

ZONING REGULATIONS
Town of Salisbury
Connecticut

Planning and Zoning Commission

Last Revised ~~September 30, 2019~~2022

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Salisbury Zoning Regulations – First Adopted June 8, 1959.
Twenty-Fourth Revision – May, 2013.
Amended September 30, 2019
~~Amended September X 2021~~

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ARTICLE I - INTRODUCTION

100 Authority and Purposes

These regulations are adopted for the following purposes in accordance with the Connecticut General Statutes, as amended:

to encourage the most appropriate use of land;
conserve and stabilize the value of property;
promote health, safety and the general welfare;
protect and maintain the quality and quantity of surface and ground drinking water supplies;
regulate and determine size and location of yards; provide adequate open spaces for light and air;
secure safety - fire, panic, flood and other dangers;
prevent undue concentration of population;
lessen congestion in the streets; and
facilitate adequate provisions for community facilities and utilities, such as transportation, water, sewerage, schools, parks, open spaces and other public requirements and for such other purposes as specified in Chapter 124 of the Connecticut General Statutes.

To carry out these purposes, these regulations designate, regulate and restrict the location and use of buildings, structures and land for agriculture, residences, commerce, trade, industry and other purposes; regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; regulate and determine size of yards and other open spaces; regulate and limit the density of population; divide the Town into zoning districts for said purposes as seem best suited; and provide for the enforcement of such regulations.

These Regulations apply to all areas within the Town of Salisbury

100.1 Authority

These Zoning Regulations are adopted under the authority granted by Chapter 124 of the Connecticut General Statutes, as amended:

100.2 Purposes

As provided in Section 8-2 of the Connecticut General Statutes, these Zoning Regulations are adopted to help accomplish the following purposes:

- ~~_____ a. Promoting and protecting the public health, safety, convenience, and general welfare of the community;~~
- ~~_____ b. Conserving and protecting natural resources, such as ridgelines, farmland, wetlands, watercourses, and other sensitive natural resources and areas;~~
- ~~_____ c. Protecting water quality, especially groundwater and existing and potential drinking water supplies;~~
- ~~_____ d. Conserving the value of buildings and property and encouraging the most appropriate use of land throughout the town;~~
- ~~_____ e. Lessening congestion in the streets and securing safety from fire, panic, flood, and other dangers;~~
- ~~_____ f. Providing and maintaining adequate light and air and privacy;~~
- ~~_____ g. Facilitating adequate provision of transportation, water, gas, electric power, sewerage, drainage, schools, parks and other public requirements;~~

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- ~~h. Assuring that proper provision is made for sedimentation control and the control of erosion caused by wind or water;~~
- ~~i. Encouraging the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, which will promote housing choice and economic diversity in housing, including housing for both low and moderate income households, and encouraging the development of housing which will meet identified housing needs; and~~
- ~~j. Implementing the Plan of Conservation and Development for the Town of Salisbury prepared under Section 8-23 of the Connecticut General Statutes.~~

100.3 Implementation

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

- ~~a. Divide the Town into zones and overlay districts of such type, number, size, shape and area to implement the above stated purposes and the Town Plan of Conservation and Development;~~
- ~~b. Regulate the density of population, the location, the use of buildings, structures, land for businesses, industries, residences and other purposes;~~
- ~~c. Regulate the construction, reconstruction, alteration, use of buildings/structures and the use of buildings and land in each zone and overlay district;~~
- ~~d. Permit certain classes of uses or types of buildings and structures only after approval of a special permit;~~
- ~~e. 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;~~
- ~~f. Regulate height, size, location of signs, parking, landscaping, lighting and other uses of land;~~
- ~~g. Regulate development to minimize erosion and sedimentation, ground and surface water pollution and adverse impact on wetlands, watercourses, lakes and ponds, flood hazard areas, steep slopes, ridgelines and other sensitive and significant features of the natural environment.~~

100. Jurisdiction

These Regulations apply to all areas within the Town of Salisbury and to the use to which any area and any and all buildings or structures may be devoted.

ARTICLE II - ZONES, DISTRICTS, MAPS AND USE REQUIREMENTS

200 Zones

For the purpose of these Regulations the Town of Salisbury shall be divided into the following zones;

ZONES	ZONING MAP LEGEND
Residence 10 Zone	R-10
Residence 20 Zone	R-20
Rural Residence 1 Village Zone	RR-1-V
Rural Residence 1 Zone	RR-1
Rural Residence 3 Zone	RR-3
Mount Riga Zone	MR
Lake Residential Zone	LA
Rural Enterprise Zone	RE
Commercial Zone	C-20
General Commercial Zone	CG-20
Industrial Zone	LI-1

201 Overlay Districts

In addition to the above zones, the following overlay districts shall be superimposed upon portions of the above stated zones. The requirements of the overlay districts shall be in addition to the requirements of the underlying zone. Where the requirements of the overlay district are more restrictive than the underlying zone the more restrictive requirement shall apply. The overlay districts are:

ZONES DISTRICT	ZONING MAP LEGEND
Flood Plain Overlay District	FP
Housatonic River Overlay District	HR
Aquifer Protection Overlay District	AP
Lake Protection Overlay District	LP
Multi-Family Housing Overlay District	MFH
Pocketknife Square Overlay District	PKSQ

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202 Combined Zoning & Overlay District Maps

The above stated zones and overlay districts shall be as shown on the following zoning maps. These maps and any amendments thereto are a part of these Regulations.

ZONING MAP #1	Town of Salisbury Connecticut, Underlying Zoning 7/3/2020, as revised
ZONING MAP #2	Village of Salisbury Connecticut <u>Zoning Overlay Districts 7/30/2020,</u> as revised
ZONING MAP #3	Village of Lakeville Connecticut <u>Areas Regulated by Other Agencies 7/9/2020,</u> as revised
ZONING MAP #4	Lime Rock Zoning Map <u>Lakeville Village Zoning Map, 9-4-07</u> 7/9/2020, as revised
ZONING MAP #5	<u>Salisbury Village Zoning Map, 7/9/2020,</u> as revised
ZONING MAP #6	<u>Lime Rock Village Zoning Map, 7/9/2020,</u> as revised

~~203~~ **Overlay District Maps**

The boundaries of the Overlay Districts shall be as shown on the following maps:

- ~~a. The Flood Plain Overlay District—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, as amended.~~
- ~~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 covers an area of 300 foot setback measured from the shoreline ordinary high water mark of the following lakes: Wononsepomue, East Twin and West Twin and Wononpakook.~~
- ~~e. The Multi-Family Housing (MFH) and Pocketknife Square (PKSQ) Overlay District Zone Map dated September 30, 2019, as amended.~~

204 Lots Located in More Than One Zone

For all zones 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 feet into the adjacent Zone where it otherwise would not be permitted.

205 Tables of Uses Permitted According to Zone

205.1 Table of Uses Permitted in Residential Zones

The uses permitted in the Residential Zones are as listed under the RR1, RR-1-V, RR-3, MR and LA columns in 205.1 – Table of Uses Permitted in Residential Zones. This table lists the uses allowed in Residential Zones and the type of permit required. Uses that do not require a Zoning Permit shall conform to any minimum requirements stated in this Article.

205.2 Table of Uses Permitted in Rural Enterprise, Commercial and Industrial Zones

The uses permitted in the Rural Enterprise, Commercial and Industrial Zones are as listed under the RE, C-20, CG-20, and LI-1 zone columns on Table 205.2 - Uses Permitted in Rural Enterprise, Commercial and Industrial Zones. This table lists the uses allowed in these zones and the type of permit required. Uses that do not require a Zoning Permit shall conform to any minimum requirements stated in this Article.

205.3 Table of Accessory Uses

The Table of Accessory Uses lists certain accessory uses, buildings and structures according to type of permit required and subject to requirements set forth in Sections 207 and 208 of this Article.

Commented [AC2]: Insert Table of Uses - once approved by the Commission

206 Single-Family Residential Zones – Purposes

206.1 Single-Family Residential Zones (R-10, R-20)

These zones are designed to provide for the orderly development of the residential neighborhood housing in the Salisbury and Lakeville village centers consistent with the historic rural New England character of these village centers.

206.2 Single-Family Residential Zones (RR-1-V, RR-1, RR-3)

The purpose of these zones, which encompass most of the geographic area of the Town, is to provide for residential housing, agricultural and other uses compatible with the rural residential – agricultural character of the Town and consistent with topographic, soil, wetland and water resource development limitations. The RR-1-V zone is a transition area between small lot village residential zones (R-10 and R-20) and larger lot rural residential zones (RR-1 and RR-3) where public water and sewer service may permit housing clusters designed to maintain open space entry-ways to the village centers.

206.3 Single-Family Residential Zones – Mount Riga Zone (MR) and Lake Residential Zone (LA)

Mount Riga Residential Zone (MR). The purpose of this single-family residential zone established in the area around Mount Riga is to provide for uses and standards consistent with the development limitations in this rugged, remote mountain area location.

Lake Residential Zone (LA). The purpose of this single-family residential zone established around Lake Wononscopomuc is to permit development under standards designed to reduce the effects of eutrophication (weed and algae growth in the lake) and protect lake and ground water quality.

Commented [AC3]: Which spelling? This one or the one we used in the recent RFP??

