ZONING REGULATIONS
Town of Salisbury
Connecticut

Planning and Zoning Commission

Effective November 2, 2026

SALISBURY ZONING REGULATIONS
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Salisbury Zoning Regulations – First Adopted June 8, 1959
Twenty-Fourth Revision – May, 2013
Amended February 15, 2024
Amended May 20, 2024
Amended February 2, 2026
Amended October 5, 2026

ARTICLE I - INTRODUCTION

100 Authority and Purposes

These Zoning Regulations are adopted under the authority granted by Chapter 124 of the Connecticut General Statutes, as amended.
As provided in Conn. Gen Stat. § 8-2, these Zoning Regulations are adopted within the Town of Salisbury to help accomplish several purposes including but not limited to:

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;

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 multi-family 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 Conn. Gen Stat. § 8-23.

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 Use 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.

100.4 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.

101 Zones and Overlay Districts Established

To accomplish the purposes of these Regulations, the Town of Salisbury is divided into different zones and overlay districts.

101.1 Zoning Map Established

The established zones and overlay districts are shown on the official Zoning Map(s), as amended, on file in the office of the Town Clerk and are hereby made a part of these Regulations.

101.2 Interpretation of Zoning Map

Unless otherwise dimensioned on the Zoning Map, zone boundaries shall be construed as follows:

a. Following the center line of a street, highway, railroad, right-of-way, easement or utility right-of-way. Where a boundary is shown parallel to a street, such boundary shall be interpreted as running parallel to the nearest street right-of -way line and at such distance from it as indicated on the Zoning Map.

b. Following the lines of a particular geophysical feature including watercourses, flood areas, aquifer recharge areas, watershed boundaries and the like.

c. Following lot lines, such being lines of record at the time of adoption of these Regulations or relevant amendments hereto.

d. Where zone boundaries are set back from such lines, they shall be considered running parallel thereto, at distances indicated.

e. In case of uncertainty regarding boundaries on the Zoning Maps, the zone or overlay district boundary shall be determined by the Commission.

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

102 Interpretation of Regulations

a. Uses Not Permitted are Prohibited. The uses of land, buildings or structures that are not allowed as a permitted use or Special Use Permit use or otherwise allowed in the various zones or overlay districts are prohibited.

b. Accessory, buildings, structures, and uses customarily incidental to uses permitted in these Regulations are allowed in all zones.

c. In the event of uncertainty as to whether a use or activity is permitted, the Commission shall be responsible for interpreting these Regulations.

102.2 Minimum or Maximum Requirements

In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare, unless the context clearly indicates that such provision is intended to be a maximum limitation.

102.3 In the Event of Conflict

Applicants and landowners should be aware that in addition to these Regulations there are other regulations and requirements relating to land use and development. Where any conflict arises between the provisions of these Regulations and any other law, ordinance, easement, covenant, rule, regulation, or permit, the provision that establishes the greatest restriction upon the use of land, buildings or structures or imposes the highest standard shall control.

102.4 Conformity Provisions

a. No building, structure or land shall be used except in conformity with these Regulations for the zone and overlay district in which the land, building, or structure is located.

b. No building or other structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or altered except in conformity with these Regulations for the zone and overlay district in which the building or structure is located.

c. No land shall be sold, divided, or diminished in area in a manner which results in:

- The lot area requirement, lot frontage, yard setback, or other dimensional standard ceasing to conform to the requirements of these Regulations, or
- The use of all or a part thereof ceasing to conform to these Regulations.

103 Administrative Provisions

103.1 Severability

a. Should any provision of these Regulations be declared to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any other provision of these Regulations.

b. If a court of competent jurisdiction finds the application of any provision of these Regulations to be invalid or ineffective in whole, or in part, with respect to any use, land or improvement, the effect

of such decision shall be limited to the person, property or situation immediately involved and the application of any such provision to other persons, property or situations shall not be affected.

103.2. Repealer and Effective Date

a. Any previously enacted zoning regulations for the Town of Salisbury, including any and all amendments thereto are hereby repealed and replaced with these Regulations as of the effective date hereof.

b. These Regulations and any amendments hereto shall be in full force and effect from the date established by the Commission in accordance with the Connecticut General Statutes. The effective date of this revision to the Zoning Regulations is November 2, 2026.

104 Moratorium

104.1 Purpose

This section has been adopted to provide the Commission with the time necessary to consider adoption of potential changes to the Zoning Regulations by moratorium pursuant to Section 8-2 of the Connecticut General Statutes.

104.2 Applicability

During this temporary moratorium, any application for a use listed in Section 104.3 shall be denied by the Planning and Zoning Commission or the Zoning Enforcement Officer.

