details.

11. A statement from the applicant indicating that, weather permitting, the applicant will raise a balloon with a diameter of at least three feet, at the proposal tower site and to the proposed tower height. Such balloon shall be raised at least three days prior to the date of the public hearing scheduled on the application and shall remain in place as long as practical. The applicant shall notify the Planning and Zoning Commission 48 hours in advance of the date and time that the balloon will be raised.

12. A list of all federal, State, regional, district and municipal agencies, which have or will conduct a review of the proposed tower together with a copy of any position/decision/recommendation of such agency or board with respect to the proposed facility.

13. OTHER REQUIREMENTS

a. Commercial advertising shall not be allowed on an antenna or tower.

b. Signal lights or illumination shall not be permitted unless required by the FCC or FAA.

c. All other uses not clearly necessary to the operation/maintenance of the antenna or tower and associated equipment are prohibited, unless expressly approved as a condition of the permit.

A related unmanned equipment and/or storage building(s) shall be permitted provided it contains no more than 750 square feet of gross floor area and is not more than 12 feet in height.

14. REMOVAL. The facility owner shall remove a wireless facility not used for six months. This removal shall occur within 90 days of the end of such six-month period. Upon removal the site shall be restored to its previous appearance and where appropriate, re-vegetated to blend with the surrounding area. As a condition of the approval of the permit the Commission may require a bond in an amount sufficient to cover the cost of completing this requirement.

727

COMMERCIAL GREENHOUSE

727.1

The purpose of this section is to permit a commercial greenhouse growing and selling business in certain residential zones subject to the following standards:

727.2

STANDARDS

a. Only produce grown on the premises shall be on display and for sale.

b. The Commission shall determine that the proposed site is located and designed to be compatible with the surrounding existing and future residential neighborhood.

c. The minimum lot size shall be 5 acres.

d. The maximum total floor gross area of all greenhouses, pool houses, sheds and other buildings or covered structures related to the growing and selling business shall be 20,000 square feet.

e. The lot shall meet the frontage requirements of the zone in which it is located. All structures shall be located not less than 100 feet from the street line and 100 feet from any dwelling on an

adjacent lot. The side yard setback shall be not less than 50 feet for all buildings, parking areas and driveways.

f. Parking spaces shall be located to the rear and the side of the sales building. Parking areas may be required to be screened from view from the road. The number of parking spaces required shall be as specified in Article VI for a retail use.

g. Where the Commission determines that the existing terrain and/or vegetation is not adequate to screen buildings, parking and/or other commercial activity areas from view from surrounding residential it may require as a condition of the Special Permit that all or parts of these site features shall be screened from the view of surrounding residences.

728

COMMERCIAL HORSE BOARDING OR RIDING STABLE

728.1

The purpose of this section is to permit the use of land, buildings and other structures for commercial horse-related activities that involve more than two horses. This shall include but not be limited to commercial horse boarding stables or riding schools.

728.2

STANDARDS:

a. **LOT SIZE.** The barns, riding rings, corrals and accessory facilities shall be contained within a parcel of suitably drained land. The minimum lot size shall be 5 acres plus ½ for each horse over two.

b. **PARKING AND CIRCULATION.** Sufficient off-street parking shall be provided to accommodate all users and visitors to the property. The roads for entering and leaving the property shall be located with adequate sight lines.

For a commercial boarding stable a minimum of one parking space per animal boarding space shall be provided. For riding school or instructional program the number of parking spaces shall be subject to the approval of the Commission depending upon the size of classes, age of students, scheduling of classes and the like.

c. **HEALTH.** The applicant shall present with the applicant a letter from the Health District commenting on the adequacy of plans for the storage and handling of manure or any other materials with the potential to pose a risk to water quality and to groundwater, surface water and locations on site and on adjacent properties.

Locations for storage of manure shall be identified on the site plan. Manure storage shall be located a minimum of 100' from property lines and water bodies.

d. **SAFETY.** Adequate perimeter fencing shall be installed and maintained to reasonably contain horses.

e. **FIRE.** Fire control access and facilities shall be acceptable to the Fire Marshal.

f. **NOISE AND LIGHTING.** The applicant shall demonstrate that the type and location of all lighting fixtures and parking areas will not produce an arc of lighting or glare visible off the premises.

The applicant shall identify the projected decibel level for all projected activities and installations with a potential to generate a noise level which could be heard off premises including but not limited to a public address systems or similar voice projection systems, rider instruction program, horse training program and spectator activity.

g. **SET BACK.** No part of a building associated with the use shall be less than 100 feet from the nearest line of any road, street or highway abutting the property or less than 100 feet from any side and rear boundary line. Riding rings and corrals shall not be within 75 feet of any off site residential use.

h. **SPECIAL EVENTS,** such as shows, exhibitions and contests shall be permitted only where expressly requested and approved as part of the Special Permit. The Commission may establish conditions limited such events where necessary to safeguard the neighborhood.

729 KENNEL OR VETERINARY HOSPITAL

729.1 The purpose of this section is to permit land, buildings and other structures for a kennel use definition section or for veterinary hospital use where animals being treated are to be kept overnight.

729.2 STANDARDS

a. LOT SIZE. The minimum lot size shall be 80,000 square feet.

b. HEALTH. The applicant shall present with the applicant a letter from the Health District commenting on the adequacy of plans for storage and handling of wastes and other materials that could pose a risk to water quality.

c. Outdoor exercise areas, runs or yards, when provided for training or exercising, shall be restricted to use during daylight hours.

d. All points of structures housing animals or fenced areas (for exercise) shall be at least 100 feet from the nearest property boundary line.

e. Structure where animals will be kept overnight shall be sound proofed such that noise from the facility as measured at the property line shall not exceed the maximum noise level allowed in the district under the State Health Code.

f. If a structure or fenced area designed for animals is located less than 200 feet from a property line the Commission may require a vegetated buffer be established and maintained between the facility and property line.

730 BUILDINGS FOR RELIGIOUS OR PHILANTHROPIC USE, LIBRARY OR MUSEUM OPERATED BY A NON-PROFIT ORGANIZATION

730.1 The purpose of this section is buildings for religious or philanthropic use or a library or museum operated by a non-profit organization in residential zone subject to the following standards

730.2 STANDARDS

a. LOT SIZE. Minimum lot size shall be five acres.

b. PARKING. Off-street parking shall be sufficient in size to ensure that no vehicles patronizing such establishments need park on a public road. Parking areas shall be adequately screened from surrounding property.

c. ACCESS. Vehicle entrances and exits shall be located not less than 50 feet from any lot line.

731 SKILLED NURSING FACILITY, ASSISTED LIVING FACILITY, CHRONIC AND CONVALESCENT HOME OR CONTINUING CARE RETIREMENT COMMUNITY AS DEFINED IN THE CONNECTICUT GENERAL STATUTES

731.1 The purpose of this section is to permit the types of housing and care facilities for elderly persons as authorized by the State of Connecticut in residential zones subject to the following standards:

731.2 STANDARDS

a. The site shall consist of a total area of not less than 10 acres and shall be served by a public sewer system approved by the Town Water Pollution Control Authority.

b. The maximum number of residents of such facility shall be 150.

c. The proposed developed portion of the site must have a suitable safe access. The applicant shall provide a traffic study evaluating the projected traffic and safety of the Town roads providing access to the site. The traffic study shall be prepared by a licensed traffic engineer.

d. The buildings and design plan for the site must meet the site design criteria set forth in these regulations. All buildings and structures must be designed, constructed and maintained according to a unified and harmonious design plan compatible with the rural New England character of the Town.

e. The use shall not involve as a primary or important part of its activity the handling, use storage or disposal of a significant quantity of hazardous materials as defined in these regulations.

ARTICLE VIII
OVERLAY ZONES

SECTION
800

GENERAL

801

STATEMENT OF PURPOSE

The Flood Plain Overlay Zone provides for the regulation of areas within the Town of Salisbury that are subject to potential, periodic, occasional or frequent flooding and which function as part of the natural drainage system. These regulations serve to establish necessary minimum standards and review procedures over the use of land in the Flood Plain Overlay Zone in order to: reduce flooding hazard to human life and health, reduce damage to public and private property, minimize disruptions of commerce and governmental services, protect property values, maintain the natural drainage system's capacity to safely store and transport flood waters and minimum damaging flood erosion and any increases in downstream flood potential.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study or Flood Insurance Rate Map (FIRM), dated January 5, 1989, with accompanying floodway maps and other supporting data and any revision thereto, are adopted by reference and declared to be a part of these regulations.

801.2

DEFINITIONS

For the purpose of this section, certain words shall have the following meanings:

BASE FLOOD: The flood having a one-percent change of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION: The elevation of the base flood as recorded on the Flood Hazard Boundary Map and accompanying stream profile data.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

FLOOD PLAIN: The areas adjoining a river, stream, watercourse, drainage course, lake or other body of water, which has been or may be covered with floodwater.

FLOODWAY: The high risk channel area of a watercourse and adjacent land area that must be reserved to discharge the base flood without increasing water surface elevations more than one foot.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles building access or storage, in an area other than a basement area is not considered a building's lowest floor.

MEAN SEA LEVEL: For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations are shown the Flood Insurance Rate Map, are referenced.

NEW CONSTRUCTION: Structures for which the start of construction commenced on or after the effective date of this section.

START OF CONSTRUCTION: The issuing of a construction or building permit, as long as actual start of construction begins within 180 days. The actual start means the first placement of permanent construction of a structure on a site, such as pouring of slabs or footings or any work beyond the stage of excavation.

STRUCTURE: A walled and roofed building or a gas or liquid storage tank, that is principally above ground.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals 50 percent of the market value of the structure either before the improvement or repair is started or before the damage occurred if a damaged structure is being restored.