208 Additional Requirements for Certain Accessory Uses, Buildings and Structures in Residential Zones

208.1 Apartment on Single-Family Residential Lot

- a. Statement of Purpose. The purpose of this regulation is to broaden the options for a variety of housing types by permitting an apartment associated with a single-family owner-occupied residence and lot. The Commission finds that such apartments are an expeditious option for the creation of much needed, low impact, housing units which can be dispersed within the community, that such apartments often require modest construction modifications and such improvements can readily blend into existing residential neighborhoods, and that an apartment in an accessory structure, such as a garage or barn, further expands new housing opportunities while avoiding the need to alter existing homes.
- b. General. An apartment may be permitted within an existing or proposed single-family dwelling subject to Site Plan approval. An apartment in an approved accessory building associated with a single-family dwelling may be permitted subject to approval of a Special Permit provided only one apartment is permitted on a lot and the site plan and proposed improvements are designed to maintain residential appearance and character on the lot.
- c. Owner-Occupied. The applicant shall be the owner of the lot. The applicant, or their family member, shall reside in either the principal dwelling or the apartment unit.
- d. Apartment Floor Area. The minimum floor area for an apartment in a principal dwelling or in an accessory building shall be 350 square feet or the minimum required by the State Building Code, whichever is less. The maximum floor area of an apartment in an accessory building shall be 2,000 square feet.
- e. Location and Design. Additions to existing structures or new construction requires submission of elevations of the structure exterior for review by the Planning and Zoning Commission. If the building is located within a Historic District, in accordance with Salisbury Historic District Commission (SHDC) policies and procedures, an application shall be made to SHDC in advance of seeking planning, zoning, and building approvals. Additions to an existing dwelling shall:

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- Have a scale and exterior appearance that blends with and maintains the appearance of the dwelling as a single-family residence.
- f. Apartment in an Accessory Structure. Additions or modifications to an existing accessory structure or construction of a new accessory structure for purposes of creating an apartment shall be designed in a manner consistent with the residential character of the neighborhood. An accessory building constructed after July 13, 2003 and proposed for apartment use shall meet the yard requirements for a principal dwelling. Where determined necessary to protect privacy or to shield lighting or parking, the Commission may require a landscape screen between the accessory building and neighboring property line(s).
- g. Off-Street Parking. Off-street parking shall be provided in accordance with Section 703 "Parking and Loading Requirements." Wherever possible, parking for the apartment shall be located to the rear or side of the dwelling or accessory building. The Commission may require that new parking space(s) in view from a street be screened from public view.
- ~~h. Access. The apartment shall have its own outside access to the parking area and shall be equipped with its own kitchen, bath and utility services that conform to the list of minimum utility and installation requirements specified on the Zoning Application Form.~~
- ~~h. Sewage. For a lot with an on-site septic system the Torrington Area Health District (TAHD) shall certify that the existing system or the proposed modified or new subsurface sewage disposal system is adequate to serve the proposed additional use.~~

Commented [AC4]: Remove to align with legislative update

**~~212 Educational, Health, Religious and Other Non-Profit~~
~~Uses Institutional and Related Uses~~**

~~212.1 Nursery School~~Public/Private School or Educational Institution

- a. The minimum lot area shall be 10 acres.
- ~~b. Nursery school buildings shall be setback a minimum of 150 feet from the street right of way line.~~
- ~~c. No play apparatus shall be permitted in front or side yards.~~

212.2 Fraternal Club or Lodge

A fraternal club or lodge ~~as defined by the Internal Revenue Service~~ operated by a non-profit organization may be permitted provided it does not involve the use of firearms or motorized vehicle-related recreational uses. The applicant shall provide a copy of the existing or proposed charter and bylaws ~~documenting its non-profit status~~, purposes and activities.

~~212.3 Buildings for Religious or Philanthropic Use, Library or Museum~~ Operated by a Non-Profit Organization

- a. Minimum lot size shall be (5) five acres, except if the use is served by public water and sewer the minimum lot shall be the same as that for the zone.
- ~~b. Maximum building coverage shall be 15% of the lot area.~~
- c. Parking. Off-street parking shall be sufficient in size to ensure that no vehicles patronizing such establishments need park on a public street. Parking areas shall be adequately screened from surrounding property.

Commented [AC5]: rationale: contradicts underlying zoning of 10%

214 Recreational and Related Uses

214.1 ~~Commercial or Non-Profit~~ Cross-Country Ski Area

- a. Cross-country skiing shall include cross-country snow shoeing.
- b. The minimum lot area shall be 10 acres, ~~exclusive of the area of any lake, pond or other year-round standing water body.~~
- c. The Site Plan shall provide layout of proposed cross-country trails which shall be a minimum of 100 feet from the property lines unless the adjoining property is a ~~permanently protected~~ public access open space.
- d. The applicant shall demonstrate that the proposed off-street parking is adequate for the use.
- e. There shall be no permanent outdoor loud speakers, public address systems or outside illumination of ~~trail/ski slopes.~~
- f. Accessory buildings and uses shall be ~~for equipment rental and changing purposes only, those considered customary and incidental to outdoor recreational facilities.~~

214.2 Boarding Camp

A boarding camp shall be any land, including structures, used for overnight camping and recreation, training or educational purposes for groups including youth outdoor recreational camps such as Y.M.C.A. camps, 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 help for kitchen and grounds.

- a. The minimum lot area shall be 100 acres, exclusive of the area of any lake, pond or other ~~year-round~~ ~~year-round~~ standing water body.
- b. The length of stay for boarding camp for outdoor recreational camping shall be limited to the summer season. The length of stay for all other boarding camp uses shall be not more than two (2) weeks for any individual group.
- c. 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 street right-of-way.
- d. The minimum setback of all buildings or activity related structures from all lot lines shall be 200 feet. However, the Commission may require additional setbacks considering the use of the building, traffic, noise and visibility and the potential impact on surrounding land uses.
- e. There shall be one main entrance, with at least one additional entrance for emergency use.
- f. The Commission may require a landscape plan where it determines a landscape screen is needed to preserve and protect the rural character of the surrounding land uses.

215 ~~Short-Term~~ Temporary Events – ~~Carnival, Fair, Circus, Show, Athletic Meet or Similar Event~~

~~Temporary events are subject to the following standards:~~

Commented [AC6]: TEMPORARY EVENT A temporary event is a gathering of 40 (forty) or more people occurring no more than 4 (four) times per year on a single property. Does this have the PZC concurrence or should we be looking for another metric(s)??

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~~215.1a. Any event that does not exceed three (3) days held by a local church, school, civic association, special club, volunteer fire department or other non-profit organizations shall NOT require a zoning permit, provided the length of the event does not exceed ten (10) days.~~

~~215.2—b. An event which is held for more than exceeds thirteen (14) days shall require a temporary zoning permit, subject to the approval of the Commission in accordance with section 906 of these regulations.~~

~~218 Non-Profit Organizations (See also 212.3)~~

~~a. A Library, Museum or Auditorium sponsored by a Non-Profit Organization is allowed by Special Permit only in all Zones, except the RE Zone.~~

~~b. A Fraternal Club or Lodge sponsored by a Non-Profit Organization is allowed by Special Permit only in all Zones, except the RE Zone.~~

~~c. A Golf course, tennis club or riding club, sponsored by a Non-Profit Organization is allowed by Special Permit only in the RR1, RR1-V, RR3, MR and RE Zones.~~

224 Additional Requirements for Uses in Commercial and Industrial Zones

The uses listed below shall meet the following requirements in addition to the general standards and requirements for Zoning Permits, Site Plans, or Special Permits.

224.1 Accessory Uses, Buildings and Structures (See Section 207).

- a. Apartment in Single-Family Dwelling or in Accessory Structure subject to same requirements as Residential Zone. (See 208).
- b. Outdoor Wood-Burning Furnace as a Special Permit in the LI-1 zone subject to the requirements in Article X.

224.2 Auto Sales, Service, Repair, Filling Station and/or Car Wash

- a. A car wash may be permitted only in connection with and on the same lot with one or more of the following uses: auto sales, service, repair or filling station.
- b. The Site Plan shall provide detailed plans for vehicle and pedestrian access and circulation; 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 permitted outside the building.
- c. The principal building shall be separated from the public highway by a landscaped island with a minimum width of 10 feet and bounded by curbing. Lanes of ingress and egress to and from the street shall be clearly defined by curbing.
- d. Water quality requirements. No discharge shall be permitted to the groundwater. No floor drains shall be allowed and all sweepings, wash water and auto fluids shall be disposed of off premises in accordance with a site disposal plan prepared by the applicant.

224.3 Contractor's Equipment Storage and Sales

In the CG-20 Zone, Contractor's Equipment Storage or Equipment Storage and Sales shall be allowed subject to the same requirements for Contractor Equipment Storage allowed in residential zones RR-1 and RR-3, except the following standard shall NOT apply in the CG-20 zone: "The storage site shall be regular in shape and shall have no side measuring less than 100 feet."

224.4 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:

- a. 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.
- b. Said vehicle and equipment shall be owned by the resident of the premises and operated by said resident and his employee.
- c. A Zoning Permit for such accessory use shall be required as described in Article IX of these zoning regulations.
- d. The period of the Zoning Permit shall not exceed four years but may be renewed without reapplication, at the request of the applicant, 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.

224.5 Research Laboratories

- a. ~~The maximum building coverage shall be no more than 10% of the total lot area.~~ The total area of building coverage and the area of outside storage of goods and machinery shall not exceed 20% of the lot area.
- b. 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-round~~year-round from view from both the highway and abutting property lines. The applicant shall submit a landscape plan demonstrating compliance with this requirement.
- c. Adequate provision shall be made to prevent the emission of dust, smoke, fumes, odor, glare, noise or vibration beyond the lot line.
- d. The storage building or area shall be regular in shape and shall have no side measuring less than 100 feet.