104.3 Uses Subject to Moratorium

a. The following uses shall be subject to moratorium:
    1. Hotels in Residential Zones, as governed by Section 212.5 of these regulations.

104.4 Effective Date and Term

This temporary and limited moratorium shall become effective on November 2, 2026 and shall remain in effect for nine months unless terminated earlier by the Commission.

104.5 Exemptions

Pursuant to Conn. Gen. Stats. Sec. 8-3(h), this moratorium shall not apply to any hotel development for which a Special Use Permit, site plan, or other approval has been approved by the Commission prior to the effective date, provided that such approval remains valid and has not expired. This moratorium shall not prevent the Commission from reviewing any plans or materials needed to satisfy conditions of approval issued to a hotel development use that was approved prior to the effective day.

ARTICLE II - ZONES, OVERLAY DISTRICTS, MAPS AND USE REQUIREMENTS

200 Zones

For the purpose of these Regulations the Town of Salisbury shall be divided into Residential, Commercial and Industrial zones.

Residential Zones:

ZONES	ZONING MAP LEGEND
Residential 10 Zone	R10
Residential 20 Zone	R20
Rural Residential 1 Zone	RR1
Rural Residential 3 Zone	RR3
Lake Residential Zone	LA
Mount Riga Zone	MR

Commercial and Industrial Zones:

ZONES	ZONING MAP LEGEND
Rural Enterprise Zone	RE
Commercial Zone	C20
General Commercial Zone	CG20
Light Industrial	LI

201 Zoning Maps

The zones identified in Section 200 shall be as shown on ZONING MAP #1 Town of Salisbury Connecticut, as revised. This map and any amendments thereto are a part of these Regulations.

201.1 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.

202 Overlay Districts

The following overlay districts shall be superimposed upon portions of the zones identified in Section 200. 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:

DISTRICTS	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

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 District – Housatonic River Corridor Map dated November 1, 1980, as amended.

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

d. The Lake Protection Overlay District – The Lake Protection Overlay Zone covers an area of 300-foot setback measured from the shoreline ordinary high-water mark of the following lakes: Wononscopomuc, East Twin and West Twin and Wononpakook.

e. The Multi-Family Housing and Pocketknife Square Overlay District Map dated September 30, 2019, as amended.

204 Tables of Uses Permitted According to Zone

204.1 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 these Regulations.

In reading the use table, the following legend shall apply:
A = Allowed, No Permit Required
ZP = Zoning Permit
SP = Site Plan
SUP = Special Use Permit
X – Not Permitted

204.1 – TABLE OF USES – Residential Zones, page 1						
Residential	**R10**	**R20**	**RR1**	**RR3**	**MR**	**LA**
Single family dwelling	ZP	ZP	ZP	ZP	ZP	ZP
Family child care located in a residence	ZP	ZP	ZP	ZP	ZP	ZP
Group child care home located in a residence	ZP	ZP	ZP	ZP	ZP	ZP
Two-family residential	SUP	SUP	SUP	SUP	X	SUP
Multi-family housing	SUP	SUP	SUP	SUP	X	SUP
Multi-family residential	SUP	SUP	SUP	SUP	X	SUP
Home occupation	SUP	SUP	SUP	SUP	X	SUP
Home Shop and Repair Services	SUP	SUP	SUP	SUP	SUP	X
Bed and Breakfast	SUP	SUP	SUP	SUP	SUP	SUP
Lots on dead end subdivision street	SUP	SUP	SUP	SUP	X	SUP
Open Space/Farm and Related	**R10**	**R20**	**RR1**	**RR3**	**MR**	**LA**
Open space or nature preserve, wildlife sanctuary	A	A	A	A	A	A
Farm	A	A	A	A	A	A
Seasonal Farm stand	X	X	ZP	ZP	X	X
Commercial boarding or riding stable	X	X	SUP	SUP	X	X
Nursery	X	X	Site Plan	Site Plan	Site Plan	X
Commercial greenhouse	X	X	SUP	SUP	X	X
Sawmill - permanent	X	X	SUP	SUP	X	X
Sawmill - temporary	X	X	Site Plan	Site Plan	Site Plan	X
Institutional and Related	**R10**	**R20**	**RR1**	**RR3**	**MR**	**LA**
Municipal building or use	SUP	SUP	SUP	SUP	SUP	SUP
Volunteer fire and emergency services	SUP	SUP	SUP	SUP	SUP	SUP
School or educational institution	SUP	SUP	SUP	SUP	X	SUP
	SUP	SUP	SUP	SUP	SUP	SUP
Instruction in fine or performing arts	X	X	SUP	SUP	X	X