801.3

GENERAL STANDARDS

In the Flood Plain Overlay Zone no structure shall be constructed, reconstructed, enlarged, extended, moved or structurally altered, no land use shall be established and no land shall be filled, graded or excavated until the Planning and Zoning Commission has approved a plan for the proposed structure, land use or alteration of land contour. Such approval shall not be granted or permit issued unless the plan complies with all of the following requirements:

- a. No residential structures will be permitted in a floodway. No encroachment including fill, other new construction, substantial improvements and other development shall be permitted in a floodway unless technical evaluation demonstrates that the encroachment will not result in any increase in flood levels during the base flood discharge. All other Flood Plain Overlay Zone standards must also be satisfied.
- b. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and be constructed of materials resistant to flood damage and using methods and practices that minimize flood damage. Electric, heating ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during flood conditions.
- c. New and replacement water systems shall be designed to minimize infiltration of floodwater.
- d. New and replacement sanitary systems shall be designed to minimize infiltration of floodwaters and discharge from the systems into floodwaters. On-site sanitary disposal systems shall be located to avoid impairment or contamination during flood conditions.
- e. Structures and improvements shall be designed to cause the least possible impediment to floodwater and debris.
- h. No outdoor storage of materials shall be permitted which would tend to be floated by floodwater and cause obstructions downstream.
- i. Any reduction in the water holding capacity of the flood plain for a 100-year event, caused by structures, improvements, filling or regarding of land shall be shown to be compensated for, prior to issuance of a building permit.
- j. Maintenance shall be assured within the altered or relocated portions of a watercourse so that the flood carrying capacity is not diminished.
- k. Where base flood and/or data is not available, the applicant shall obtain, review and reasonably utilize any base flood elevation or floodway data available from federal, state or other source.
- l. In zones where base flood elevations have been determined but no floodway is designed, no new construction, substantial improvement or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse when all anticipated developments is considered cumulatively with the proposed development.
- m. Manufactured (mobile) homes are prohibited in the Flood Plain Overlay Zone.
- n. Fully enclosed areas below base flood elevation are prohibited.

801.3a

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one foot above the base flood elevation.

801.3b New construction and substantial improvement of any non-residential structure shall have the lowest floor, including basements, rather elevated or flood-proofed to at least one foot above the base flood elevation. Flood proofing shall conform to standards set by the Federal Insurance Administration and shall be certified by a registered professional engineer or architect.

801.4 APPLICATION

Application for a Special Permit shall be submitted to the Planning and Zoning Commission and shall also include the following:

a. Four (4) copies of a plot plan of the premises, drawn to scale and certified by and bearing the seal of a professional engineer, licensed to practice in the State of Connecticut, showing the actual shape and dimensions of the lot, the size and location of all existing and proposed structures, utilities and land uses, the layout of parking and loading facilities, where applicable and access thereto, existing and proposed contours at an interval not exceeding two (2) feet based on field and aerial survey, base flood elevation data and limits of the Flood Plain area.

b. Such other information required by the Commission to determine compliance with this regulation.

c. Where Federal or State permits may be required, a copy of each approval permit shall accompany the application. These may include but not limited to Water Diversion, Dam Safety, Corps of Engineers 404 and 402.

801.5 PROCEDURE

The Commission shall approve, disapprove or approve with modifications the proposed plans. One copy of the approved plan, the approval noted thereon shall be filed with Zoning Administrator, one copy to the applicant and one copy shall be filed with the Building Official.

801.6 CONDITIONS

No building permit shall be issued which is not in conformance with the approved plans and with any other regulations governing the use of the applicant's property.

801.7 INFORMATION TO BE RECORDED

The Zoning Administrator shall record and maintain a record of the actual elevation of the lowest floor, including basement, of all new and substantially improved structures in the Flood Plain Overlay Zone. The Zoning Administrator shall also record actual elevation and flood-proofing certification for all new or substantially improved flood-proofed structures.

801.8 ALTERATIONS OF WATERCOURSE

The Zoning Administrator shall notify adjacent municipalities and the Water Resource Unit of the Connecticut Department of Environmental Protection prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

802 HOUSATONIC RIVER OVERLAY ZONE

802.1 PURPOSE

The purpose of this zone is to maintain a cooperative effort with neighboring river towns to protect with uniform standards, the Salisbury segment of a defined area of land designated as the Housatonic River Corridor, which is flood prone, environmentally sensitive and possesses many valuable resources. The Housatonic River Overlay Zone is an Overlay Zone in addition to and overlapping Rural Residential zones.

a. The Inner Corridor represents the combined stream belt limit based on soil type criteria as determined and mapped by the Litchfield County Soil Conservation Service and the 100 year flood hazard limit based on land contours as determined and mapped under the Federal Flood Insurance Program, whichever is greater, as shown on maps on file in the Town Hall.

b. The Outer Corridor represents that portion of the immediate river watershed lying between the Inner Corridor and the top of the valley ridge and delineated by lines drawn from peak to peak along the ridge line, as shown on the maps on file at the Town Hall, "The Housatonic River Corridor" map dated November 1, 1980, as amended.

802.2 INNER CORRIDOR PERMITTED USES

The following shall be permitted uses subject to the requirements of these Regulations in the underlying zone.

- a. Open space uses, which do not require moving, removing or otherwise altering the position of the earth, stone, sand, gravel or water except for flood, control or erosion control measure.
- b. Farming, plant nurseries, pastures, golf courses, trails, forest management, horticultural and other agricultural uses that do not significantly alter the natural character of the corridor.
- c. Maintenance or reconstruction of existing public ways and bridges.
- d. Except for uses stated above all other uses permitted in the existing Zoning Regulations within the Inner Corridor shall be allowed only as a Special Permit.

802.3 SPECIAL PERMIT PROCEDURE

Application for a Housatonic River Overlay Zone Special Permit shall be in accordance with the requirements of Article VII C Special Permits and with Article VI Site Plans. In reviewing the Special Permit application the following General Requirements shall apply.

802.4 INNER CORRIDOR GENERAL REQUIREMENTS

No Special Permit shall be granted unless the Planning and Zoning Commission finds that a proposed land use will not:

- a. Create water or air pollution
- b. Increase erosion or sedimentation
- c. Create danger of flood damage
- d. Obstruct flood flow
- e. Damage fish or wildlife habitat
- f. Adversely affect any unique feature or natural resource

802.5 INNER CORRIDOR STANDARDS

In determining the above, the following standards shall apply:

- a. **AIR OR WATER POLLUTION CONTROL.** There shall be no land use, which would adversely affect quality through release of noxious fumes, gases or other emissions through creation of significant amounts of dust or particulate matter. No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxious conditions, toxicity or temperature, that run off, seep, percolate or wash into surface streams or ground waters so as to contaminate, pollute or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness or be harmful, animal, plant or aquatic life.
- b. **FLOOD CONTROL.** Any use within the 100-year flood area shall conform to the Flood Plain Overlay Zone requirements.
- c. **NEW SUBSURFACE SEWAGE DISPOSAL SYSTEMS** shall be located only in soils having characteristics rated as having no more than a slight limitations for the proposed use in the current "Statewide Set of Connecticut Soil Descriptions and Interpretations" published by the U.S. Department of Agriculture Soil Conservation Service, unless specifically designed by a

Connecticut qualified sanitary engineer and approved by the State Director of Health as required in Section 19-13B2OM of the Public Health Code and by the Town Sanitarian.

d. INSECTICIDES, HERBICIDES AND FERTILIZERS. Use of these shall be prohibited except as recommended according to the standards established by the County Extension Service.

e. TIMBER HARVESTING. Extensive logging or clear cutting of timber may be permitted only when in compliance with a plan approved by the State Forester.

802.6 In the event of a conflict with provisions in other sections of these Regulations, the more restriction provision shall apply.

802.7 ADDITIONAL REQUIREMENTS

In acting upon a permit application the Commission shall refer each application to the Salisbury Conservation Commission for approval as administrators of the Inland Wetland and Water Courses Regulations and may take into consideration the recommendations of Federal, State of Requiional Agencies, and other town departments or outside specialists with which it consults.

802.8 OUTER CORRIDOR PURPOSE

To establish a review procedure for zoning permits, which will guard against pollution, erosion, and sedimentation and establish other safeguards on development activity, which, although occurring at some distance from it, could adversely affect the Housatonic River.

802.9 OUTER CORRIDOR-PERMITTED USES

For uses permitted in the existing Zoning Regulations within the Outer Corridor the following review procedures are required:

a. Activities involving construction or earth moving shall be reviewed with regard to soil types in exposed areas to determine whether provisions must be made for erosion and sediment control in accordance with guidelines available from the U.S. Department of Agriculture Soil Conservation Service.

b. All permits involving installation of subsurface sewage disposal systems shall be reviewed using the Soil Conservation Service interpretation of the soils and slopes involved in order to identify those specific areas where existing minimum lot sizes are most likely to be inadequate to support permanent subsoil sewage system or where special design engineering of the system may required by the State Health Code.

c. Clearing of land (other than immediate areas required for building construction or clearing for agricultural use) shall be reviewed by a State Forester.

d. Permits involving commercial or industrial construction shall be reviewed to assure building location, site layout, landscaping and screening will be compatible with the rural and natural character of the Corridor area.

802.10 EROSION AND SEDIMENTATION CONTROL

Filling, grading, lagoon construction, dredging, earth-moving activities, road construction and other land use activities shall be conducted in such manner to prevent to the maximum extent possible, erosion and sedimentation damage to surface stream waters. To this end, all construction shall be accomplished in conformance with the erosion prevention provisions of the Connecticut Guidelines for Erosion and Sediment Control (1985), as amended and Article VI of these regulations.

803 AQUIFER PROTECTION OVERLAY ZONE

803.1 STATEMENT OF PURPOSE

To protect the public health, safety and welfare through the preservation of the Town's major groundwater resources to insure a future supply of safe and healthy drinking water for the Town of Salisbury and its residents. The designation of aquifer protection zones and careful regulation

of development activities within these zones can reduce the potential for groundwater contamination. The purpose of this section is to preserve areas having a high potential for use as a water supply and thereby maintain the natural quality and improve the existing quality of the groundwater of the Town of Salisbury. These regulations are adopted pursuant to Public Act 85-279 of the Connecticut General Statutes, Section 1, amending Section 8-2, Chapter 124, of the Connecticut General Statutes.