Commented [AC7]: Rationale: conflicts with underlying zoning

224.6 Multi-Family Dwelling

- a. The purpose of this use is to broaden the options for housing opportunities in village centers. This use is allowed in a business or commercial building subject to the same requirements as Residential Zones (see Section 209).

224.7 Other Residential Related Uses

The requirements for the following uses, where permitted in a Commercial or Industrial Zone, shall be the same as the additional requirements for residential uses.

- Single-family with accessory apartment
- Multi-family dwelling
- Conversion to multi-family dwelling

224.8 Agricultural and Related Uses

The additional requirements for the following uses where permitted in a Commercial or Industrial Zone shall be the same as the additional requirements for residential uses.

- Farm
- Nursery or commercial greenhouse
- Farm stand
- Permanent sawmill
- Temporary sawmill
- Commercial livery, boarding or riding stable
- Veterinary hospital clinic, office or kennel

224.9 ~~Educational, Institutional and Related Uses~~

The additional requirements for the following uses, where permitted in a Commercial or Industrial Zone shall be the same as the additional requirements for residential uses.

- School or college ~~operated by a non-profit organization~~
- Religious institution
- Facilities of philanthropic or charitable organization
- Hospital or medical clinic
- Skilled nursing, assisted living, convalescent, continuing care, retirement home
- Cemetery
- Fraternal club or lodge

ARTICLE III - LOT AND BUILDING DIMENSIONAL REQUIREMENTS

300 General

~~300.1~~ 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 Tables of Dimensional Requirements and provisions of this Article. Additional requirements may apply to uses in the Overlay Districts.

~~300.12~~ See section 300.2—Table of Dimensional Requirements—Residential Zones. This table summarizes the basic requirements for lot area, buildings and other dimensional requirements in the residential zones.

~~300.23~~ See section 300.3—Table of Dimensional Requirements—Rural Enterprise, Commercial and Industrial Zones. This table summarizes the basic requirements for lot area, buildings and other dimensional requirements in the rural enterprise, commercial and industrial zones.

~~300.4~~ The following supplements the Tables of Dimensional Requirements and provides for exceptions to the lot and building dimensional requirements.

301 Minimum Lot Area Requirements

~~301.1~~ Calculation of Lot Area. The calculation of minimum lot area in all zones shall not include the area of a water, sewer, power or similar utility easement or an easement of access or private right-of-way for access. The area of a storm drainage easement may be included in the computation of the minimum lot area requirement.

~~301.12~~ Minimum Lot Area in the R-10, R-20, C-20, CG-20, and LI-1 Zones. In these zones the area of any water body, watercourse or inland wetland as defined by the Salisbury Inland Wetlands and Watercourses Conservation Commission shall not be included in the calculation of the required minimum area of any lot.

~~301.23~~ Exceptions to Minimum Lot Area in RR-1, RR-1-V and LA Zones. Subject to a Special Permit, a lot for a single-family dwelling in the RR-1 and RR-1-V zones with a minimum lot area of 40,000 square feet may be approved provided the lot and dwelling is served by public sewer and water service. ~~In the LA zone subject to the same requirements and provided the lot has a minimum square of 90 feet, a lot for a single family dwelling may be approved for a minimum lot area of 20,000 square feet.~~

~~301.34~~ Exceptions to Minimum Lot Area in LI-1 Zone. The minimum lot area for a lot with an accessory dwelling use for the caretaker, proprietor or lot owner in the LI-1 zone shall be 50,000 square feet.

302 Minimum Buildable Area Requirements in RR-1, RR-1V, RR-3, MR, RE AND LA Zones *(effective date 3.10.2010)*

~~302.1~~ Each lot shall contain at least one buildable area. A Buildable Area shall be a rectangular area within a lot that contains no inland wetland soils, water bodies, watercourses, utilities, conservation or access easements or rights of way, and where not more than 5% of such rectangular area consists of naturally occurring slopes exceeding 25% as measured using 2-foot contour intervals as established based on a field survey.

Commented [AC8]: INSERT TABLES AFTER BEING CLEANED UP AND REVIEWED BY COMMISSION

Commented [AC9]: Remove per PZC 1/31/2022

Commented [AC10]: Strike per 10/4/2021 Meeting

Commented [AC11]: Remove per PZC 1/31/2022

Commented [AC12]: See 302.3 which implies that setbacks are NOT included

Commented [AC13]: See definition of Buildable Area

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~~302.12~~ Each lot in the RR-1, RR-1-V, RR-3, MR, RE and LA zones shall contain at least one buildable area. ~~The buildable area which shall be a minimum of 420,000 square feet. The minimum dimension of the buildable area rectangle shall be 100 feet.~~

~~302.23~~ All ~~structures~~ ~~buildings, structures,~~ and septic systems shall be located within a buildable area except accessory ~~buildings or~~ structures ~~with a footprint under 250 square feet in accordance with section 304.1,~~ and wells which may be located outside of the buildable area, and as allowed under the following sections ~~302.34 and 302.45.~~

~~302.34~~ For lots that legally existed prior to the effective date of this regulation (3.10.2010), as evidenced by deed recorded in the office of the Town Clerk, the ~~buildable~~ requirements of Sections ~~302.12 and 302.23~~ shall not apply to the expansion of existing ~~buildings or~~ structures.

~~302.45~~ For lots that legally existed prior to 3.10.2010, as evidenced by deed recorded in the office of the Town Clerk, new ~~buildings, structures, or septic systems~~ that cannot be placed in a buildable area may be constructed provided a Special Permit is obtained from the Commission.

- a. ~~In deciding on the Special Permit, the Commission must first find that:~~
- ~~the building, structure, or septic system cannot be placed within the buildable area, may impose such conditions that most closely conform to the requirements; or~~
 - ~~that placement outside of the buildable area will result in significantly less grading and other disturbances to the natural environment; or~~
 - ~~that placement outside of the buildable area preserve a scenic view or significant natural feature.~~

~~302.6~~ The Commission may allow, by Special Permit, ~~structures and septic systems outside of the buildable area if the placement will:~~

- ~~Result in less grading and other disturbances to the natural environment; or~~
- ~~Preserve a scenic view or significant natural feature.~~

303 Minimum Square Requirements

Each lot shall be of a size and shape that ~~can~~ contains a square ~~meeting the minimum square side dimensions specified in the Tables of Dimensional Requirements with one side placed on the front yard setback line, and meeting the minimum square side dimensions specified in the Tables of Dimensional Requirements.~~

304 Minimum Yard Setback Requirements

~~304.1~~ Principal buildings, including one connected to an accessory building with a breezeway (see definition of principal building) and accessory buildings ~~All buildings and shall structures shall~~ meet the minimum yard setback requirements ~~specified in the Tables of Dimensional Requirements,~~ subject to the following standards and exceptions.

~~304.12~~ **Exceptions to Yard Setback Requirement for Accessory Buildings.** Accessory buildings shall meet all yard setback requirements with the following exceptions.

- a. ~~An accessory storage building in a side or rear yard. For the purpose of this section an accessory storage building is a building not equipped with sanitary facilities or water service, nor~~

Commented [AC14]: ACCESSORY STORAGE BUILDING. A detached building not equipped with sanitary facilities or water services, nor otherwise designed or used for human habitation or housing of animals.

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~~otherwise designed~~ ~~or used for human habitation or housing of animals.~~ Such a storage building may be located within a side or rear yard setback provided it:

- ~~Has a maximum footprint of 250 square feet.~~
- ~~Is a maximum of fifteen (15) feet in height~~
- ~~Is a minimum of five (5) feet from the side or rear property line in all zones on lots 40,000 square feet or less; or~~
- ~~Is a minimum of ten (10) feet from the side or rear property line in all zones on lots more than 40,000 square feet;~~
- ~~Is fifteen (15) feet or less in building height as measured according to the method stipulated in 309.2, and~~
- ~~Has a maximum footprint of 250 square feet.~~

~~_____~~ b. An accessory building may be located in a front yard provided the principal building is located in the front yard and the accessory building is no closer to the front street line than any part of the principal building. ~~Subject to Site Plan approval, in the R-10, R-20, RE, C-20, and CG-20 zones, or on other residentially zoned lots of 40,000 square feet or less, an accessory building or structure may be located in a front yard setback provided:~~

- ~~the principal building is located in the front yard setback and~~
- ~~the accessory building or structure is no closer to the front street line than any part of the principal building thereby promoting a street wall.~~

c. A Seasonal Farm Stand in accordance with Section 211.1

304.3 Exceptions to Yard Setback Requirements for Building Projections and Additions: The following building projections, ~~or~~ additions, ~~or structures~~ shall be exceptions to yard setback requirements.

a. The projection or overhang of not more than one foot into a required yard of a pilaster, ~~course~~roof, ~~_____~~ sill, cornice, fire escape or similar architectural features.

b. ~~The any feature projecting into the front, side, or rear yard setback 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:

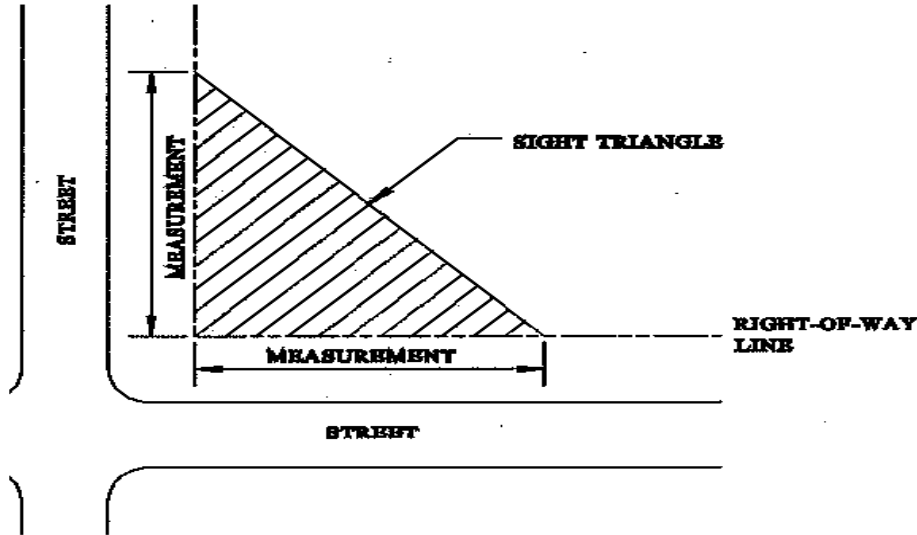
- ~~Access for~~ handicapped ~~access~~persons, which is necessary or is required according to the State Building Codes, or
- ~~A~~ fire egress required by the State Building Code and/or the Connecticut Fire Safety Code, provided that the applicant submits a copy of a written statement of approval for the proposed addition signed by the Fire Marshal.

c. Driveways, sidewalks, wells, and unroofed entry landings and steps. Specifically excluded are decks, patios, and similar structures.