204.1 – TABLE OF USES – Residential Zones, page 2						
Institutional and Related	**R10**	**R20**	**RR1**	**RR3**	**MR**	**LA**
Religious institution	SUP	SUP	SUP	SUP	X	SUP
Library or museum	SUP	SUP	SUP	SUP	SUP	SUP
Philanthropic uses or facilities	SUP	SUP	SUP	SUP	X	SUP
Hospital or medical clinic	SUP	SUP	SUP	SUP	X	X
Skilled nursing or assisted living facility, chronic and convalescent home or continuing care retirement community	SUP	SUP	SUP	SUP	X	X
Cemetery	SUP	SUP	SUP	SUP	SUP	X
Fraternal club or lodge	SUP	SUP	SUP	SUP	SUP	SUP
Services	**R10**	**R20**	**RR1**	**RR3**	**MR**	**LA**
Restaurant - low turnover	X	X	X	SUP	X	X
Contractor's equipment storage	X	X	SUP	SUP	X	X
Funeral home/services	SUP	SUP	SUP	SUP	X	X
Veterinary clinic	X	X	SUP	SUP	X	X
Veterinary office	X	X	SUP	SUP	X	X
Veterinary hospital or kennel	X	X	SUP	SUP	X	X
Major home office use	X	X	SUP	SUP	X	SUP
Hotel	X	X	SUP	X	X	X
Motel	X	X	X	X	X	X
Recreational	**R10**	**R20**	**RR1**	**RR3**	**MR**	**LA**
Cross country ski area	X	X	SUP	SUP	SUP	SUP
Golf course, tennis or riding club	X	X	SUP	SUP	SUP	SUP
Boarding camp	X	X	SUP	SUP	SUP	X

204.2 Table of Uses Permitted in 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 these Regulations.

In reading the use table, the following legend shall apply:

A = Allowed, No Permit Required
ZP = Zoning Permit
SP = Site Plan
SUP = Special Use Permit
X – Not Permitted

204.2 TABLE OF USES –Commercial & Industrial Zones, page 1				
Residential Uses	**RE**	**C20**	**CG20**	**LI**
Single family dwelling	ZP	ZP	ZP	X
Family child care located in a residence	ZP	ZP	ZP	X
Group child care home located in a residence	ZP	ZP	ZP	X
Two-family residential	SUP	SUP	SUP	X
Multi-family housing	SUP	SUP	SUP	X
Multi-family residential	SUP	SUP	SUP	X
Transit Community Middle Housing Development	SP	SP	SP	X
Open Space/Farm and Related	**RE**	**C20**	**CG20**	**LI**
Open space, nature preserve, wildlife sanctuary	A	A	A	A
Farm	A	X	X	X
Seasonal Farm Stand	ZP	X	X	X
Commercial boarding or riding stable	SUP	X	X	X
Nursery	SP	SP	SP	X
Commercial Greenhouse	SP	SP	SP	X
Sawmill - permanent	SUP	X	X	X
Sawmill - temporary	ZP	X	X	X
Institutional and Related	**RE**	**C20**	**CG20**	**LI**
Municipal building or use	SUP	SUP	SUP	SUP
Volunteer fire and emergency services	SUP	SUP	SUP	SUP
School or educational institution	X	SUP	SUP	X
Instruction in fine or performing arts	SUP	SUP	SUP	SUP
Religious institution	SUP	SUP	SUP	X
Philanthropic uses or facilities	SUP	SUP	SUP	X
Hospital and medical clinic	SUP	SUP	SUP	X
Institutional and Related	**RE**	**C20**	**CG20**	**LI**
Skilled nursing or assisted living facility, chronic and convalescent home or continuing care retirement community	SUP	SUP	SUP	X
Cemetery	SUP	SUP	SUP	SUP
Fraternal club or lodge	X	SUP	SUP	SUP

204.2 TABLE OF USES –Commercial & Industrial Zones, page 2				
Services	**RE**	**C20**	**CG20**	**LI**
Restaurant – Low Turnover	X	SP	SP	SUP
Restaurant – High Turnover	X	SUP	SUP	SUP
Contractor equipment storage	SUP	X	SUP	X
Contractor equipment sales	X	X	SUP	X
Veterinary hospital or kennel	SUP	X	X	X
Veterinary clinic	SUP	SUP	SUP	SUP
Veterinary office	SUP	ZP	ZP	X
Hotel	SUP	SUP	SUP	X
Motel	SUP	SUP	SUP	X
Retail Store	X	ZP	ZP	X
Personal Service	X	ZP	ZP	X
Professional or business office	SUP	SP	SP	SP
Bank or financial institution	X	SP	SP	X
Antique/ second hand store	X	ZP	ZP	X
Auto sales, service, repair, filling station/car wash	X	X	SUP	SUP
Laundry or dry cleaning	X	SUP	SUP	SUP
Commercial Parking Lot	SP	SP	SP	X
Manufacturing and assembly of parts for products	SUP	X	X	SUP
Wholesale distribution, storage warehouse, truck terminal	X	X	SUP	SUP
Lumber or building material storage and sales	X	X	SUP	SUP
Printing establishment	SUP	SUP	SUP	SUP
Carpentry or woodworking	SP	SP	SP	SP
Processing dairy products	SUP	X	X	SUP
Research Laboratory	SUP	X	X	SUP