803.2 ESTABLISHMENT OF AQUIFER PROTECTION OVERLAY ZONE

The Aquifer Protection Overlay Zone is herein established as an overlay zone. The boundaries of this Overlay Zone are those shown on a map entitled “Aquifer Protection Overlay Zone, Town of Salisbury attached to these Zoning Regulations and on file with the Town Clerk and Zoning Administrator.

a. The Overlay Zone includes all land in the Town shown on the map entitled “Aquifer Protection Overlay Zone” having coarse grained stratified drift deposit with a water saturated thickness of greater than forty (40) feet and all land directly up gradient, based on the United States Geological Survey.

b. Where the bounds of this Overlay Zone are in dispute, the burden of proof shall be upon the owners of the land in question to show that the bounds are not shown on the “Aquifer Protection Overlay Zone” map. Such proof shall be in the form of a map, prepared by a professional engineer or land surveyor, at a scale of 1 inch to forty feet, with two feet contours, showing the existing zone boundary and proposed property lines to a Class A-2 Standard of Accuracy and well records and other scientific evidence.

803.3 PERMITTED USES

All uses, which are permitted under the existing regulations, are permitted in the Aquifer Protection Overlay Zone except as specified in Sections 803.4 and 803.5 below.

803.4 USES REQUIRING A SPECIAL PERMIT

a. Excavation, filling or removal of earth materials, except that permitted by a building permit.

b. Above ground storage of hazardous materials, other than fuel storage for residential heating.

c. Any use rendering more than thirty (30) percent of the total lot area impervious to storm water.

d. Any use retaining less than thirty (30) percent of the total lot areas in vegetative ground cover.

e. Any use having on-site sewage disposal of more than 2,000 gallons per day.

f. The handling and storage of road salt and de-icing materials provided that structural non-structural measures are implemented to prevent leachate contamination. Such measures include but are not limited to: building enclosures, impervious pads and pavements, self-contained drainage systems, detention basins, filters, separators or other devices and sound management practices.

g. The removal of water from a designated aquifer by any person, firm, association, corporation or municipal corporation by means of wells, pumps, pipelines or any similar equipment for the purpose of sale or export other than by such entities as may be exempted by the General Statutes of the State of Connecticut from local regulation.

803.5 PROHIBITED USES

a. Manufacture, use, storage, transport or disposal of hazardous materials in significant quantities.

b. Sanitary landfill, septage lagoon, waste water treatment facility for municipal or industrial waste, junk yard, salvage yard and truck terminal.

c. Gasoline station, car wash, auto repair or auto body shop.

- d. Underground storage of hazardous materials other than fuel storage tanks installed below ground in containments impermeable to leakage of the stored fuel and accessible to complete visual inspection of the tank.
- e. Agricultural operations, which do not employ best management practices, as recommended by Soil Conservation Service and/or Agricultural Stabilization Service, for the application of manure, fertilizer or pesticides and management of animal waste.

803.6 NONCONFORMING USES

Existing legal non-conforming uses and structures shall be governed by Article V of these regulations.

803.7 SPECIAL PERMIT

a. All requirements of this section are in addition to other requirements applicable in the zone in which the Special Permit use is to be located.

b. Applications for a Special Permit shall be submitted in accordance with Article VII of these regulations.

c. In addition to the requirements Article VII the application for a Special Permit shall be accompanied by the following:

c1. A complete list of all chemicals, pesticides, fuels or other potentially hazardous materials to be used or stored on the premises other than those associated with normal household use. Information on the measures proposed to protect all storage containers from vandalism, corrosion, leakage and spillage and for control of spilled materials shall also be provided.

c2. A description of all potentially hazardous wastes to be generated, including provision for storage and disposal measures as described in Section c.1 above.

c3. For above ground storage of hazardous materials or waste, evidence of qualified professional supervision of the design and installation of such storage facilities or containers.

c4. The proposed measures to mitigate any adverse impacts, the system for monitoring quantity, quality or any other aspect deemed important and a reporting schedule, which allows the Planning and Zoning Commission to react in a timely manner, must be provided.

d. Upon receipt of a Special Permit application, the Planning and Zoning Commission shall transmit one copy each to the Town Engineer, Building Inspector, Sanitarian, Health Official, Fire Marshal, Public Water Company, Conservation Commission and First Selectman for their written recommendations. Failure to respond within thirty-five days shall indicate approval by said authorities. Copies of the Special Permit application necessary to fulfill these requirements shall be furnished.

e. Permit may be granted if the Planning and Zoning Commission determines that the intent of this regulation well as the specific criteria in Section (f) below has been met. In making such determination, the Planning and Zoning Commission shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to ground water quality which would result if the control measures failed.

f. The Commission must find that the ground water quality resulting from on-site wastewater disposal or other operations on-site shall not cause effluents, which would result in a condition, which renders the ground waters unsuitable for direct human consumption. If existing ground water quality is not suitable for drinking water, the proposed on-site disposal or operation shall cause no further deterioration.

803.8 DEFINITION-HAZARDOUS MATERIALS

Substances or combinations of substances (except as specified below) which because of quantity, concentration or physical, chemical or infectious characteristics, poses a significant present or potential hazard to water supplies or to human health if disposed into or on any land or water, including groundwater and any substance deemed a hazardous waste under the Connecticut

General Statutes or the Regulations of Connecticut State Agencies. Hazardous materials include, but are not limited to:

- a. Substances, which are toxic, flammable, corrosive, explosive, radioactive or infectious.
- b. Substances listed in the U.S. Environmental Protection Agency Titled 111 list of list Chemicals subject to reporting under Title 111 of the Superfund Amendments and Reauthorization Act (SARA) of 1986 as revised and in quantities exceeding those identified in SARA.
- c. Acids and alkaloids outside the Ph range of 2 to 10.
- d. Petroleum products, including fuels and waste oils.
- e. Synthetic organic solvents.
- d. Any soil materials, which if exposed to water will leach or dissolve to form a hazardous material as defined above. Exceptions: Hazardous Materials used only in conjunction with residential use of property for non-commercial purposes or for the handling or storage of agricultural chemicals in the ordinary course of agriculture or farming operations as defined in Section 1-1 (q) of the Connecticut General Statutes as amended.

Exceptions: Hazardous materials used only in conjunction with residential use of property for non-commercial purpose or for the handling or storage of agricultural chemicals in the ordinary course of agriculture or farming operations as defined in Section 1-1 (q) of the Connecticut General Statutes as amended.

804 LAKE PROTECTION OVERLAY ZONE

804.1 STATEMENT OF PURPOSE

This overlay zone is established on the shoreline of the following lakes in the Town of Salisbury, Wononscopomuc Lake, East and West Twin Lakes and Wononpakook Lake. These lakes are experiencing eutrophication a natural lake aging process, which is accelerated by development and other human activities occurring along the shoreline and its watershed. Signs of a eutrophic lake are excessive lake algae growth and diminishing lake water transparency.

This lake overlay zone is designed to establish a protected buffer strip along the lakeshore for the following purposes.

- a. To avoid water pollution and acceleration of lake eutrophication.
- b. To maintain the lake's ecological, recreational and aesthetic qualities.
- c. To prevent water pollution caused by erosion, sedimentation, nutrient or pesticide run-off and waste disposal facilities and to encourage retention of shore vegetative cover, including diversity of nature species, age distribution and ground cover density to provide a protected buffer and pollution filter along the lakeshore.
- d. To conserve the ecological, water supply and flood storage functions of the lake's flood plain and related groundwater table and to protect life, public safety and property from flooding hazards.
- e. To protect valuable fisheries in the lake along the lakeshore area.
- f. To conserve and enhance the natural scenic and topographic conditions in the lake shore corridor and its environmental quality recognizing that these are vital to the economic and environmental health of the Town and to preserve the natural scenic quality of the lake.
- g. To carry out the recommendations of the Town Plan of Conservation and Development and the State Plan of Conservation and Development.

804.2 ESTABLISHMENT OF THE LAKE PROTECTION OVERLAY ZONE

This zone shall consist of the area between natural mean high water level (or where the lake level is controlled by a dam the normal maintained level of the lake) to a distance of 300' landward. The natural mean high water level or normal maintained water level shall be referred to herein as the "reference line".

Where there is a question or dispute over the District boundary, the burden of proof shall be upon the owner/applicant to determine this level. The Commission may require an applicant to have the mean high water level determined by a certified soil scientist or other qualified person and to show its location on a site plan prepared by a Connecticut Registered Land Surveyor.

804.3

PERMITTED AND SPECIAL PERMIT USES

The Permitted Uses and Special Permit Uses allowed in Lake Protection Overlay Zone should be the same as allowed in the underlying zone with the following exceptions. The following activities and uses as shown on the Table of Uses not be allowed in the Lake Protection Overlay Zone:

- a. Multi-family dwelling (A.3 on Tables of Uses)
- b. Permanent sawmill (B.5)
- c. Commercial livery, Boarding or Riding Stables, Commercial Kennel, Vet Hospital (B.8)
- d. Hospital, Clinic, Convalescent Home, Nursing Home, Extended Care Facility and Similar Use (C.6)
- e. Cemeteries (D.3)
- f. Hotel (F.6)
- g. Motel, Tourist Cabin (F.8)
- h. Golf Course operated by a non-profit organization (G.9)
- i. Natural Resources Removal (H.10)
- j. Undertaker (I.1)
- k. Commercial vehicle and equipment storage as an accessory use (J.12)

The following activities shall not be permitted in the association with any use:

- a. Bulk storage of chemicals
- b. Bulk storage of petroleum products or hazardous materials.