304.4 Line-of-Sight Triangle Requirement in Yards at Street Intersections At all street intersections no obstructions to ~~vision-visibility~~ over three (3) feet in height shall be erected (including but not limited to, a fence, wall, planting or other structure) within the ~~area of a line-of-sight~~ Sight Triangle as shown in the following illustration. The ~~line-of-sight-triangle~~ Sight Triangle shall have sides of twenty (20) feet ~~each (see measurement on illustration)~~ measured from the intersecting streets' ~~rights-of-way lines.~~ ~~(Note: More restrictive State requirements may apply at State Highway intersections.)~~

Commented [AC15]: New definition? Include the illustration as part of the definition?

~~STREET INTERSECTION LINE-OF-SIGHT TRIANGLE ILLUSTRATION~~



305 Setback From ~~Water Bodies~~Wetlands and Watercourses

~~305.1 General~~ No principal building shall be located within seventy-five (75) feet, and no attached deck or detached accessory building or structure shall be located within fifty (50) feet of a water body/wetland or watercourse regulated by ~~the Salisbury Conservation Inland Wetlands and Watercourses Commission~~ except as follows: In the Lake Protection Overlay District no principal building or attached deck or accessory building shall be located within seventy-five (75) feet of the lake shoreline ordinary high water mark as described under Article IV Lake Protection Overlay District.

~~305.12 Exceptions for Accessory Buildings or Structures~~ An accessory building or structure as defined in these Regulations may be located less than fifty (50) feet from a water body/wetland or watercourse, and less than seventy-five (75) feet from the lake shore line ordinary high water mark in a Lake Protection Overlay District, subject to ~~securing obtaining~~ securing obtaining a Special Permit ~~which and meets~~ which and meets ~~the following~~ all of the requirements of the following subsections (a-d):

- ~~a.~~ The proposed ~~a~~ Accessory ~~b~~ Building or structure:
 - Shall be a minimum of twenty (25) feet from all property lines;
 - Shall not be equipped with sanitary facilities, water service, or otherwise be designed for human habitation or for housing animals;
 - Shall be no more than fifteen (15) feet high as measured according to the method stipulated in 309.2 in height
- b.

The proposed site development plan Site Plan shall:

 - provide a sedimentation and erosion control (S&E) plan in accordance with Section 600 of these Regulations, installed prior to, and maintained until the site is permanently stabilized;
 - minimize the area of LAND DISTURBANCE;
 - protect existing patterns of drainage;

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- ~~protect wetlands and watercourses;~~
 - ~~protect natural vegetation;~~
 - ~~supplement vegetation to establish a 25-foot-wide WETLANDS AND WATERCOURSES BUFFER.~~
- c. ~~The proposed site development plan shall include a Stormwater Management Plan which:~~
- ~~meets the requirements of Section 602 of these Regulations;~~
 - ~~includes low impact development (LID) stormwater treatment techniques designed to retain, treat, and remove nutrients and pollutants carried by stormwater by intercepting stormwater flow paths and using infiltration, retention, and biological uptake techniques such as bio-filters, vegetated swales and rain gardens.~~
- d. ~~The proposed site development plan shall demonstrate a minimum 25-foot-wide WETLANDS AND WATERCOURSES BUFFER.~~
- ~~the buffer shall be preserved or created adjacent to the wetland boundary for:~~
 - ~~maintaining water quality;~~
 - ~~slowing and treating the flow of existing and potentially increased water run-off into the wetland;~~
 - ~~compensating for the loss of vegetation resulting from LAND DISTURBANCE.~~
 - ~~if the natural buffer is absent or compromised, the proposal shall include a landscape planting plan using native and/or non-invasive cultivars.~~
 - ~~to ensure the permanency of the WETLANDS AND WATERCOURSES BUFFER, it must be recorded on Mylar in the Office of the Town Clerk and made a condition of the Special Permit.~~
 - ~~c. Be designed to protect water quality and quantity;~~
 - ~~Show the existing and proposed site conditions in relation to the water body, site topography, building(s) location and footprint especially within the minimum required setback;~~
 - ~~Include a Storm Water Management Plan meeting the requirements set forth in Article VI.;~~
 - ~~Provide a vegetated buffer within the shoreline setback area for the purpose of water quality protection;~~
 - ~~Provide for protection of existing trees and other vegetation beneficial for water quality protection;~~
 - ~~Provide additional non invasive trees and shrubs under a landscape planting plan designed to maintain water quality, retard and treat the flow of existing and potentially increased water run off into the water body, and to compensate for the loss of vegetation due to the building construction, and;~~
 - ~~Show all impervious surfaces as defined in the Appendix Definitions and document that the total area of the lot covered with such impervious surfaces does not exceed 10% of the total lot area.~~
- b. ~~The proposed Accessory Buildings:~~
- ~~Shall be a minimum of twenty (20) feet from all property lines;~~
 - ~~Shall not be equipped with sanitary facilities, water service or otherwise be designed for human habitation or for housing animals;~~
 - ~~Shall be no more than fifteen (15) feet high as measured according to the method stipulated in 309.2.~~

Commented [AC16]: New definition from subcommittee: Wetland and watercourses buffer - is an area of undisturbed vegetation bordering a wetland or watercourse either naturally occurring, or planted as mitigation. The buffer may be composed of a combination of trees, woody vegetation (shrubs, bushes, brush), and herbaceous vegetation

Commented [AC17]: Legal question to be verified with Chuck. The advantage of mylar as a condition of granting permit will allow the Town to enforce under Zoning versus a civil action based on the deed

306 Minimum Street Frontage and Access

~~FEE OWNED. The person who owns absolute and complete ownership of the property.~~

Commented [AC18]: Rationale: moved to definitions

~~306.1~~ Minimum street frontage shall be provided in one location along the front street line. Street frontage shall be land that is fee-owned and part of the lot or an unobstructed access right-of-way through another

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lot or parcel of land. Minimum street frontage shall be on a street located in the Town of Salisbury. Both the fee-owned street frontage and the access right-of-way shall be a minimum of 25 feet wide at all points from front street line to the front yard setback line.

306.12 Where an access right-of-way is proposed it shall be located along a lot boundary line and shall not divide the lot or parcel it passes through into portions, 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.

306.23 Each lot shall have a safe and suitable corridor for vehicular driveway access from the street frontage to the principal building on the lot. (See also Article VII, Driveway Requirements. Note that driveways that are 75 feet or more in length and located in residential zones are subject to the driveway requirements in Article VII.)

307 Maximum Building Coverage

~~BUILDING FOOTPRINT. The ground area on a lot that is enclosed by the walls of a building, together with the ground area of covered porches and other roofed portions~~

Commented [AC19]: Rationale: moved to definitions

Maximum building coverage establishes the limit of the total building footprint on a lot. See the Tables of Dimensional Requirements, section 300.2 & 300.3 for building coverage limits. Building coverage is determined by dividing the total building footprint by the total lot area.

308 Maximum Impervious Surface

~~IMPERVIOUS SURFACE. 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 areas or other porous surfaces, including a patio as defined herein.~~

Commented [AC20]: Rationale: moved to definitions

In the LA zone, the maximum total impervious surface on a lot shall be 20%, except for that portion of the LA zone in a Lake Protection Overlay District. The maximum total impervious surface for that portion of a lot in a Lake Overlay District shall be 10%.

Commented [AC21]: Rationale for restructuring section 200. Standards applicable to all zones should precede specialized requirements

309 Building Height

~~309.1 General~~ No building or structure shall exceed maximum building height as specified on the Tables of Dimensional Requirements, section 300.2 & 300.3. ~~except as provide herein.~~

309.2 Maximum Building Height for a Principal Building

a. The maximum building height requirements for a principal building shall be no more than thirty-five (35) feet for gable, hip and gambrel roofed buildings, and thirty (30) feet for flat, mansard, or any other type of building roof.

b. The building height shall be measured as the vertical distance between a horizontal plane passing through the average elevation 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, mansard or any other type of building roof.
- The average elevation of the finished lot grade at the base of the building shall be determined from the measurements taken at the finished grade every five (5) feet along the building walls.

Commented [AC22]: Mat K would like to discuss methodology if this is up for consideration.

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.