204.3 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 these Regulations.

In reading the use table, the following legend shall apply:

A = Allowed, No Permit Required
ZP = Zoning Permit
SP = Site Plan
SUP = Special Use Permit
X – Not Permitted

204.3 – TABLE OF ACCESSORY USES	
THESE ACCESSORY USES, BUILDINGS, AND STRUCTURES ARE SUBJECT TO THE REQUIREMENTS OF SECTIONS 206 AND 207, AND ARE ALLOWED IN ALL ZONES UNLESS OTHERWISE STATED IN THE REGULATIONS	
Outdoor food and beverage service	SP
Farming, gardening, raising of crops or fruit and keeping of farm animals	A
Renting of room and board	ZP
Home office of convenience	A
Apartment on Single Family Residential Lot	See Section 208
Keeping horses (max. 3)	ZP
Fence over 8 feet height	ZP
Family child care located in a residence	ZP
Group child care home located in a residence	ZP
Temporary special events	No Permit or SUP
Excavation and grading	SUP with exception as stated under Section on Excavation and Grading Article VI
Signs	See Section on Signs
Accessory buildings and structures	ZP or SP
Dock	ZP
Construction site trailer	Temporary Use ZP
Single commercial vehicle max. 200 sq. ft. footprint	A
More than one commercial vehicle and/or commercial equipment storage	ZP
Wireless telecommunication antennae	SP
Outdoor wood burning furnace	See Section 208
Activities incidental/accessory to a track for racing motor vehicles	See Section 221

205 Residential Zones – Purposes

205.1 Residential Zones (R10, R20)

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

205.2 Rural Residential Zones (RR1, RR3)

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 history of the Town and consistent with topographic, soil, wetland and water resource development limitations.

205.3 Special Resource Residential Zones – Mount Riga Zone (MR) and Lake Residential Zone (LA)

Mount Riga Residential Zone (MR). The purpose of this special resource 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 special resource 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 groundwater quality.

206 Accessory Uses, Buildings and Structures

Accessory buildings, structures and uses customarily incidental to uses permitted in these Regulations are allowed in all zones. Except as may be specifically allowed within these regulations, no accessory building or structure shall be constructed on any lot prior to the commencement of construction of the principal building to which it is accessory.

206.1 Farming for Personal Use. Farming, gardening, raising of crops or fruit and keeping of farm animals for personal use only and accessory to a residential use is permitted and shall not require a Zoning Permit, except buildings or other structures in connection therewith shall be subject to a Zoning Permit.

206.2 Horses. Keeping of horses for personal use accessory to a residential use on a lot of 3 or more acres is permitted, subject to a Zoning Permit.

206.3 Home office of convenience. A home office accessory to a residential use in a dwelling or an accessory building shall not require a Zoning Permit provided:

- The maximum office floor area is 25 percent of dwelling total floor area;
- Only family members living on the premises may work in the office;
- There shall be no outside sign or other exterior visible indication of office use;
- Office use shall not increase the vehicular and pedestrian traffic to the dwelling, and
- No hazardous materials shall be involved.

206.4 Commercial vehicle and equipment storage.

a. Parking of one registered commercial vehicle shall not require a Zoning Permit provided it occupies a maximum footprint of 200 square feet.

b. Parking of more than one registered commercial vehicle and/or commercial equipment storage associated with a residence is allowed subject to a Zoning Permit provided:

- The residence is owner occupied,

- Vehicles and/or equipment use on site is limited to owner-occupant or owner-occupant employees, and
- Maximum area of all commercial vehicle and equipment storage is 750 square feet and no one vehicle or single piece of equipment shall occupy a footprint of more than 250 square feet.

206.5 Recreational Vehicle. A recreational vehicle and associated trailer storage accessory to a residential use shall not require a Zoning Permit provided the vehicle is:

- Owned by the occupant of the premises,
- Not used or occupied on site and has all wheels affixed, and
- Located to the rear of the principal building on the lot.