804.4

LOT, LOCATION AND OTHER REQUIREMENTS FOR A SITE PLAN IN A LAKE PROTECTION OVERLAY ZONE

SITE PLAN REQUIREMENTS: All development activities, including new or expanded septic system installation, within the Lake Protection Overlay Zone shall require submission and approval of a Site Plan meeting the following lot and location requirements of the underlying zone.

- a. Principle buildings shall be located a minimum of 75' from the lakeshore reference line as defined herein.
- b. Accessory buildings or structure shall be located a minimum of 75' from the lakeshore reference line as defined herein, except as permitted subject to the requirements of Section 423.2b.
- c. For the portion of any lot in the Lake Protection Overlay Zone the total coverage by impervious surfaces including building footprint, roads, driveways or other impervious cover shall not exceed 10% of said area.

d. Leaching fields and septic systems, septic – leach field systems for new construction shall not be within 150 feet of the reference line except where the applicant can demonstrate there is no other feasible location on the lot and the septic location has been approved by the Inland Wetland Commission.

The requirements of this subsection shall not apply to repairs or replacements to an existing septic system – leaching field located within a Lake Protection Overlay Zone.

New septic – leaching field systems shall not be permitted in areas of the Overlay Zone where there is less than 4 feet of naturally occurring soil.

e. The Site Plan shall demonstrate that within the Overlay Zone natural vegetation has been retained, protected or supplemented, wherever practical. Where stripping of vegetation is necessary measures shall be taken to minimize soil erosion and appropriate control measures shall be installed prior to removal of vegetation.

f. The Site Plan and erosion and sediment control plan shall show that any sediment from the project will not impact the lake and the area and duration of soil disturbance has been kept to a minimum.

g. Trapped sediment and other disturbed areas shall be permanently stabilized within two weeks of the completion of a project. The Zoning Administrator may require that any disturbed areas associated with a project that remains idle for more than two weeks be permanently stabilized and shall require immediate correction and enforcement of any site in violation of the erosion and sediment control plan.

h. The Site Plan shall demonstrate that the site design protects natural drainage system including streams, wetlands, swales and drainage ditches.

i. Buildings located in the Overlay Zone shall be:

- Fitted to the natural topography to avoid extensive grading that would alter drainage patterns or create steep slopes, and
- Located to minimize the potential for erosion and to maintain existing vegetation

EXAMPLES: Buildings located on a slope should be sited with the long dimensions of the building parallel to the slope, with one wall buried into the slope and multiple levels should be considered to reduce the amount of the grading required.

j. New public roads or streets shall not be permitted within the Lake Protection Overlay Zone.

k. Wherever possible driveways in the Overlay Zone should be laid out parallel to the natural slope winding up on a hill rather than perpendicular to the hill.

ARTICLE IX

SPECIAL REGULATIONS

SECTION
900

NATURAL RESOURCES REMOVAL

901

GENERAL

No loam, topsoil, sand, gravel, clay, stone or other natural earth product shall be excavated or removed for sale or for use on another property unless a Special Permit for such activity has been approved by the Commission in accordance with the requirements of this Article and the general requirements of Article VII with the following exceptions. The following activities may be undertaken without a Natural Resources Removal permit provided no dangerous condition is created or one which damage surrounding land:

a. Excavation in connection with a bona fide construction of a building or structure or the alteration of a building where:

- Such excavation is confined to the premises on which the structure is located,
- A zoning permit and a building permit has been issued for such construction, and
- Not more than 250 cubic yards shall be permitted to be removed from the premises

b. Excavation in connection with the bona fide landscaping of premises.

c. Excavation in connection with an agricultural operation.

d. Excavation in connection with the installation of improvements or the changing accordance with subdivision and or construction plans approved by the Planning and Zoning Commission for such premises.

902

APPLICATION

Before any Special Permit for the removal of natural resources may be granted, a written application shall be submitted to the Commission by the property owner or by his agent on forms provided by the Commission, together with maps and plans prepared by an engineer or surveyor licensed to practice in the State of Connecticut and showing the following:

a. The boundaries of the property where the excavation is proposed and the area to be excavated.

b. The existing contours in the area to be excavated and proposed contours after completion of the excavation which contours shall be prepared from an actual field survey based on bench marks noted and described on the map and drawn to a scale of not less than 100 feet to the inch with a contour interval not to exceed five (5) feet.

c. The existing and proposed drainage on the area during and after the excavation and drainage easement or flowage rights.

d. The width of surrounding access streets and property lines.

e. The existing and proposed structures on the premises; and

f. The proposed truck access to the excavation area with particular reference to the location of such proposed truck access in relation to schools, playgrounds, churches and residential neighborhoods.

903

ADDITIONAL INFORMATION

The Commission may require submission of additional information on soil conditions, location and depth of rock ledge, groundwater conditions and other such information as is deemed necessary to make a reasonable review of the application.

904

CONDITIONS OF APPROVAL

The Commission may approve the Special Permit for a limited period of time, not exceeding two (2) years, if it shall find that such excavation or removal will not result in the creation of any sharp declivities, pits or depressions, soil erosion or fertility problems, depressed land values nor create or result in any drainage or sewerage problems or other conditions which would impair the use of the property in accordance with the Zoning Regulations and that such excavation or removal will be in harmony with the general purpose and intent of the Zoning Regulations.

A Special Permit may be granted upon the following conditions:

- a. No screening, sifting, washing, crushing or other processing shall be conducted on the premises unless they are located in an Industrial District.
- b. No building shall be erected on the premises except as a temporary shelter for machinery and for a field office.
- c. There shall be no excavation within 100 feet of any street line, or 50 feet of any other lot line, except to an elevation equal with or above the grade of an adjoining lot or street at the top line or street line.
- d. Proper drainage shall be provided to prevent the collection and stagnation of water during and after the operation.
- e. No sharp declivities, pits, depressions nor soil erosion problems shall be created and no slopes or banks will exceed one (1) foot of vertical rise to two (2) feet of horizontal distance.
- f. All topsoil removed shall be stockpiled on the premises and after completion of the excavation topsoil shall be spread over the excavated area and exposed rock surfaces to a minimum depth to two (2) inches in accordance with the approval contour plan.
- g. When the excavation and removal operations have been completed, the excavated area shall be seeded with a perennial rye grass or similar planting.
- h. During the time of the operation, barricades or fences for the protection of the public shall be erected and maintained as necessary.
- i. Truck access to the excavation shall be so arranged as to minimize danger to public travel and nuisance to surrounding properties and such access on the premises shall be provided with a dustless surface.
- j. The completed excavation shall not impair the future use of the property in accordance with the Zoning Regulations of the Town of Salisbury and that slopes and banks will not impair good development and safe use of the property after excavation.
- k. The premises shall be excavated, drained, graded and seeded in conformity with the plan as approved; and
- l. That the applicant shall file with the Commission a performance bond in form and with surety acceptable to the Commission as approved by the Town Counsel as to form, in such amount as the Commission shall deem sufficient to insure the faithful performance of work be undertaken to the conditions of approval. No excavation or removal operations shall begin until such bond accepted by the Commission.

905

EXCAVATION

In the event an adjoining property owner has a special permit for excavation or removal or files application for such permit, the Commission may waive the requirements prohibiting excavation

within fifty feet (50) of a lot line provided joint applications filed by the adjoining property owners and approved by the Commission.

906 EXTENSION OF PERMIT

The Commission may renew a permit at the time of expiration if the owner of the property or his agent files with the Commission a report of an engineer or surveyor licensed to practice in the State of Connecticut certifying that the excavation completed conform with the approved plans.

907 PERIODIC REPORTS

As an additional condition for granting a special permit, the Commission may require the applicant to submit periodic reports of progress of the excavation or removal, including contours and cross sections, prepared and certified by an engineer or a land surveyor licensed to practice in the State of Connecticut. If at any time the finds that the excavation or removal is not being conducted or cannot be conducted in accordance with plans as approved, the Commission may order the applicant to cease operations and revoke the permit.

908 UNLAWFUL USE

It shall be unlawful to excavate or remove for sale or other use any natural earth products, except as herein provided, unless a permit has been obtained and is still in effect.

920 SIGNS

920.1 STATEMENT OF PURPOSE

This section regulates the size, dimensions, height and location of signs according to the following purposes;

- a. To avoid a clutter and confusion of signs, which would detract from the rural appearance of the Town and the safety of the traveling public.
- b. To permit signs in the village centers and commercial areas in keeping with the size, scale and historic character of the center areas.
- c. To simplify procedures and administrative requirements and coordinate review of sign applications with the Historic District Commission.

920.2 DEFINITION OF SIGNS

Any device designed to inform or attract the attention of persons not on the premises

920.3 SIGNS NOT REGULATED

For the purposes of this regulation the following are not considered signs and not subject to this regulation:

- a. All signs erected by a public official in the performance of a public duty and
- b. Flags or insignia of any government and
- c. Decorative or architectural features, which are an integral component of a building, not included letters or trademarks.

920.4 ADVISORY REVIEW BY THE HISTORIC DISTRICT COMMISSION

Within the Historic District or in other historic areas of the Town the Planning and Zoning Commission may request that the Historic District Commission review and provide advisory comment on any sign application pending before the Planning and Zoning.

920.5 APPLICATION OF REGULATION

No sign visible from a street or adjoining property shall be established, constructed, reconstructed, enlarged, extended or moved unless it is in conformance with these regulations.

902.6 NONCONFORMING SIGNS

A change in the information on the face of an existing nonconforming sign is permitted. A nonconforming sign, which is removed, shall not be re-established.

920.7 TYPES OF SIGNS PERMITTED

The types of signs permitted under these regulations are defined as follows:

- a. **WALL SIGN:** A wall sign is a sign on or attached flush to a wall of a building or a sign on a canopy. Wall signs attached to a building shall be parallel to and no more than 12 inches from the wall.
- b. **PROJECTING SIGN:** A projecting sign is a sign attached to and projecting from a wall of a building by more than 12 inches.
- c. **FREESTANDING SIGN:** A freestanding sign is a sign fixed to the ground and not attached to a building.