309.3 Exceptions

The maximum building height limitation as shown in the Tables of Dimensional Requirements shall not apply to:

- Church spires, farm buildings, cupolas and similar parts of a structure not used for human occupancy; or
- Chimneys, tanks, skylights, communications antennas, windmills and similar mechanical appurtenance usually set above roof level.

ARTICLE V- NON-CONFORMING USES, BUILDINGS AND LOTS

500 Non-~~C~~onforming Situations—~~Definition and Intent~~

500.1 ~~Definition~~

A non-conforming situation is a use, building, structure, or lot which lawfully existed at the time of the adoption of these Regulations, or any relevant amendment thereto, that does not conform to the requirements of these Regulations or such amendment. ~~These non-conforming situations consist of the following:~~

~~NON-CONFORMING LOT.—A lot that does not meet the dimensional requirement(s) of these Regulations, such as the minimum lot area requirement.~~

~~NON-CONFORMING BUILDING OR STRUCTURE.—A building or structure that does not conform to one or more of the building or structure exterior dimension or location requirements of these Regulations as set forth in the Tables of Dimensional Requirements, or other dimension requirements of these Regulations. Examples are:~~

- ~~A building or portion thereof that does not meet a yard setback requirement between the building and the front, side or rear property line, or~~
- ~~A building height that exceeds the maximum building height requirement.~~

~~NON-CONFORMING USE.—A non-conforming use is a use of a lot, building or structure that does not meet the use requirements for the zone or overlay district in which it is located. A non-conforming use may be a non-conforming use of land and/or a non-conforming use of a building or structure.~~

500.12 ~~Continuance of a Non-~~C~~onforming Situation~~

As required by Connecticut General Statutes Section 8-2, these Regulations do not prohibit the continuance of a non-conforming situation. ~~With certain exceptions provided for in this section, it is~~ the intent of these Regulations to reduce or eliminate non-conforming situations as quickly as possible. Once a nonconforming situation or any portion thereof, has been abandoned or changed so that it conforms to these Regulations, it cannot revert to a nonconforming situation.

501 Change of Non-Conforming Use

~~501.1 Subject to a Special Permit, The Commission may approve a change of a non-conforming use may be expanded or changed to a different non-conforming use. The provided Commission must find that the proposed non-conforming use will not have an adverse effect have no greater impact on the zone, than the existing nonconforming use, the neighborhood or surrounding properties greater than the effect of the current non-conforming use. In making this determination, the Commission shall consider the character, nature, purpose, and scope of the proposed change in -eompared to comparison to the existing non-conforming use. This Factors for consideration of includes any new expanded, or increased activity on the property, shall include such as traffic, noise, stormwater runoff, lighting, odors, and other external factors affecting the abutting zone, neighboring, or and surrounding properties.~~

Commented [AC23]: In addition to the standards of 802 (Special permit)

502 Expansion of Nonconforming Use

~~Subject to a Special Permit, an existing nonconforming use may be expanded. Under no circumstances should this Section circumvent the statutory authority of the Zoning Board of Appeals. In addition, a building or structure containing a nonconforming use may not be enlarged, contravening Section 503 or the zoning tables of these Regulations.~~

Commented [AC24]: For later consideration: Special Permit and Site Plan standards cannot be arbitrary

Commented [AC25]: Cite table section

~~The Commission shall find that the expansion will be more conforming to zoning including parking and lighting standards. In making this determination the Commission will consider whether the nature, purpose, and scope of the proposed expansion shall improve existing conditions and reduce adverse impacts to abutting and surrounding properties by:~~

- ~~• improving traffic flow,~~
- ~~• improving health, safety, and the general welfare,~~
- ~~• improving stormwater management,~~
- ~~• improving stewardship of natural resources~~

~~501.2 Site Plan~~

~~The Commission may require a Site Plan for an application to change a non-conforming use where it determines such is needed to make a determination under the requirements of 501.1.~~

502 Abandonment of Non-Conforming Use

502.1 General Rule

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

503 Enlargement of a Non-Conforming Use, Building, or Structure

503.1 ~~Except as provided below, n~~No non-conforming use of land or non-conforming use of a building or a structure shall be extended to occupy a greater area, space, or portion of such land, building or structure than was occupied or manifestly arranged for the use on the date that its non-conforming status was established.

503.2 Except as provided below, no non-conforming building or structure shall be altered, enlarged or extended in any way that increases the area or space, including vertical enlargement, of that portion of the building or structure that is non-conforming. For the purposes of this regulation, vertical is defined as enlargement or expansion either upward or downward.

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~~502.3~~ In all zones, except the LA Zone, subject to 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 Setback Requirements provided:

- a. The proposed addition is designed to be compatible with the existing building in terms of architecture, materials and appearance.
- b. The proposed addition does not project into the required minimum yard any further than the existing non-conforming building foundation or building façade.
- c. The Commission determines the application meets the General Standards for Site Plans and Special Permits, particularly sections 801.2, 801.3, 803.2, and 803.3.
- d. In evaluating the application and reaching its decision, the Commission shall take into consideration the degree of the existing non-conformity.

~~503.4~~ Restoration or Replacement of a Non-Conforming Building or Structure

~~504.1~~ Fire or Other Casualty

The non-conforming portions of a building or structure damaged by fire or other casualty may be restored or replaced to no more than its previous non-conforming footprint and other exterior dimensions subject to Commission approval of a Site Plan and submission of the following:

- a. Building plans showing exterior dimensions prior to damage. If not available, photographs and a drawing prepared as accurately as possible showing all exterior dimensions prior to damage.
- b. An A-2 Survey showing as accurately as possible the pre-damage foundation footprint, including where needed the distance between the existing non-conforming building or structure and the property lines:

~~504.12~~ Non-Conforming Dwelling Restoration or Replacement of Nonconforming Buildings or Structures for Other Purposes

The non-conforming portions of a non-conforming dwelling not damaged by fire or other casualty building or structure may be restored or replaced for any other purpose to no more than its previous non-conforming footprint and other exterior dimensions subject to Commission approval of a Site Plan and submission of the following:

- a. Photographs of the non-conforming dwelling building or structure;
- b. An A-2 Survey showing measurements of all exterior dimensions of the existing dwelling building or structure in sufficient detail to reconstruct it to no more than its non-conforming foundation footprint and exterior dimensions;
- c. Construction drawings of the proposed replacement dwelling building or structure certifying that the proposed foundation footprint and exterior dimensions are no greater than the previous non-conforming dwelling building or structure.

Commented [AC26]: Aligns with Statute

~~504.3~~ All Other Non-Conforming Buildings and Structures

With the exception of a non-conforming building or structure permitted under 504.1, or a non-conforming dwelling permitted under 504.2, all other non-conforming buildings and structures which are torn down or removed, if reconstructed, shall conform to all conventional requirements of these Regulations.

504.4.2 Certificate of Zoning Compliance

For applications approved under 504.1 and 504.2 prior to issuance of the Certificate of Zoning Compliance, the applicant shall submit an As-Built Survey showing that the foundation and exterior dimensions of the completed ~~dwelling-building or structure~~ are in compliance with the approved application.

505 Building on Vacant or Unimproved Non-~~C~~onforming Lot

505.1 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 lot area or width requirements of these Regulations, provided:

- a. 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
- b. The lot is shown on a subdivision map approved by the Commission and said map was legally recorded prior to the effective date of these Regulations, or the relevant amendment thereto, which made the lot non-conforming, and
- c. All necessary permits regarding subsurface sewage disposal and private water supplies are approved and the development meets all other requirements of these Regulations, and provided:
- d. If such lot is served by neither public sewer nor public water supply, the minimum lot area shall be a minimum of 20,000 square feet and the minimum lot width shall be fifty (50) feet.
- e. If such lot is served by both public water supply and public sewer, the minimum lot area shall be a minimum of 5,000 square feet and the minimum width shall be fifty (50) feet.

704 Signs (5-20-2014)

704.1 Statement of Purpose

The purpose of this section is to regulate the height, size, location, number and installation of signs for advertising, identification, or direction in all zones to protect the public health, safety, and general welfare of Salisbury. In addition, the purpose of this section is to protect and stabilize property values and the rural and historic character of the Town.

704.2 All Zones

704.2.1 All Zones- Signs Allowed Without a Permit

Note: See General Requirements, Section 704.6

- a. Identification Sign. One permanent sign bearing the name of the occupant and address.
Maximum area: 2 square feet.
- b. Government Signs, Flags or Insignia. Signs posted by authorized government officials on public land or public right-of-way where necessary for public safety, identification, or direction, and the flags or insignia of a government. If these are located on private property it will require a special permit. Refer to section 704.2.2.
- c. ~~Temporary Signs for Sales, Lease Contractor Improvement, or Events.~~

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- ~~Temporary~~ Sign(s) pertaining to sale, lease on same parcel, or construction. Maximum cumulative sign area: 6 square feet.
 - ~~Temporary~~ Sign(s) for a garage sale, or auction. Maximum area per sign: 6 square feet.
 - ~~Temporary signs~~ Signs for temporary events-announcing art shows, church fairs, civic events, and other activities of non-profit organizations. -Signs of any size or nature including pennants, streamers or flags may be displayed up to 4 weeks prior to an event.
 - All temporary signs shall be removed within 48 hours after completion of activity.
- d. No Trespassing, security, or other signs indicating the private nature of the property.
- Such signs shall not include advertising matter.
 - Signs are limited to one per driveway plus one sign per 50 feet of continuous lot boundary as well as along those private roads which are approved as subdivisions and shown as such on recorded maps in the Land Records of the Town of Salisbury.
 - Maximum area per sign: 1 square foot
- e. Farm and Farm Stand Signs
- Maximum number of advertising signs per farm: 4
 - Maximum area per sign: 32 square feet
 - Maximum cumulative area of all signs: 90 square feet
- f. Secondary Signs. Informational signs which are visible from the public right-of-way, and have a purpose secondary to the use of the premises on which they are located, such as “loading only”, “no parking”, “entrance”, “open”, “beware of dog” and other similar directives, located in a window or on the building.
- Maximum number of signs allowed without a permit: 6
 - For seven or more signs a zoning permit is required.
 - Maximum area per sign: 2 square feet.