206.6 Fences. Fences, and walls used as fences, in residential zones shall be considered an accessory use and shall be allowed subject to the following:

- A fence 8 feet or less in height with the finished side facing the neighboring property may be located in a yard and shall not require a Zoning Permit.
- A fence more than 8 feet in height shall meet all yard setbacks and shall require a Zoning Permit.
- Fences in non-residential zones and fences designed as noise barriers or landscape buffers or proposed to separate residential use from a use of higher intensity may be placed on or near the property line subject to Site Plan approval.

206.7 Dock or mooring. A removable dock and mooring accessory to a property abutting a watercourse shall require a Zoning Permit and shall be located a minimum of 10 feet from side lot lines and extend not more than 50 feet from the shore line. A removable dock where the lot width is less than 20 feet measured at the shoreline between the side lot lines shall have a maximum dock width of 4 feet, shall be located as close as possible to the center of the shoreline frontage and shall be not less than 5 feet from side lot lines. Permanently constructed docks are prohibited.

206.8 Construction trailer. A temporary field office trailer at a construction site shall be permitted subject to a Zoning Permit and the requirement that the trailer shall be removed upon completion of construction or upon issuance of Certificate of Occupancy and provided the use of the trailer is limited to office use.

206.9 Wireless telecommunications antennae subject to a Zoning Permit as provided in Article X.

206.10 Outdoor food and beverage service. During regular business hours, but no later than 9:00 PM, outdoor food and beverage service is permitted by Site Plan as an accessory use to a food establishment, as defined by Conn Gen. Stat. §8-1cc, that is a legally conforming use under these Zoning Regulations. The area designated for outdoor food and beverage service shall not exceed 50% of the interior dining area. For the purposes of meeting the parking requirements, the area used for outdoor food and beverage service is not calculated towards floor area. Any structures for the purposes of outdoor food and beverage service must comply with all requirements of the underlying zone.

a. General Standards

1. busing stations, trash receptacles, food preparation stations, and amplified sound is prohibited in the outdoor food and beverage service area.

2. lighting and exterior illumination shall comply with Section 702 of these Regulations

3. premises shall be kept clean at all times. No food waste or liquid spillage should remain on patios and other outdoor food and beverage service areas so as not to attract insects and vermin.

4. waste should be deposited in the food establishment's garbage facility. No separate garbage facilities are allowed for the outdoor food and beverage service area.

5. trash or debris shall not be blown, swept or otherwise deposited onto adjoining parcels.

6. adequately secured umbrellas and awnings are allowed. These cannot be used as de facto signage to advertise products or the dining establishment.

7. signs shall comply with Section 704 of these Regulations.

8. Fire Marshal and Torrington Area Health District approval is required

b. Locations for Outdoor Food and Beverage Service. Outdoor food and beverage service must be restricted to the same parcel containing the principal food establishment with the following exceptions:

1. on abutting public sidewalks and other pedestrian pathways subject to the following:
   • a pathway no less than four feet in width, not including any area on a street or public highway, shall remain unobstructed for pedestrian passage and,
   •sufficient space for pedestrian passage shall remain on the sidewalk in compliance with accessibility guidelines as per the federal Americans with Disabilities Act, 42 USC 12101, et seq., as amended and,
   • no portion of the sidewalk occupied by outdoor food and beverage service area shall be used for vehicular access/egress and,
   • conditions imposed by the agency or municipal official that issues right-of-way or obstruction permits;

2. on off-street parking spaces associated with the permitted use, notwithstanding any municipal ordinance or zoning regulation establishing minimum requirements for off-street parking;

3. on any lot, yard, setback, yard setback, or open space abutting the area permitted for principal use, provided:
   • such lot, yard, setback, yard setback, or open space is located in a zoning district where the operation of food establishments is permitted,
   • such use is in compliance with any applicable requirements for access or pathways pursuant to physical accessibility guidelines under the federal Americans with Disabilities Act, 42 USC 12101, et seq., as amended, and
   • the licensee or permittee obtains written authorization to engage in such service from the owner of such lot, yard, setback, yard setback, or open space and provides a copy of such authorization to the Zoning Commission, and retains the consent of such owner during the entire period when this area is used for outdoor food and beverage service authorized by this Section of the Regulations.

206.11 Publicly Accessible Electric Vehicle Charging Stations (EVCS) are a nonstructural accessory electrical component assembly permitted by Site Plan in all zones. This Section applies to all installations available for public use, whether publicly or privately owned, commercial or noncommercial.

a. General Standards. These standards apply to new construction as well as retrofits.

1. Electrical vehicle supply equipment shall not impede pedestrian travel or create trip hazards
   - Plugs/cords shall be retractable or have a place to securely mount the connector and cord elevated off the ground.

- Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or vehicle egress area.

2. A minimum of one EVCS, at any given property or groups of contiguous properties under common ownership, shall meet the American with Disabilities Act (ADA) requirements to the fullest extent technically feasible.
3. EVCSs protection such as safety bollards, wheel stops, and curbing must be installed in accordance with applicable codes and approved by the Fire Marshal.
4. Secondary signs (as described in Section 704) for EVCSs shall indicate the space is prioritized for electric vehicle (EV) charging purposes
   - Unit-mounted signage shall indicate the owner and/or operator of the EVCS and their contact information.
   - No other unit-mounted advertising signage is allowed.
5. EVCS owners/operators are not restricted from collecting a fee for the use of the EVCS.
6. EVCS spaces may be included in calculating required off-street parking spaces.
7. Any new or substantially improved parking lot with thirty or more parking spaces shall include EVCS infrastructure that supplies no less than two hundred eight to two hundred forty volts alternating current or direct current fast charging stations in at least ten per cent of such parking spaces. For the purposes of this regulation substantial improvement is defined as 50% or more of an existing parking lot that is either paved, repaved, or reconfigured.

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

207.1 Apartment on Single-Family Residential LotThe 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.

a. 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 Use Permit provided only one apartment is permitted on a lot and the site plan and proposed improvements are designed to maintain residential appearance of the lot.

b. 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.

c. 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.

d. 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:

- Have a scale and exterior appearance that blends with and maintains the appearance of the dwelling as a single-family residence.

e. 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 appearance 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).

f. 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.

g. 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 shall certify that the existing system or the proposed modified or new subsurface sewage disposal system is adequate to serve the proposed additional use.

207.2 Outdoor Wood-Burning Furnace

An Outdoor Wood-Burning Furnace is allowed accessory to a principal structure in all zones subject to a Zoning Permit provided that the Outdoor Wood Furnace meets the following requirements set forth in Conn. Gen Stat. §22a-174k:

a. Installation of the outdoor wood-burning furnace is not less than two hundred feet from the nearest residence not serviced by the outdoor wood-burning furnace;

b. Installation of the chimney of the outdoor wood-burning furnace is at a height that is more than the height of the roof peaks of the residences that are located within five hundred feet of the outdoor wood-burning furnace, which residences are not serviced by the outdoor wood-burning furnace, provided the chimney height is not more than fifty-five feet; and

c. Installation and operation of the outdoor wood-burning furnace is in accordance with the manufacturer's written instructions, provided such instructions do not conflict with the provisions of this section.

208 Additional Requirements for Uses in Residential Zones

The general standards and requirements for Zoning Permit, Site Plan or Special Use Permits apply to the uses listed on the above 204.1 "Table of Uses Permitted in Residential Zones". The following additional requirements shall also apply.

208.1 New Construction Multi-Family Housing

New construction multi-family housing of not more than three dwelling units shall be permitted provided all regulations as to lot size, setbacks, density, parking and other requirements for the zone are met;

except that within the Multi-Family Housing and Pocketknife Square Overlay Districts, the lot size, setbacks, density, and other dimensional regulations of the respective overlay district shall apply.

208.2 Conversion of Existing Structure to Multi-Family Housing

The purpose of this section is to enhance housing opportunities by allowing subject to a Special Use Permit an existing structure to be converted to a multi-family housing. The floor area of any dwelling unit within the existing structure shall be consistent with the minimum square feet required by the State Building Code. For properties not within the MFH or PKSQ Overlay Districts, the maximum number of dwelling units shall be three.

a. Existing Building. Only a structure existing at the time of the adoption of this section is eligible for conversion to a multi-family housing under this section. Structures that are dimensionally pre-existing non-conforming are eligible for conversion to a multi-family dwelling. New appurtenances or additions necessary for access or safety that would not increase the non-conformity may be permitted subject to Special Use Permit review by the Planning and Zoning Commission.

b. Water and Sewer Service. The multi-family housing shall be served by either the public sewer system provided the applicant shall submit evidence that the additional sewer volume resulting from the proposed conversion meets the requirements of the Water Pollution Control Authority or by a septic system provided the applicant shall submit evidence that the existing or proposed modified system meets the requirements of the Torrington Area Health District. The multi-family housing shall be served by the public water system or the applicant shall present certification from the Torrington Area Health District that the existing or proposed well is adequate to serve the proposed use.

c. Building Design, Scale and Proportion. Proposed additions and modifications to the existing building may be permitted provided such changes are consistent with scale, height, proportions and other architecture of the existing building and the neighborhood. Any modifications for fire safety or access, such as fire escapes and elevator shafts shall be located on the side or rear of the building. 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.

d. Other External Elements. All materials, construction, lighting, and other external elements of the building and on the site shall be compatible with the neighborhood, and the rural and historic landscape of the Town. Signs shall be in accordance with Section 704, “Signs,” of this Section.

e. Parking. Off-street parking shall be provided in accordance with Section 703, “Parking and Loading Requirements.” No new parking areas shall be created in between the front façade of the structure and the street. New parking spaces may be created to the side and rear of the structure. Landscaping or screening may be required where needed to shield the view of parking areas from the street and neighboring residences.