920.8 MEASUREMENT OF MAXIMUM SIGN AREA

The following shall apply in measuring maximum sign area for each sign type.

- a. **WALL SIGN:** For a wall sign applied to or attached to a building or a canopy sign, the entire display area (including the distinguishing background color or border area) shall be used in computing the sign area.
- b. **PROJECTION AND FREESTANDING SIGNS:** Where the sign has two display faces the area of only one display face shall be counted in computing the maximum sign area if:
 - The sign faces are identical, and
 - The sign faces are parallel or the interior angle formed by the faces is forty-five degrees or less. Where the sign faces form an interior angle of more than forty-five degrees, the area of all display faces shall be counted in computing the maximum area permitted. For the purpose of measurement the sign area shall include the entire display face and the decorative trim.

920.9 GENERAL REQUIREMENTS FOR ALL SIGNS

- a. **SIGN SHALL RELATE TO PREMISES:** The message on a sign shall relate to the premises on which the sign is located, except for certain premises and temporary signs specifically provided for in this regulation.
- b. **LIGHTING:** The source of all sign lighting shall be external to the sign and shall be a white light only and the light source (bulb, tube and reflector) shall be designed, located and shielded so that it is not visible from beyond the property line. Signs with exposed neon tubes shall not be permitted.
- c. **SIGNS NOT PERMITTED**
 - Flashing, rotating or revolving signs, with the exception of barber poles
 - Roof signs
 - Any sign erected in a tree or utility pole or painted on a rock or other natural feature. Any sign suspended between poles, which consist of a spinner(s) or pennants, which move with the wind.

- Signs, which contain removable letters or which are illuminated by any flashing, intermittent or moving light, including those giving public service information such as the time, date, temperature, weather or similar information.

920.10

SIGNS PERMITTED IN ALL ZONES WITHOUT A ZONING PERMIT

The following signs of convenience and necessity are permitted in all zones without a zoning permit provided the sign is established and maintained in accordance with the requirements stated herein.

a. One identification sign for the name of the premises, name and address of the occupant of the premises. Maximum area = 2 square feet

b. Trespassing or security signs and signs directing and guiding traffic and parking to a premises or lot subject to the following:

- Signs shall not include advertising matter.
- No limit on the number of signs not visible off-premises
- Signs visible off-premises are limited to one per driveway for traffic and parking one driveway for security and one trespassing sign per 50 feet of continuous lot frontage.
- Maximum area = 2 square feet each sign at driveway for traffic and parking and 1 square foot for each trespass and security sign.
- Town traffic control and parking signs shall be exempt.

c. One sign painted on the wall of a farm building display the name of the farm provided the farm building is located behind the required front yard setback line. Maximum area = 6 square feet

d. One temporary sign for sale, lease or rental of the premises on which the sign is located. If the lot has continuous street frontage exceeding 600 feet, two signs are permitted, if the signs are located at or near either end of the frontage. Maximum area = 6 square feet each sign

e. One temporary sign, citing name of contractor, architect and/or engineer placed on the premises where construction, repair or renovation is in progress. Maximum areas = 6 square feet

f. Election posters: Temporary political posters related to a public election provided posters are not attached to fences, trees, utility poles or the like and are not to be placed in a highway or street right-of-way or in locations obstructing or impairing traffic sight lines. Such posters shall be removed after the election.

g. Temporary signs advertising a major local public or semi-public event sponsored by a civic, religious or non-profit organization provided the sign shall have a maximum area of 32 square feet and shall be displayed for a period not to exceed 35 days before the event and 2 days after the event.

920.11

SIGNS PERMITTED IN ALL RESIDENTIAL ZONES SUBJECT TO A ZONING PERMIT OR SPECIAL PERMIT

a. One sign identifying a permitted home occupation indicating the name of person(s) and/or profession or business. Maximum area = 4 square feet

b. One identification sign on a lot for a multiple dwelling structure(s). Maximum area = 4 square feet

c. One identification sign for a subdivision. Maximum area = 6 square feet

d. For non-residential uses allowed by special permit in a residential zone:

- Charitable, religious, government or educational uses. One sign per major entrance to such use. Maximum area per sign area = 20 square feet
- Other non-residential special permit uses, such as a bed and breakfast use or for a legal non-conforming use located in a residential zone, one identification sign. Maximum area – 12 square feet

920.12

SIGNS PERMITTED IN ALL ZONES SUBJECT TO A ZONING PERMIT

a. Off premises signs for the purpose of identifying and/or directing traffic to local governmental services, religious, educational or institutional facilities, non-profit service organizations or farm produce stands subject to the following:

- One off-premises sign permitted per use.
- Maximum area per sign is 2 square feet.
- Signs shall be at the intersections of major street and in locations reviewed and approved by the Board of Selectman

b. A commemorative plaque or sign indicating a historic place or point of interest by an historic agency recognized by the Town.

c. Identification sign for charitable, religious, government or educational uses. Maximum area = 12 square feet.

d. Signs advertising a major local public or semipublic event by a civic, religious or non-profit organization where:

- The proposed sign has a maximum area greater than 32 square feet or
- It is a banner or sign of any other type, to be located over a public street and/or
- The period of display exceeds 35 days before the event or 2 days after the event.

The Zoning Administrator may issue a zoning permit for such a sign, where the applicant presents a written recommendation of approval from the Board of Selectmen attesting that the event is a general benefit to the Town or for public convenience, necessity or welfare.

920.12

REQUIREMENTS FOR SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES

MAXIMUM NUMBER OF SIGNS ON A LOT – 2 consisting of 1 freestanding sign or 1 projecting sign and one wall sign

FREESTANDING SIGN: Minimum setback 5 feet

MAXIMUM HEIGHT: 8 feet measured from ground level to top of the support.

MAXIMUM SIGN AREA shall be according to the number of business on lot:

- One business – 12 square feet
- Two businesses – 16 square feet
- More than two businesses – 24 square feet

PROJECTING SIGN:

- Maximum area – 12 square feet
- Maximum projection – no more than 5 feet from face of the building

WALL SIGN:

- Maximum area – not to exceed 15% of the wall area to, which sign attached
- Maximum height – top of the wall to, which sign attached
- Maximum projection – no more than 12 inches from the face of the building

* In the C-20 and CG-20 districts a sign proposed closer to the property line or within the Town street or State highway right of way may be permitted subject to a Special Permit application.

920-13

BANNER FOR COMMERCIAL USES: One banner with the word “sale” or “open” or a decorative banner (logo or symbol) appropriate to the use may be permitted on a commercial lot or a commercial site in a commercial zone provided that:

- a. The size of the banner may not exceed 3’ by 5’
- b. The location of the banner shall not obstruct traffic sight lines and the location shall be approved by the Zoning Administrator.
- c. The business owner shall apply for a permit from the Zoning Administrator accompanied by a permit fee. The flag or banner shall be on display during daylight hours only and this shall be so stated on the permit.
- d. The Commission may permit an additional banner on a commercial lot where the applicant demonstrates to the satisfaction of the Commission that the additional banner is appropriate in consideration of the driveway arrangement, length of road frontage and in consideration of neighboring uses.

920.14

COMPOSITE SIGN: A group of three or more stores, offices or other uses, which are designed as a unit, such as a shopping center or industrial park may, subject to a Special Permit, erect and maintain one Composite Sign.

The Composite Sign shall identify the complex and individual tenants thereof and may be located at each entrance. The area of the Composite Sign shall be determined by the Commission in consideration of the number of tenants, location of the sign in relation to the street and the surrounding streetscape. No Composite Sign shall exceed 48 square feet.

920.15

COMPOSITE OFF PREMISE SIGN: In the C-20 or CG-20 districts a composite off-premise sign may be approved as a Special Permit by the commission for the purpose of providing identification and direction to commercial uses which do not have frontage on a main street. The Special Permit shall be subject to the following standards and requirements:

- a. The composite sign shall be permitted at street intersections in locations approved by the Board of Selectmen and shall be constructed and maintained as specified in the permit.
- b. The application shall include a rendering of the proposed sign and the applicant shall demonstrate to the satisfaction of the Commission that the size, location and design of the sign is compatible with the historic and rural character of the village center.

921

DEFINITIONS:

SIGN: Any structure or natural object – such as trees, rocks, bushes and the ground itself or part thereof or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, project, place, activity, person, institution, organization or business or, which shall display or include any letters, words, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement.

For the purpose of this definition and these regulations, the word sign shall mean all signs including interior signs if visible from off the premises and shall not include the flag, pennant or insignia of any nation, state, city or other political unit or official traffic signs or notices required by law.

SIGN FACE: A single face is a plan defined by one continuous perimeter of that rectangle, triangle or circle having the smallest area, which encompasses all lettering, wording, design or symbols together with any background different from the balance of the wall on, which it is located, if such background is designed as an integral part of and obviously related to the sign. Such perimeter however, shall not include any structural elements lying outside the limits of such a sign and not forming an integral part of the display.

SIGN DOUBLE FACE: A sign with two faces neither face exceeding the maximum area allowed for the zone in, which it is located and where the faces mounted back to back not more than 18 inches apart and parallel.

SIGN FLASHING: Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times in use.

SIGN MOVING: Any sign, which has any visible revolving or rotating parts or any visible mechanical movement of any description, except clocks and/or barber poles.

SIGN DIRECTLY ILLUMINATED: Any sign illuminated with an internal artificial light.

922 PERMITTED SIGNS

Signs shall be permitted in the zones as set forth below and subject to the conditions of these regulations.