Commented [AC27]: All signs need to be addressed – content-based regulations federal law prohibits regulating different “content”. Uniform standards for signs by zone. Uniform standards for materials and lighting.

Also, New Canaan real estate signs.

704.2.2 All Zones- Signs Allowed With a Special Permit

Governmental signs for direction or identification located on private property with the landowner’s concurrence.

704.3 Residential Zones- (R-10, R-20, RR-1, RR- 1-V, RR-3, MR, LA)

704.3.1 Signs Allowed in Residential Zones with a Zoning Permit

One Identification Sign of any type for the following uses:

- Multiple Dwelling Building - Maximum Sign Area: 4 square feet,
- Approved Subdivision - Maximum Sign Area: 6 square feet,
- Charitable, Religious, Government or Educational Use involving a single principal building – Maximum Sign Area: 20 square feet,
- Other non-residential uses, such as a Bed and Breakfast or a legal non-conforming use. Maximum Sign Area: 12 square feet.

704.3.2 Signs Allowed in Residential Zones With a Special Permit

Off Premises Signs for Local Governmental Services, Religious, Educational or Institutional Facilities or ~~Non-profit~~other service organizations for identifying and/or directing traffic.

- The applicant shall provide a written explanation of the need for the sign.
- One sign for an individual use or a composite sign for multiple uses
- Maximum sign area: 4 square feet.

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- Maximum sign height: 10 feet
- The sign shall not be illuminated
- The sign shall be located in such a way that it does not obstruct the sightlines of motor vehicles.
- Locations of off-premises signs are limited to intersections of Town owned and maintained streets and State highways either on private property with the approval of the land owner or within Town owned street rights-of-way approved for such a sign by the Board of Selectmen.

** Note: Where more than one off premises sign is proposed at the same location the Commission may require a composite sign for all uses based on factors such as room available for signage, reduction of clutter, signage visibility and vehicle travel safety.

APPENDIX - DEFINITIONS

This appendix defines certain terms used in these Regulations. Words in the present tense include the future; the singular number includes the plural and vice-versa. The words: *arranged, intended, designed or used* are synonymous in these Regulations. The words *constructed, erected, altered, extended, moved and enlarged* are synonymous in these Regulations

~~AFFORDABLE HOUSING UNIT. A housing unit that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Litchfield County or the State of Connecticut, whichever is less, as defined annually by the U.S. Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit including: common charges; principal, interest, taxes and insurance (PITI), as applicable; and tenant paid utilities on a rental unit; does not exceed 30% of 80% AMI, adjusted for family size. Affordable housing units shall be deed restricted for use as affordable housing for a minimum of 50 years.~~

A-2 SURVEY – See SURVEYS.

ACCESSWAY EASEMENT or ACCESS RIGHT ~~–OF–WAY~~. A strip of land that fronts on a street and runs over one (or more) lot or property providing a suitable corridor for a driveway to access to another lot.

~~APARTMENT ON A SINGLE FAMILY RESIDENTIAL LOT. A separate living unit located on a single family owner occupied residential lot. The apartment includes a kitchen, sleeping, and bathroom facilities located within the single family residence or within an accessory building on the property.~~

ACCESSORY BUILDING OR STRUCTURE. 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.~~

~~ACCESSORY BUILDING, DETACHED. A detached accessory building is not attached to the principle building by any covered porch, breezeway or other roofed structure, except that an accessory building connected to a principal building by a breezeway meeting the requirements under the definition of Principal Building shall be considered a part of the principal building.~~

ACCESSORY STORAGE BUILDING. A detached building not equipped with sanitary facilities or water services, nor otherwise designed or used for human habitation or housing of animals. Specifically excluded are gas or liquid storage tanks that are principally above ground.

ACCESSORY USE. A use of land, buildings or structures which is incidental and subordinate to, customarily used in connection with, and located on the same lot with a principal building, structure or on a contiguous lot under the same ownership in all respect as to title and fractional interest.

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AFFORDABLE HOUSING UNIT. A housing unit that is affordable to a household whose income does not exceed 80% of the area median income (AMI) for Litchfield County or the State of Connecticut, whichever is less, as defined annually by the U.S. Department of Housing and Urban Development (HUD) and for which the annual housing cost of a unit including: common charges; principal, interest, taxes and insurance (PITI), as applicable; and tenant paid utilities on a rental unit; does not exceed 30% of 80% AMI, adjusted for family size. Affordable housing units shall be deed restricted for use as affordable housing for a minimum of 50 years.

AISLE. See Parking Aisle.

~~A-2 SURVEY – See SURVEYS.~~

APARTMENT ON A SINGLE-FAMILY RESIDENTIAL LOT. A separate living unit located on a single-family owner-occupied residential lot. The apartment includes a kitchen, sleeping, and bathroom facilities located within the single-family residence or within an accessory building on the property.

AS-BUILT SURVEY – See SURVEYS.

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.

BED AND BREAKFAST. An owner-occupied residential structure that rents rooms on a daily basis.

BEST MANAGEMENT PRACTICE. A technique that is effective in preventing or reducing pollution.

BOARDING CAMP. 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.

BUILDABLE AREA.

A Buildable Area shall be contiguous area within a lot that contains no inland wetland soils, water bodies, watercourses, utilities, conservation or access easements or rights-of-way, and where not more than 5% of such area consists of naturally occurring slopes exceeding 25% as measured using 2-foot contour intervals as established based on a field survey. The buildable area shall not include required setbacks (to property lines? to wetlands?).

~~A Buildable Area shall be a rectangular area of a lot that contains no inland wetland soils, water bodies, watercourses, utility, conservation or access easements or rights of way and where not more than 5% of such rectangular area consists of naturally occurring slopes exceeding 25% as measured using 2-foot contour intervals established based on field survey.~~

BUILDING. Any structure having a roof, intended for the shelter, housing or enclosure of persons, animals or materials. Any structure, such as a deck, porch or breezeway, attached to a building shall be deemed to be part of the building. 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.

BUILDING, ACCESSORY. See Accessory Building or Structure

~~BUILDING, DETACHED ACCESSORY. See Accessory Building, Detached~~

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

Commented [AC28]: See 302.3 which implies that setbacks are NOT included

Commented [AC29]: BUILDABLE AREA The area of a lot remaining after the minimum yard and open space requirements of the zoning ordinance have been met. See Figure 16.
Comment: The buildable area should be actually buildable. If a lot is largely wetlands, very steep slopes, or easements, it may be difficult to locate a building or improvements on the land. In some ordinances, such areas of environmental constraints are deducted from "buildable area" calculations. The zoning regulations should specify that a minimum building area must be available to accommodate a building, driveway, and where required, a well and septic system.
Legal Annotation: "To determine whether a lot is large enough to be developed, the ordinance requires a percentage reduction of the property's gross area depending upon the degree of the property's slope, which yields the buildable area." Matter of Anello v. Zoning Board of Appeals

Moskowitz, Harvey S.; Lindbloom, Carl G.; Listokin, David; Preiss, Richard; Merriam, Dwight. The Complete Illustrated Book of Development Definitions (p. 75). Taylor and Francis. Kindle Edition.

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BUILDING COVERAGE. The gross building footprint of all buildings on a parcel divided by the area of the parcel.

BUILDING HEIGHT. ~~For a principal building, T~~he building height is 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.

Commented [AC30]: Have Mat Kiefer review logistics of measuring

COMMERCIAL USE. An occupation, employment, or enterprise that is carried ~~out~~ for profit by the owner, lessee or licensee.

COMMUNITY AMENITIES. Customary accessory residential amenities intended for use by residents of the development, including but not limited to playscapes, gardens, walking trails, outdoor exercise equipment, swimming pools, and sport courts.

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.

DEVELOPMENT. Any construction or grading activities to improved or unimproved lots.

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

DENSITY BONUS. An incentive-based zoning tool that permits an increase in the maximum allowable development on a property in exchange for achieving a stated public policy goal.

DOCK, REMOVABLE. A structure which is attached to the shoreline of a water body; extends over the water; is not a vessel; is removable on a seasonal basis and allows the free movement of water underneath.

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.

EUTROPHICATION. A natural lake aging process accelerated by development and other human activities occurring along the shoreline and in the lake watershed.

EXCAVATION. The removal from the ground by any means whatsoever, of rock, minerals, topsoil, gravel, sand or other earthen products.

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.

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FAMILY DAY CARE HOME. 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, as amended and regulated in accordance with the requirements 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.

~~**FENCE OR WALL.** Any rigid barrier which serves to separate one portion of land from another and may serve to prevent intrusion.~~

FARM and FARMING. The definition of “farm” or “farming” shall be as set forth in the Connecticut General Statutes which is as follows: Cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term “farm” includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term “aquaculture” means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands.

~~**FEE OWNED.** The person who owns absolute and complete ownership of the property.~~

~~**FENCE OR WALL.** Any rigid barrier which serves to separate one portion of land from another and may serve to prevent intrusion.~~

FLOOR AREA. The 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.

FLOOR AREA, GROSS. The horizontal floor area of all floors in a building calculated based on the building’s exterior dimensions, including portions of attics and basement that are designed for and suitable as a living space.