208.3 Lots on a Dead-End Street in a Subdivision

This regulation requires a Special Use Permit application for a proposed subdivision with driveway access to a dead-end street, or proposed extension to an existing dead-end street where the total length of the dead-end street exceeds 2,000 feet and/or the total number of dwelling units exceeds twenty (20). The following requirements shall be in addition to the requirements of the Subdivision Regulations.

a. The application shall be submitted simultaneously with a subdivision application and shall include a report prepared by a Connecticut licensed traffic engineer that addresses traffic safety, considering the dead-end street length, the subdivision plan and the total existing and proposed dwellings on the dead-end street. The report shall also:

- Identify the road grade, pavement width and cleared right-of-way width as it would affect access by emergency equipment and the potential for a temporary blockage;
- Identify and recommend solutions to factors which could pose a threat to temporary blockage of the dead-end street including bridges, adjacent steep slopes, potential rock fall areas, large trees and utility lines;
- Identify potential alternative emergency access ways to the dwelling units in the subdivision;
- Identify and evaluate proposed or needed site safety improvements, including but not limited to, fire ponds, emergency pull-offs or turnabout areas;
- Evaluate the potential to extend the proposed dead-end road to a connector road and the costs related to any potential extension, and
- Provide an analysis of the need and benefit of providing an internal looped dead-end road design.

b. The Commission shall refer all subdivision applications involving proposed dead-end streets to the Selectmen and the Volunteer Fire Department and shall consider any report received in its decision on the Special Use Permit.

208. 4 Adaptive Re-Use of Existing Buildings Near the RE Zone, Approved: October 21, 2014

The purpose of this regulation is to provide for the adaptive re-use of existing buildings and structures located in the vicinity of the RE Zone by Special Use Permit. The Commission finds that the RE Zone allows for a variety of commercial uses, including a commercial race track, and that such uses may tend to diminish the property values of surrounding residences located in the RR1 Zone. In order to enhance property values and promote economic revitalization of such surrounding RR1 zoned properties while maintaining the architecture of the Lime Rock Village area, the Commission may allow, by Special Use Permit, the existing buildings and structures on eligible properties to be used for the uses set forth herein, in addition to such uses allowed in the RR1 Zone.

a. Uses Allowed by Special Use Permit: Professional or business office, retail store, or such similar business enterprise uses approved by the Commission.

b. Eligibility Area: The following areas are eligible for a Special Use Permit under this section: Any parcel which has at least 50 feet of frontage on Rt. 112 and wherein all or part of such parcel lies within 1,000 feet of the boundary of the RE Zone.

c. Existing Buildings: The building for which the adaptive re-use is sought shall have existed on the effective date of this regulation.

d. Building Design, Scale, and Proportion: The Commission may approve, as part of the adaptive use Special Use Permit, new construction including such construction as shall be necessary to comply with State or local building, fire, safety or health codes, or to improve circulation throughout the building. Any proposed additions and modifications to the existing building shall not materially change the single-family residential appearance of the building and shall be consistent with the scale, height, proportions, and other architectural elements of the existing buildings and the neighborhood.

e. Other External Features: All materials, construction, lighting, signs and other external elements of the building on the site shall be compatible with the residential character of the neighborhood, and the rural and historic character of the town.

f. Landscaping: A landscape plan shall be submitted with the application and shall be designed to maintain the single-family residential appearance of the neighborhood and protect neighboring residential property values.

g. No Outside Storage: There shall be no outside storage or exterior display, or advertising or other visible evidence of such use except in accordance with the authorized signage under these Regulations.

h. Parking: Parking areas shall be screened to maintain the single-family residential appearance of the neighborhood and to protect neighboring residential property values. New parking areas for business or office uses shall be located behind or beside the principle building on the site.

i. Conditions: In addition to such conditions that the Commission may impose to ensure compliance with Sections 801, 802 and 803 of these regulations, the commission may impose conditions limiting the number of employees working on the site at any one time, and also limiting the days and hours of operation based on the characteristics of the use, the site, and the surrounding area.