- 922.1 Business signs are permitted in each and every zone.
- 922.2 Identification signs are permitted in each and every zone.
- 922.3 Trespassing signs and/or signs indicating the private nature of a driveway and/or premises are permitted in each and every zone.
- 922.4 Outdoor advertising billboards shall not be permitted in any zone. Off-premises signs shall not be permitted, except as specifically provided for in these regulations.
- 922.5 Temporary signs are permitted in each and every zone.
- 922.6 Overhanging signs are permitted in each and every zone.
- 922.7 Ground and pole signs are permitted in each and every zone.
- 922.8 Roof, moving and/or sky signs shall not be permitted in any zone.
- 922.9 Wall signs are permitted only in the commercial and industrial zone districts.
- 922.10 Non-illuminated signs are permitted in each and every zone.
- 922.11 Indirectly illuminated signs are permitted in each and every zone.
- 922.12 Flashing signs shall not be permitted in any zone.
- 922.13 Directly illuminated signs are permitted only in Industrial and Commercial zones C-20, CG-20, LI-1 and LI-20.

923 SIGN SIZE LOCATION AND HEIGHT REQUIREMENTS IN RESIDENCE ZONES

Signs shall be subject to the following limitations of size, location and height in the Residence (R-10, R-20, RR1V, RR1, RR3, MR and LA zones).

- 923.1 Identification signs for home occupation indicating only names of persons and their profession and/or business shall have a maximum area of two (2) square feet and shall be limited to one sign per dwelling unit.
- 923.2 Identification signs indicating names of residents and dwelling or dwelling unit numbers shall have a maximum area of two (2) square feet and shall be limited to one (1) sign per dwelling unit.
- 923.3 Identification signs indicating the name and purpose of a multiple dwelling structure and the name of its management shall have a maximum area of four (4) square feet and shall be limited to one (1) sign per structure.
- 923.4 Identification signs located on the premises of or at the entrance to a dwelling group (subdivision, residential planned area development with three (3) or more dwelling units and indicating the

names and addresses of the residents or dwellings shall have a maximum area of six (6) square feet and shall be limited to one (1) sign per entrance to the dwelling group.

- 923.5 Identification signs for charitable, religious, government or educational uses shall have a maximum of twenty (20) square feet and shall be limited to one (1) sign per major entrance to such use.
- 923.6 Identification signs for agricultural and other permitted uses of a non-residential nature not set forth in 5 above and for legal non-conforming uses shall have a maximum area of sixteen (16) square feet and shall be limited to one (1) sign per major entrance of such use.
- 923.7 Temporary signs listing the contractor, engineer, architect and other pertinent data associated with any construction project shall have a maximum area of sixteen (16) square feet and shall be limited to two (2) signs per project and shall be further limited to the period of the project's construction.
- 923.8 Temporary signs advertising subdivisions in process shall have a maximum area of twenty (20) square feet and shall be limited to one (1) sign per major approach to such subdivision whether or not such sign is located inside or outside such subdivision and shall be further limited to a period of six (6) months, which may be extended for additional six (6) month period, each extension at the discretion of the Commission.
- 923.9 A for sale and a for rent signs shall have a maximum area of six (6) square feet and shall be located on the premises offered for sale or for rent and shall be limited to one (1) sign per street frontage, except if the contiguous frontage on any street exceeds six hundred (600) feet, one (1) permitted sign may be located at or near each end of such frontage.
- 923.10 Trespassing signs and/or signs indicating the private nature of driveway and/or premises shall have a maximum area of two (2) square feet per sign and shall be limited to one sign per driveway, one sign per hundred (100) feet of lot frontage with a minimum distance between signs of one hundred (100) feet and two (2) signs per principal structure on the lot.
- 923.11 Historical markers shall have a maximum area of eight (8) feet and may be placed only by a bona fide historical organization or by a governmental agency.
- 923.12 All signs, except identification signs, shall be located not less than twenty (20) feet from any lot or property line unless written permission to do otherwise is granted by the abutting property owner.
- 923.13 No ground or pole sign shall exceed a height of eight (8) feet, measured in a straight line from the top of the sign to the ground level.
- 923.14 Overhanging signs shall project no more than three (3) feet, measured at right angles to the building to, which the sign is attached.
- 923.15 **SIGN SIZE, LOCATION AND HEIGHT REQUIREMENTS IN COMMERCIAL AND INDUSTRIAL ZONES**
- Signs shall be subject to the following limitations of size, location and height in the Commercial and Industrial Zones (RE, C-20, CG-20, LI-1,LI-20) except as specifically provided for elsewhere in these regulations.
- 924.1 The total gross area of all permitted signs shall not exceed one (1) square foot for each lineal foot of the principal building facing the street or in the absence of any building, one half (1/2) square foot for each lineal foot of lot frontage of the lot on the principal street, except that in all instances the total gross area of all signs on a single lot shall not exceed one hundred (100) square feet. In addition, the total gross area of individual types of permitted signs shall not exceed the following:
- a. Ground or pole signs, twenty-four (24) square feet, except that the Commission may permit a larger total gross area for a group of ground or pole signs located on one structure displaying the name, location and businesses in a unified shopping center provided each sign on the structure shall be of uniform dimensions and lighting with all the other signs on the structure.

- b. Overhanging signs six (6) square feet per sign.
- 924.2 No ground or pole sign shall exceed a height of fifteen (15) feet, measured in a straight line from the top of the sign to ground level.
- 924.3 A maximum of two (2) types of the permitted signs – wall, ground, pole or overhanging and a total of three (3) signs may be permitted on any one building or lot, except that in the case of a building containing two (2) or more commercial tenants or occupants, a maximum of two (2) types of the permitted signs for each individual tenant or occupant plus one (1) additional permitted sign for the entire building, provided that each type of sign associated with each individual tenant or occupant shall be of uniform dimensions and lighting with all the other signs of the same type associated with the other individual tenants or occupants.
- 925 OFF-PREMISE SIGNS
- The following on and off-premises signs shall be permitted in each and every zone.
- 925.1 TRESPASS, SECURITY, TRAFFIC AND PARKING SIGNS
- Trespass or security signs and signs directing and guiding traffic and parking located on and relating to a premises or lot subject to the following:
- a. Signs shall not include advertising matter.
 - b. No limit on the number of signs, which are not visible off-premises.
 - c. For signs visible off-premises shall be limited to one sign per driveway for traffic and parking, one sign per driveway for security and one sign per 50 feet of continuous lot frontage for trespassing.
 - d. Maximum area = 2 square feet each sign at driveways for traffic and parking and 1 square feet for each trespass and security sign.
 - e. Town traffic control and parking signs shall be exempt.
- 925.2 OFF-PREMISE SIGNS ON UNIFORM SIGN POSTS AT STREET INTERSECTIONS
- Off-premises signs on uniform signposts at street intersections for the purpose of providing identification and direction to commercial uses, which do not have frontage on a main street subject to the following:
- a. One off-premises sign permitted per use.
 - b. Sign posts and signs shall be constructed and maintained in accordance with specifications for Commercial off-premises signs and signposts on file in office.
 - c. Sign posts shall be at street intersections and in locations reviewed and approved by the Board of Selectmen.
- 925.3 OFF-PREMISES SIGNS FOR THE PURPOSE OF IDENTIFICATION OR DIRECTING TRAFFIC
- Off-premises signs for the purpose of identifying and/or directing traffic to local governmental services, religious, educational or institutional facilities, non-profit service organizations or farm produce stands subject to the following:
- a. One off-premises sign permitted per use.
 - b. Maximum area per sign = 2 square feet
 - c. Signs shall be at the intersections of major streets and in locations reviewed and approved by the Board of Selectmen.

926 GENERAL SIGN REGULATIONS

- 926.1 No sign shall display intermittent lights resembling the flashing light customarily used in traffic signals or those used by police, fire, ambulance or other emergency vehicles nor shall any sign use the word “stop”, “danger” or any other word, phrase, symbol or character that might be constructed to be a public safety warning or official traffic control sign, nor shall any beam or beacon of light resembling any emergency vehicle or facility be permitted to be erected as part of any sign or sign display.
- 926.2 Illuminated signs shall be so shielded as not to cast direct light into or onto any zone or into or onto any property or building in any zone or into or onto any public right-of-way.
- 926.3 Roof, sky and moving signs are not permitted.
- 926.4 Flashing signs or signs either directly or indirectly illuminated of a flashing or revolving nature or giving off intermittent or rotating beams, either directly or by reflection is prohibited.
- 926.5 No streamers or banners or other sign devices not herein defines shall be permitted.
- 926.6 Every ground or pole sign shall be provided with suitable, properly maintained landscaping, covering the area between such sign and all adjacent property lines, except for any such area that is actively devoted to some other use.
- 926.7 Temporary signs other than “for sale” or “for rent” (except as provided in Section 927.7 and 923.8) shall be permitted only for a period on one (1) month prior to and including the duration of the activity, which such sign describes and such signs shall be removed within one week after the completion of the activity, which such sign describes, except that in no instance shall any temporary sign other than “for sale” or “for rent” signs and signs set forth in Section 923.7 and 923.8 of the regulations, be permitted for a period of more than three (3) months counting continuously from the time the permit for the temporary signs is issued, provided that the Commission may permit one (1) extension of the time period for a temporary sign for up to an additional three (3) months.
- 926.8 Signs associated with any political, educational, charitable, philanthropic, civic, religious or like campaign, drive, movement or event, which are not in accord with these unified sign regulations shall be permitted provided that they do not exceed twenty (20) square feet and that a permit is obtained from the Zoning Administrator for such signs and that such signs are installed for a period of not more than thirty (30) days before and ten (10) days after the event. The persons responsible for installation of such signs shall be obligated to remove them. In no instance shall any such temporary sign be permitted for a period of more than three (3) months counting continuously from the time the permit for the temporary sign is issued, except that the Commission may, upon application, permit one (1) extension of the time period for such temporary sign for up to an additional three (3) months.
- 926.9 No sign shall be erected within or overhang public rights-of-way, except that the Commission may permit exceptions if the sign is installed in the sidewalks or area where sidewalk would normally be built and the sign does not overhang the traveled portion of the right-of-way.
- 926.10 No sign shall be installed at an intersection so as to interfere with safe sight lines, generally a distance of twenty-five (25) feet from the intersection.
- 926.11 Signs painted on a building shall be repainted when required to be kept in good condition and shall be removed or painted out by order of the Commission if not so maintained.
- 926.12 No sign shall be permitted to obstruct any window, door, fire escape, stairway or opening intended to provide light, air, ingress or egress for any building or structure.
- 926.13 Signs, which may become unsafe or unsightly, shall, upon notice from the Commission be repaired, removed by the owner or lessee of the property on, which such signs stand.
- 926.14 Signs, which are no longer functional or are abandoned shall be removed or relocated by the owner or lessee of the property on, which such signs stand within one month following such designation by the Commission.