FOOT CANDLE. A unit of measure for luminance. A unit of luminance 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.

~~**FRATERNAL CLUB OR LODGE.** A structure used by a group of people formally organized ~~on a not for profit basis~~ for a common interest usually cultural, religious, or entertainment, excluding ~~churches, synagogues or other~~ houses of worship.~~

~~**FRONTAGE** (Same as “street frontage”). The property line on a lot contiguous with a street ~~right-of-way.~~~~

~~**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~~90-degree, horizontal plane from the~~

Commented [AC31]: Consider “fee simple” a permanent and absolute tenure in land?

Commented [AC32]: Lot frontage versus street frontage? Consistent terms

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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.

GRADING. The filling, grubbing, moving, stockpiling of earthen materials or other activity that alters the natural contours of the parcel.

HAZARDOUS MATERIALS. Hazardous Materials shall be as defined by the State of Connecticut under the Connecticut General Statutes or the Regulations of Connecticut State Agencies but shall not include 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.

HOME OCCUPATION. Any activity carried out for monetary gain by a resident as an accessory use in the resident's dwelling unit.

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.

HOSPITAL. An institution licensed by the State of Connecticut providing lodging and primary health and medical or surgical care to persons, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions. A hospital provides its services primarily to inpatients. A hospital includes related facilities such as laboratories, outpatient facilities or training facilities.

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.

IMP. Integrated Management Practices are decentralized, microscale controls that infiltrate, store, evaporate, and/or detain runoff close to the source.

IMPERVIOUS SURFACE. ~~A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. 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~~and parking areas ~~or other porous surfaces~~, including a patio as defined herein.

~~**IMPERVIOUS SURFACE LOT COVERAGE.** The percentage of the total lot area occupied by impervious surfaces.~~

ISO-LUX LIGHTING PLAN. A lighting plan that indicates lighting levels expressed as foot-candles at grade by contour diagram or grid points over the entire site. Said plan is sealed by a lighting engineer.

KENNEL. A kennel is any structure(s), other than a residence, housing a total of five or more dogs, cats or other household pets.

~~**IMPERVIOUS SURFACE LOT COVERAGE.** The percentage of the total lot area occupied by impervious surfaces.~~

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

LAND DISTURBANCE. Clearing, stripping or removing vegetation exposing the underlying soil.

LANDSCAPE DESIGNER. Owner or operator of a commercial greenhouse, nursery, or landscaping business.

Commented [AC33]: Impervious Surfaces –Typically artificial surfaces that do not allow the penetration or infiltration of precipitation, such as concrete, asphalt (bituminous concrete), brick, stone, or lattice pavers, etc., including, but not limited to, pools, roof tops, paved and gravel driveways, paved and gravel parking areas, tennis courts, sport courts, basketball courts, decks (with less than a 1/8" gap between planks or located over an impervious surface), ground- or pole-mounted solar energy systems and all other surfacing that is considered impenetrable to precipitation (see also definition for Pervious Surfaces, including permeable, pervious, or porous).

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

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, or abutting on, two or more streets where 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 property division line between lots or between a lot and a street.

LOT LINE, FRONT. The property line which abuts a 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 line that is not a front lot line or rear lot line.

LOT, MINIMUM AREA. The smallest lot area established by the zoning regulations on which a use or structure may be located in a particular district. ~~The minimum total area required for a lot as set forth in these Regulations.~~

LOW IMPACT DEVELOPMENT (LID). A land planning and engineering design approach to managing storm-water runoff. LID emphasizes conservation and use of on-site natural features to protect water quality. This approach implements engineered small-scale hydrologic controls to replicate the pre-development hydrologic regime of watersheds through infiltrating, filtering, storing, evaporating and detaining runoff close to its source. The five (5) core requirements of LID are: Conserve natural areas wherever possible; minimize the development impact on hydrology; maintain runoff rate and duration from the site; scatter integrated management practices (See IMP) throughout your site, and implement pollution prevention, proper maintenance and public education programs.

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.

MOTOR VEHICLE. Means any vehicle which is propelled or drawn by any power other than muscular, except aircraft, motor boats, road rollers, baggage trucks used about railroad stations or other mass transit

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facilities, electric battery-operated wheel chairs when operated by physically handicapped persons at speeds not exceeding fifteen miles per hour, golf carts operated on highways solely for the purpose of crossing from one part of the golf course to another, agricultural tractors, farm implements, such vehicles as run only upon rails or tracks, self-propelled snow plows, snow blowers and lawn mowers, when used for the purposes for which they were designed and operated at speeds not exceeding four miles per hour, whether or not the operator rides on or walks behind such equipment, bicycles with helper motors as defined in section 14-286 and any other vehicle not suitable for operation on a highway.

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.

NONCONFORMING LOT. A lot that does not meet the dimensional requirement(s) of these Regulations, such as the minimum lot area requirement.

NONCONFORMING BUILDING OR STRUCTURE. A building or structure that does not conform to one or more of the building or structure exterior dimension or location requirements of these Regulations as set forth in the Tables of Dimensional Requirements, or other dimension requirements of these Regulations. Examples are:

- A building or portion thereof that does not meet a yard setback requirement between the building and the front, side or rear property line, or
- A building height that exceeds the maximum building height requirement.

NONCONFORMING USE. A nonconforming use is a use of a lot, building or structure that does not meet the use requirements for the zone or overlay district in which it is located. A nonconforming use may be a nonconforming use of land and/or a nonconforming use of a building or structure.

~~**NURSING HOME.** A facility licensed by the State of Connecticut to provide lodging, skilled nursing care and medical supervision to persons who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.~~

NURSERY. A place where plants are grown commercially, either for sale direct to the public or to other retailers.

NURSERY SCHOOL. A place where pre-kindergarten children are grown. A nursery school is typically for children between ages three and five, staffed wholly or partly by qualified teachers who encourage and supervise educational play rather than simply providing childcare.

~~**NURSING HOME.** A facility licensed by the State of Connecticut to provide lodging, skilled nursing care and medical supervision to persons who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.~~

~~**ORDINARY HIGH WATER MARK.** The line along a lake shore providing evidence of the presence of the lake water level based on vegetative characteristics such as the presence, absence or destruction of terrestrial or aquatic vegetation, and physical characteristics such as a clear natural line impressed on a bank, scouring, shelving, or the presence of sediments or debris.~~

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

~~**ORDINARY HIGH WATER MARK.** The line along a lake shore providing evidence of the presence of the lake water level based on vegetative characteristics such as the presence, absence or destruction of terrestrial or aquatic vegetation, and physical characteristics such as a clear natural line impressed on a bank, scouring, shelving, or the presence of sediments or debris.~~

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~~ORDINARY HIGH-WATER MARK (Lake, Pond, Vernal Pool) The line along the shore providing evidence of the water level based on vegetative characteristics such as the presence of aquatic emergent or floating vegetation and/or physical characteristics such as a discernable natural line impressed on a bank, scouring, shelving, staining, or the presence of sediments or debris. Note: The ordinary high-water mark may not be synonymous with a wetland delineation line.~~

~~ORDINARY HIGH-WATER MARK (Watercourse) The mark on the land caused by the presence and action of flowing water (including sediments and debris) which presence and action is so common, usual and sustained in all ordinary years so as to mark upon the land a distinction between the abutting upland and the watercourse. Note: The ordinary high-water mark may not be not synonymous with a wetland delineation line.~~

Commented [AC34]: Work product of the joint subcommittee – ok per PZC 1/31/2022

OUTDOOR WOODBURNING FURNACE (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.

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

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, parking spaces and aisles.

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

PATIO. An improved or graded area located on the ground composed of loose fitting stone or brick or similar material with no structural/supports other than subsurface base material. A patio shall be flush to the ground with no air spaces beneath. Patios shall adhere to required setbacks.

Commented [AC35]: Should we consider changing?

~~PERMEABLE PAVING. Materials that are alternatives to conventional pavement surfaces and that are designed to increase infiltration and reduce storm water runoff and pollutant loads.~~

Commented [AC36]: Deleted – covered under impervious surface

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. In a residential zone an accessory building which is connected by a breezeway to a principal building shall be considered a part of the principal building provided the breezeway meets the following requirements:

- Breezeway roof width, as measured perpendicular to the linear direction from one building to the other, does not exceed eight (8) feet, except at corners;
- The breezeway follows a reasonable direct path between each building;
- Breezeway sides are open except for necessary structural supports;
- Maximum total length of all breezeways on the property shall be 25 feet;
- Breezeways shall be considered an impervious surface, and;
- Maximum breezeway height shall be 15 feet measured to the roof peak.

PRINCIPAL USE. The primary use of a premises.

RECREATIONAL VEHICLE. A vehicular-type portable structure without permanent foundation which can be towed, hauled or driven. It is designed as temporary living accommodations for recreational,

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camping or travel use. It includes, but is not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

~~RETAIL STORE. Retail stores are business establishments that sell goods and merchandise to consumers or other businesses.~~

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 in a 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 consumed, or 2) The establishment includes a drive-up or drive-through service facility or offers curb service.

RETAIL STORE. Retail stores are business establishments that sell goods and merchandise to consumers or other businesses.

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.

ROOF, GABLE. A type of roof containing sloping planes of the same pitch on each side of the ridge. A gable roof typically contains a gable at each end.

ROOF, GAMBREL. A type of roof containing two sloping planes of different pitch on each side of the ridge. The lower plane has a steeper slope than the upper. A gambrel roof usually contains a gable at each end, just like a standard gable roof.

ROOF, HIP. A groovy type of roof containing sloping planes of the same pitch on each of four sides. A hip roof contains no gables.

ROOF, MANSARD. A type of roof containing two sloping planes of different pitch on each of four sides. The lower plane has a much steeper pitch than the upper, often approaching vertical. It contains no Gables.

SCHOOL, PUBLIC OR PRIVATE OR EDUCATIONAL INSTITUTION. A facility that provides a curriculum of elementary and secondary academic instruction including kindergartens, elementary schools, junior schools and high schools.

SEASONAL FARM STAND. A structure used by a farm business for the seasonal sale of raw and/or processed agricultural and horticultural products produced locally or on premise.

SEDIMENTATION AND EROSION CONTROL PLAN. A scheme meeting the requirements of this section and the minimum standards of the Connecticut Guidelines for Erosion and Sediment Control (2002), as amended. The plan includes a map and a narrative.

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SETBACK. The minimum required horizontal distance from a street line or a lot line to the closest point of a building or structure measured in a straight line from, and most nearly perpendicular to such street line(s) or lot line(s).

SIGN. Any billboard, signboard, inscription, pennant, or other material, structure, exterior painting, or device composed of lettered or pictorial material that is intended for outdoor viewing by the general public and used as an advertisement, announcement, direction, or for identification.

SIGN AREA. The total area on each side of a sign within which all written and graphic material is contained.

SIGN, COMMERCIAL. A sign advertising a product, use, service, or activity sold or conducted for private financial gain.

SIGN, FREESTANDING. A sign and sign-support structure not attached to or part of a building.

SIGN, ILLUMINATED. A sign lighted by electricity, gas, or other artificial light, including reflective or phosphorescent light, paint, or tape.

SIGN, INTERIOR. A sign located within the exterior walls of a building which is readily readable from outside the building through a window, door, or other opening.

SIGN, INTERNALLY ILLUMINATED. An illuminated sign that is made of translucent material with internal artificial lighting.

SIGN, PROJECTING. Any sign which extends from the exterior of any building more than 12 inches.

SIGN, WALL. Any sign attached to a building which is parallel to and no more than 12 inches from the wall.

STACKING SPACE. An area used by vehicles awaiting service at a ~~drive in~~drive-up window, car wash or similar facility where the vehicle's occupants receive service while remaining in the vehicle.

STORMWATER RUNOFF. Above ground water flow resulting from precipitation or snowmelt.

STREET. A Town of Salisbury owned and maintained street or right-of-way; a State Highway located in the Town of Salisbury; or a private street shown on a subdivision plan approved by the Planning and Zoning Commission.

STREET FRONTAGE. The property line on a lot contiguous with a street right-of-way.

STREET WALL. A street wall is a line of building facades that maintain a consistent front yard setback and minimal side yard setbacks thus forming a "Wall".

STRUCTURE. Anything constructed or erected which requires location on the ground and/or attachment to or placement on something having a location on the ground. Except as otherwise indicated, ~~structures as used in these regulations shall be deemed to include~~ but are not limited to: buildings, ground mounted and roof-top mechanical units, swimming pools, hot tubs, tennis and basketball courts, towers, paddle or platform tennis courts, balconies, open entries, porches, decks, patios, signs, permanent awnings, ground mounted antennas, ground mounted solar panels, satellite dishes, generators, fences or walls more than eight (8) feet in height, and a gas or liquid storage tank that is principally above ground.

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An arbor or pergola is considered a structure if it has any type of roof, deck or patio floor or is over 8 feet in height. For the purpose of these regulations the term structure shall not include electric or public communication transmission lines or poles, highway or railroad bridges or flagpoles.

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Kent:

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STRUCTURE - Except as may be provided in these Regulations, anything constructed, the use of which requires permanent location on the ground, or attachment to something having permanent location on the ground, excluding fences measuring six (6) feet or less in height, at-grade driveways, at-grade walkways, at-grade terraces, and at-grade patios. See "Terrace".

Litchfield:

Structure

A structure is anything constructed or erected which requires location on the ground or attached to something having a location on the ground. For purposes of the FP-O district only, a structure is a walled and roofed building that is principally above ground, a manufactured home, or a gas or liquid storage tank.

Torrington:

Structure - anything constructed or erected on the ground or which is attached to something located on the ground. Structures include, but are not limited to, buildings, communication towers, sheds, permanent signs, mobile homes, swimming pools with a depth greater than 4 feet, and tents.

New Hartford:

Structure – A Structure is anything constructed or erected which requires location on the ground or is attached to something having a location on the ground.

New Milford:

Structure: Anything constructed or erected, including a building, the use of which requires location on or under the ground or attachment to something having location on the ground.

Winsted/Winchester:

Structure

A structure is anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Bristol:

STRUCTURE: Anything constructed or erected, the use of which requires (a) location on, in or under the ground or water or, (b) attachment to something having location on the ground or water, including but not limited to buildings, swimming pools, tennis courts, towers, paddle or platform tennis courts, docks, balconies, open entries, porches, decks, handicap ramps, signs, permanent awnings, a gas or liquid storage tank which is principally above ground, ground-mounted antennas, ground-mounted solar panels or satellite dishes, or fences or walls.

Ridgefield:

Structure - Any form or arrangement of building materials requiring proper support, bracing, tying, anchoring or other protection against the forces of the elements. For the purpose of these regulations, a swimming pool, a tennis court, a paddle tennis court, sport court, or similar appurtenance shall be considered a structure.

Danbury:

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. See also Section 7.A., Floodplain Zones.

Greenwich:

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Structure shall mean a building or anything constructed or erected that requires location on the ground or attached to anything having location on the ground including but not limited to swimming pools, more than thirty-six (36) inches deep or having a surface area more than two hundred and fifty (250) square feet, fallout shelters, uncovered porches, satellite earth station antennas (both receivers and transmitters), towers, sports courts larger than 1,000 sq. ft. and all appurtenances thereto, fences, walls or mechanical equipment (including vehicle parking lifts) over six-feet in height. (4/19/2006)

~~STORMWATER RUNOFF. Above ground water flow resulting from precipitation or snowmelt.~~

~~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 proportional to the lot area requirement.~~

SURVEYS.

- AS-BUILT SURVEY. A survey by a Registered Land Surveyor showing improvements with documentation sufficient to verify that such improvement(s) has been built according to approved plans and zoning requirements and/or to document the size or location of an improvement such as a building location, a road location and grade, driveway, water or sewer line, etc.
- A-2 SURVEY. A survey which conforms to the "Recommended Standards for Surveys and Maps in the State of Connecticut adopted on September 24, 1992, effective January 1, 1993 by the Connecticut Association of Land Surveyors, Inc.", as revised, and which has been prepared by a land surveyor licensed in the State of Connecticut.

~~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 proportional to the lot area requirement.~~

~~TEMPORARY EVENT A temporary event is a gathering of 40 (forty) or more people occurring no more than 4 (four) times per year on a single property.~~

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 which is designed for temporary use as 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 located.

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

USES. The specific activity for which a lot, a building or a structure is designed, used or intended to be used. The terms *permitted use*, *special permit use* or its equivalent shall not be deemed to include any non-conforming use.

VETERINARY CLINIC. A veterinary or animal clinic is defined as a facility which is primarily an out-patient practice which includes treatment of animal patients and may include overnight confinement limited to post-surgical and trauma patients. The number of permitted overnight confinement spaces shall be

Commented [AC38]: Needs work – please review this carefully and provide alternative metrics.

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~~determined based upon the location of the proposed facility, size of the lot and other factors impacting the surrounding neighborhood. In no case shall the number of overnight animal patients be more than five (5).~~

VETERINARY HOSPITAL. A veterinary or animal hospital is defined as a facility in which the practice provides treatment of animal patients and may include overnight confinement of animal patients as well.

~~VETERINARY CLINIC. A veterinary or animal clinic is defined as a facility which is primarily an out-patient practice which includes treatment of animal patients and may include overnight confinement limited to post-surgical and trauma patients. The number of permitted overnight confinement spaces shall be determined based upon the location of the proposed facility, size of the lot and other factors impacting the surrounding neighborhood. In no case shall the number of overnight animal patients be more than five (5).~~

VETERINARY OFFICE. A veterinary office is defined as a facility where a limited or consultative practice is conducted and which provides no facilities for the overnight housing of animal patients.

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.

WETLAND AND WATERCOURSES BUFFER an area of undisturbed vegetation bordering a wetland or watercourse either naturally occurring, or planted as mitigation. The buffer may be composed of a combination of trees, woody vegetation (shrubs, bushes, brush), and herbaceous vegetation.

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YARD. 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. The minimum distance between a lot line and a building is the “yard setback” requirement.

YARD, FRONT and FRONT YARD SETBACK. An area between the principal building and the front lot line extending the full width of the lot and in case of a corner lot, extending along all streets. The distance required between the principal building and the front lot line is the *front yard setback*. For a FLAG LOT the front yard setback line is established from the end of the access right-of-way or fee owned access strip.

YARD, REAR and REAR YARD SETBACK. An area extending the full width of the lot and situated between the principal building and the rear lot line, also referred to as the *rear setback*. The distance required between the principal building and the rear lot line is the *rear yard setback*.

YARD, SIDE and SIDE YARD SETBACK. An area between the principle building and the side lot line extending from the front yard to the rear yard. Any yard that is not a rear yard or a front yard shall be a side yard. The distance required between the principal building and the side lot line is the Side Yard Setback.

ZONING ADMINISTRATOR AND ZONING ENFORCEMENT OFFICER. The terms Zoning Administrator and Zoning Enforcement Officer as used in these Regulations shall have the same meaning.

APPENDIX - TABLES