- 926.15 In cases where a use spans more than one zone, signs shall conform to the regulations for the zone in, which is located the majority portion of the use to, which the sign relates and shall be located in that zone.
- 927 APPLICATION AND PERMIT
- 927.1 SIGN PERMIT
- A sign permit from the Zoning Administrator shall be required for all business signs except permitted temporary signs as provided for in Section 926.2 below.
- 927.2 SIGN PERMIT TEMPORARY SIGNS
- A temporary sign permit for the Zoning Administrator shall be required for all temporary signs, except that any permitted extension of the time period for temporary signs as permitted by these regulations shall require a special permit form the Commission, except as provided in Section 923.8 of regulations for temporary signs advertising subdivisions in progress.
- 927.3 SIGN PERMIT APPLICATION
- Every application for a sign permit shall include at a minimum the following information and exhibits:
- a. Purpose of the sign.
 - b. Position of sign and its structure in relation to adjacent buildings and structures.
 - c. The design and size, structural details and the dimensions proposed lighting and the proposed location on the premises of such sign and/or sign structure.
 - d. Statement showing the size, dimensions, lighting and location of all signs existing on the premises at the time of making said application.
 - e. Such other information as the Commission shall require showing full compliance with this and all other applicable ordinances of the Town.
- 927.4 TEMPORARY SIGN PERMIT APPLICATION
- Every application for a temporary sign permit shall include at a minimum the following information and exhibits:
- a. Purpose of the sign
 - b. The design and size, structural details and the dimensions proposed lighting and the proposed location on the premises of such sign.
 - c. The total period of time the sign is to be displayed.
 - d. Such other information as the Commission shall require to showing full compliance with this and all other applicable ordinances of the Town.
- 927.5 In approving any application for a sign permit, the Commission may require certain dimensions, lighting, lettering size, location, height, landscaping and the like for such sign because of its proposed location, the use with which the sign is associated, the type, sizes, dimensions and the like of surrounding signs, existing or proposed and general compatibility with immediate and surrounding development, existing and proposed and the neighboring area.
- 927.6 PERMIT EXCEPTIONS

The following operations shall not be considered as creating a sign, and therefore, shall not require a sign permit:

- a. The changing of the advertising copy or message on an approved painted or printed sign, which is specifically designed for the use of replaceable copy.
- b. Painting, repainting, cleaning and other normal maintenance and repair of a sign or a sign structure unless a structural change is made.

927.7

The Commission will establish fees for sign permits.

928

NON-CONFORMING SIGNS

All signs erected after the effective date of these regulations shall conform to these regulations. All nonconforming signs existing as of the effective date of these regulations may be maintain in the nonconformity, but may not be replaced, altered or structurally changed except in conformity with these regulations.

ARTICLE X

REGULATIONS CONCERNING NON-CONFORMING USES, BUILDINGS AND LOTS

SECTION
1000

NON-CONFORMING SITUATIONS – DEFINITION AND INTENT

A non-conforming situation is any use, building, structure or lot or any use of any building, structure or lot, lawfully existing at the time of the adoption of these regulations or any relevant amendment thereto which does not conform to the requirements of these regulations or such amendment. Non-conforming situations are as follows:

a. Non-conforming lots are lots, which does not meet the dimension requirements for a lot, such as the lot area requirement.

b. Non-conforming building or structure a non-conforming building or structure is one, which does not meet one or more of the requirements for building or structure location or dimensions on a lot. For example, that portion of a single-family dwelling, which since prior to the adoption of these regulations or any relevant amendment thereto, extended into the required front or side yard is non-conforming as is that portion of a building or structure which since prior to the adoption of these regulations or any relevant amendment thereto exceeded the building height limitation and any building, which during that period of time covered more of the lot than is permitted by these regulations.

c. A non-conforming use is a use of a lot, building or structure, which has legally existed since before the adoption of these regulations or any relevant amendment thereto and that does not meet the use requirements for the zone district in, which the building, structure or lot exists. Non-conforming use may be a non-conforming use of land only on building or structure only or of a building, structure and land in combination.

As required by Connecticut General Statutes Section 8-2, these regulations do not prohibit the continuance of any non-conforming use, lot, building or structure legally existing at the time of the adoption of these regulations or any relevant amendment thereto. It is the public policy of the Town of Salisbury and the intent of these regulations, that the degree of non-conformity in any non-conforming situation is reduced and any non-conforming situations are eliminated as quickly as possible.

1001 GENERAL RULE CONCERNING CHANGE OF NON-CONFORMING SITUATION TO CONFORM

Once a non-conforming situation or any portion thereof, has been changed so that it conforms to these regulations that situation or portion thereof shall not revert to or again become non-conforming.

1002 CHANGES OF NON-CONFORMING USE TO ANOTHER NON-CONFORMING USE

1002.1 In determining whether an activity represents a change in non-conforming use, consideration shall be given to three factors: (1) the extent to, which the new use reflects the nature and purpose of the original non-conforming use; (2) any difference in the character, nature and kind of use involved and (3) any substantial difference in effect upon the neighborhood resulting from the differences in the activities conducted on the property.

Where such a change of non-conforming use is proposed, the Commission may approve that change if it finds that the proposed non-conforming use will not have an adverse effect on the district, the neighborhood and surrounding properties greater than the effect the current non-conforming use has.

The Commission may attach appropriate conditions and safeguards to the approval of such change of non-conforming use where such conditions are determined necessary to ensure that the proposed non-conforming use will not have a greater adverse effect upon the district, the neighborhood and surrounding properties than the current non-conforming use has.

As part of the application for a change of non-conforming use to a different non-conforming use the Commission may require the applicant to submit a Site Plan prepared in accordance with the requirements of Article VI for any proposed change, which affects site or exterior building improvements.

1003 ABANDONMENT OF A NON-CONFORMING USE

Whenever a non-conforming use of land, building or structure or any portion thereof, has been abandoned, such non-conforming use shall not thereafter be re-established and all future use shall be in conformity with these regulations.

In determining whether a non-conforming use has been abandoned, the Commission shall consider all relevant facts, including those relating to the intent of the property owner to abandon the use. The cessation of active and continuous operation of a non-conforming use, or portion thereof, for a period of one year shall be considered significant evidence, which shall be considered, along with other facts, in making a factual determination of abandonment.

1004 ENLARGEMENT OF A NON-CONFORMING USE OR NON-CONFORMING BUILDING OR STRUCTURE

No non-conforming use land or non-conforming use of a building or a structure shall be extended to occupy a greater area, space or portion of the land, building or structure than was occupied or manifestly arranged for the use on the date that the non-conforming status for the land, building or structure was established.

Non-conforming building is one that does not conform to one or more of the building exterior dimension or location requirements of these regulations as set forth in the table of area and dimension requirements or other dimension requirements of these regulations.

No non-conforming building or structure shall be altered, enlarged or extended (in any way that) to increase the area (or space) of that portion of the building or structure which is non-conforming with the following exception:

Subject to the approval of a Special Permit, the Commission may approve second story additions or other vertical additions to the height or bulk of that portion of a residential building which is non-conforming in terms of minimum Yard Requirements provided:

- The proposed addition is designed to be compatible with the existing building in terms of architecture, materials and appearance, and
- The proposed additional does not project into the required minimum yard any further than the existing building foundation or building façade, and
- The Commission determines the application meets the General Standards for Special Permits Sections 703.2, 703.6 and 703.7 and
- In evaluating the application and reaching its decision, the Commission shall take into consideration the degree of the existing non-conformity. (effective 3.18.08)

1005 RESTORATION OF NON-CONFORMING BUILDING OR STRUCTURE

A non-conforming building or structure damaged by fire or other casualty may be reconstructed or restored to no more than its previous non-conforming dimensions on the condition that work is started within one year of such damage and is diligently pursued to completion. The Commission may grant an extension(s) of the date to start work provided;

- The owner submits a request for extension in writing stating the reasons for the request, and
- The request is received prior to the initial one year deadline, and
- An extension of the sum of all extension(s) granted total not more than one year.

1006

BUILDING ON VACANT OR UNIMPROVED NON-CONFORMING LOTS

These regulations shall not prohibit a permitted use or the construction of an otherwise permitted building or structure on a vacant or unimproved lot, which does not meet the minimum width or other dimensional requirements of these regulations, provided the following conditions apply:

- The lot is owned as a separate parcel as evidenced by a deed recorded prior to the adoption and effective date of these regulations or the relevant amendment thereto which made the lot non-conforming, or
- The lot is shown on a subdivision map approved by the and the map was legally recorded prior to the effective date of these regulations or the relevant amendment thereto which made the lot non-conforming, and
- All necessary permits regarding subsurface sewage disposal and private water supplies are approved and the development meets all other pertinent zoning regulation as provided herein and
- If such lot is served neither by public sewer nor public water supply, the minimum lot area shall not be less than 20,000 square feet.
- If such lot is served by both public water supply and public sewer, the minimum area shall be not less than 5,000 square feet and the minimum width shall be not less than fifty (50) feet and
- If such lot is to be used for a use permitted in the district in which it is situated, other than human habitation, whether or not public sewer or public water supply serves it, the minimum lot width shall be fifty (50) feet.

1007

EFFECT OF CHANGE IN REGULATIONS ON APPROVED USE

The effect of a change in the Zoning Regulations on a site plan which has been approved prior to the effective date of such change in the regulations shall be as provided for in the Connecticut General Statutes Chapter 124, Section 8-3, as may be amended from time to time.

ARTICLE XI

ZONING PERMITS AND ADMINIMSTRATIVE REQUIREMENTS

SECTION

1100

ZONING PERMIT

1100.1

Fee and expiration date. Each application for a zoning permit to be issued under the provisions hereof shall be accompanied by a fee established by the “Fee Schedule for building, zoning, sanitarian and conservation” as amended. A copy of the “fee schedule” shall be maintained on file in the office of the First Selectmen and the Planning and Zoning Office. Such fee shall be payable to the Town of Salisbury, Connecticut.

A zoning permit shall expire one year after the date of issuance unless construction has been started and is being diligently prosecuted to completion.

1100.2

Variance Expiration date. Unless the Zoning Board of Appeals specifies otherwise, any variance granted by the Zoning Board of Appeals shall become invalid if the terms of the variance are not complied within one year of its effective date and any construction involved in such variance is not started within one year of the effective date and diligently prosecuted to completion.

1101

ENFORCEMENT

1101.1

The provisions of these regulations shall be enforced by the Planning and Zoning Commission, acting by and through the Zoning Administrator, who shall be appointed by the Commission to serve at its pleasure. The Zoning Administrator shall be the agent of the Commission. The term “a Zoning Administrator” and “Zoning Enforcement Officer” as used in these regulations shall have the same meaning.

1101.2

The Zoning Administrator may cause any building or premises to be inspected and may be in writing the remedying of any condition found to exist therein or thereon in violation of these regulations and may seek any other remedies provided by law.

1101.3

The Planning and Zoning Commission and/or the Zoning Administrator shall cause all violations of these regulations to be prosecuted as provided by provisions of Chapter 124 of the General Statutes, revision of 1958 and amendments thereto or seek any other remedy provided by law.

1101.4

Revocation of a Special Permit. When the Commission receives information from which it conclude there is probable cause to believe that the holder of a Special Permit is in violation of the requirements of these regulations and/or terms and conditions of the Special Permit sufficient to warrant regulation of that permit, it shall send written notice by Certified Mail, Return Receipt Requested, to the holder of that Permit advising the holder (a) of the facts from which the Commission has determined that there is probable cause to believe violation has occurred and (b) the violations claimed to be involved and (c) the date, time and place for a public hearing on the possible revocation of the permit on account of these factors.

The notice, conduct and other incidents of such a public hearing shall conform to the provisions of General Statutes Section 8-3c as the same may be amended from time to time, governing hearings with respect to the granting of Special Permits, except that for purposes of the revocation hearing, the Zoning Administrator shall be deemed to be the applicant proposing revocation and the notice of probable cause for revocation shall be deemed to be the application. The revocation of a Special Permit shall not be effective until a copy of the revocation, certified by the Commission and containing a description of the Special Permit being revoked and the

volume and page of the land records in, which it was recorded pursuant to General Statutes Section 8-3d, is recorded in the land records of the Town.

1102 CERTIFICATE OF OCCUPANCY/CERTIFICATE OF ZONING COMPLIANCE

No building permit or certificate of occupancy shall be issued for a building use or structure subject to the zoning regulations without certification in writing by the Zoning Administrator charged with the enforcement of these regulations that such building use or structure is in conformity with these regulations or is a valid non-conforming use under these regulations.

1103 AMENDMENTS

1103.1 An application for a change in zoning district designation or change in zoning district boundary lines or an amendment to the text of the zoning regulations shall be submitted on a form provided by the Commission and shall comply with the following requirements:

a. The application shall be signed by the owner of his property or a person authorized by the owner in writing.

b. The application shall include a written statement explaining the reasons for the proposed change. An application for a change in a zoning, district boundary shall be accompanied by two prints of the Town Zoning Map indicating, in color, the area for which the change is applied for, the proposed zoning district boundary line and the proposed zoning district designation. An application for a change in the text of the zoning regulations shall specify the exact words to be added and deleted to the regulations and the numbers of the Article and Sections subject to the proposed change.

c. Where the proposed zone district boundary change does not follow property lines or divides a property or is otherwise not readily identifiable, the Commission may require an A-2 survey of the proposed zoning district boundary line.

d. The application shall include a list of all property owners of record within 500 feet in all directions of the proposed zone district boundary change.

e. The applicant shall send a return receipt notification to all the property owners of record identified in above. The notice shall state the public hearing time, place and date and identify the zone district boundary change location.

Prior to or not later than the beginning of the public hearing on a zoning district boundary change, the applicant shall present to the Commission verification that a return receipt notice was sent to all persons on the list (d. above) and that the notice was sent not less than 14 days prior to the public hearing on the proposed zone change.

1103.3 Each application for a change in these regulations and zoning maps shall be accompanied by a check in the amount specified in the Town Ordinance on land use fees or in the absence of such by a fee of \$50.00 made payable to the Town of Salisbury, Connecticut.

1103.4 All previous Zoning Regulations are hereby repealed but any violations of such regulations may be prosecuted, corrected or abated as the law may allow.

1104 ZONING BOARDS OF APPEALS

1104.1 POWER AND DUTIES

The Board of Zoning Appeals, hereinafter called the Board, as authorized by the General Statutes as amended shall have the following powers and duties:

a. Adopt such rules and regulations as may be deemed necessary to carry out these regulations.

b. Hear and decide appeals where it is allowed that there is an error in any decision made by the Zoning Administrator.

c. Authorize upon appeal in specific cases variances from the terms of these regulations where by reason of unusual shape, size, or topography of a lot or other unusual conditions of the building or land the owner of said property would be subjected to an unnecessary hardship as a result to the enforcement of the requirements of these regulations.

1104.2 VARIANCE

Before any variance is granted, the Board must make a written finding in its minutes as part of the record in the case. Said finding shall state the following:

a. A detailed description of the unusual circumstances, which apply to the subject property, which circumstance do not generally apply to other property in the neighborhood and a finding that these conditions under the Zoning Regulations constitute the hardship, which hardship is not self imposed.

b. That relief can be granted without detriment to the public welfare or impairment to the integrity of these regulations.

1104.3 PROCEDURE

a. The board shall hold a public hearing on all application and appeals and shall publish a notice of said hearing in a newspaper of general circulation within the Town in accordance with the Connecticut General Statutes.

b. All determinations of the Board shall be made in accordance with the comprehensive plan set forth in these regulations and shall be in harmony with the purpose and intent expressed in Article I.

c. Every appeal taken under this section and every application for variance shall be made on forms especially provided, which shall include all the data necessary for a clear understanding and intelligent action by the board. Such forms shall be filed with the Board in triplicate.

d. The application fees to be paid by applicants or petitioners shall be as set by the Town Ordinance on land use fees.

1105 VALIDITY

If any section, paragraph, clause or provision of these regulations shall be judge invalid, such invalidation shall apply only to the particular section, paragraph, clause or provision. The remainder of these regulations shall be deemed valid and effective.

ARTICLE X11

USES SUBJECT TO MORATORIUM

SECTION

1200

INTENT AND PURPOSE

The Planning and Zoning Commission has determined that the following uses have the potential to impair the health, safety and welfare of its citizens, and that a temporary, limited moratorium is needed in order to properly develop restrictions and standards for the implementation of these uses.

1201

IDENTIFIED USES SUBJECT TO MORATORIUM

1201.1

Outdoor Wood burning Furnaces (OWF's) as defined in Article II of these regulations.

1202

APPLICATION

1202.1

No application for Outdoor Wood burning Furnace and no installation of an Outdoor Wood burning Furnace shall be permitted in any zone within the Town of Salisbury during the period specified below, except under the specified exclusions of this regulation.

1203

EFFECTIVE DATE AND EXPIRATION

1203.1

The effective date of the moratorium on the installation of Outdoor Wood burning Furnaces is the date of adoption of this regulation by the Planning and Zoning Commission together with the filing of the amendment with the Town Clerk (beginning on 6/26/09), and expiring in one calendar year (ending on 6/26/2010).

1204

EXCLUSIONS

1204.1

The moratorium on the installation of Outdoor Wood burning Furnaces shall not apply to any Outdoor Wood burning Furnace for which an application has been submitted and accepted by the Building or Planning and Zoning Departments as of the effective date of this amendment.

APPENDIX A

FEE SCHEDULES FOR BUILDING, ZONING, SANITATION AND CONSERVATIONS:

**BUILDING FEES:
FEES ARE BASED UPON COST AS FOLLOWS:**

NEW CONSTRUCTION, ADDITIONS, RENOVATIONS AND STRUCTURAL ALTERATIONS

\$12.00 for first \$1,000 of estimated cost
\$7.00 per \$1,000 of estimated cost in excess of \$1,000

CERTIFICATE OF OCCUPANCY – no fee

DEMOLITION

Any structure under 500 square feet – no fee
Over 500 square feet - \$25.00

ZONING PERMITS

Each structure or addition - \$15.00
Subdivision - \$300.00 per lot
Special permit fee - \$100.00

SANITATION PERMIT FEES

Available through the Torrington Area Health District Representative

CONSERVATION PERMIT FEES

Fees shall be a minimum of \$75.00 per application for a Conservation Commission Permit where such permit requires public hearing or actual advertising costs if in excess \$75.00

ALL PERMITS MUST BE OBTAINED AND FEES PAID BEFORE WORK IS BEGUN.

Revised February 1, 2004

APPENDIX B

AN ORDINANCE CONCERNING THE FILING OF MAPS OR PLANS #75

The Town Clerk shall not accept for filing any map or plan showing a subdivision of land unless such map or plan is accompanied by an affidavit executed by the owner or owners of such land affirming that either (1) the division was made with the approval of the Planning and Zoning Commission under the subdivision laws of the State of Connecticut and the Subdivision Regulations of the Town of Salisbury or (2) no such approval was necessary under said law and regulations because the division was not the division of a tract or parcel of land into three or more parts or lots or because the division did not for other reasons specified in the affidavit constitute a “subdivision” or “resubdivision” as defined in Connecticut General Statutes, Section 8-18 at the same may be amended from time to time.