209 Home-Related Uses

Home-related uses include: home occupation, home shop and repair service, bed and breakfast and major home office. The following general standards and specific requirements apply to these home-related uses.

209.1 General Standards

a. Owner/Resident. The owner of the principal dwelling shall reside on the property housing the home use.

b. Exterior. The plan shall not alter the exterior appearance of a residential lot and or structures on it in a manner that would cause these to differ from its residential character either by use of materials, construction, or lighting. Other than permitted signs and required off-street parking, there shall be no exterior non-residential evidence of the home use, including but not limited to, exterior storage of goods, supplies or other material associated with the home use.

c. External Impact. The home use shall not produce noise, vibrations, odor, electrical emissions or other external effects, which would adversely impact neighboring residents.

d. Traffic. To protect neighboring property values and safety the Commission may limit the volume of vehicle trips, type of vehicles, and hours of vehicles entering and leaving the premises.

e. Hazardous Materials. Incidental use of hazardous materials may be permitted provided the applicant documents and the Commission determines the proposed activity will not pose a threat to groundwater quality or air quality. Home related uses posing a significant threat to groundwater quality or air quality shall not be permitted, including but not limited to: furniture stripping, beauty salons, auto and major appliance repair, and medical offices.

f. Parking.

- No on-street parking shall be permitted. Off-street parking shall not be permitted in the front yard, except where the applicant demonstrates that there is no alternative, in which case not more than one parking space may be permitted in the front yard which space shall be shielded year-round from view from the street and neighboring residences by a landscape screen.
- A landscape screen of any other parking area may also be required where the Commission determines that it is necessary to protect neighboring residential property values and to maintain the single-family residential appearance of the neighborhood.
- The number and location of off-street parking spaces may be limited as a condition of the permit.

g. Water, Septic and Sewer Approval. The applicant shall present certification from the Torrington Area Health District that the existing or proposed well and subsurface sewage disposal system is adequate to serve the proposed use. Where public sewer or water is proposed the applicant shall submit a letter from the Water Pollution Control Authority and/or the water company stating that such service will be provided.

h. Statement of Use and Floor Plans. All applications shall include:

- A statement of use that estimates the daily volume of client/customer visitation, traffic generation and parking needs and any other information the Commission needs to assess compliance with the requirements of this regulation, and
- Building floor plans drawn to scale to show the floor area and layout of the residence and/or accessory building and the floor area (in square feet) devoted to the home use.

209.2 Home Occupation

A home occupation for limited office use, professional or business use or shop and repair services shall meet the following requirements.

a. Outside employees. No more than two non-resident, non-family members shall work on the lot in association with the home occupation.

b. The total floor area of the home occupation either in a dwelling and/or in an accessory structure shall not exceed 1/3 of the gross floor area of the dwelling.

c. Sales. There shall be no sales of goods to customers on the premises with the exception of goods, products or crafts grown or made primarily on the premises. The applicant shall submit a sample of the items for sale as part of the application.

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

e. Accessory Building. The home occupation may occupy an accessory building provided the location and appearance of the accessory building is consistent with the residential appearance of the lot and neighborhood and the type and intensity of the proposed use will not alter the residential character of the lot.

209.3 Home Shop and Repair Services

All of the requirements for a home occupation shall apply to a home shop and repair service. The following additional requirements shall also apply.

- There shall be indoor space adequately located and designed to accommodate all activities and to contain the external impact of noise, vibrations or other external effects which could adversely impact neighboring residents.

- No motor repair services shall be permitted except for the repair of small motors, such as small household appliances or yard maintenance equipment. Repair services expressly **not permitted** include, but are not limited to, major appliances, automobiles or motorcycles (repair, restoration or painting of), farm equipment or the repair of any vehicle that requires licensing for operation on a public way.

209.4 Bed and Breakfast

A bed and breakfast use for transient visitors located in an owner-occupied dwelling shall meet the following requirements.

a. Suitable Structure. The structure shall be suitable to accommodate guest rooms based upon its interior arrangement, size and structural condition. Complete bathrooms shall be provided at the rate of one per two guest rooms.

b. Maximum Rooms. No more than 3 guest rooms rated for double occupancy shall be permitted. Bed and Breakfast use shall also be eligible for an Accessory Apartment use provided the Bed and Breakfast shall have a maximum of 2 guest rooms.

c. Additions. Minor additions not to exceed 200 square feet may be made to a structure for improvements necessary for a bed and breakfast use.

d. Length of Stay. The owner operator shall maintain a guest registration book noting length of stay. Food service shall be limited to service to overnight guests.

209.5 Major Home Office Use

A major home office use shall be subject to the following:

a. It shall provide a productive use of large, older residential buildings and accessory buildings while maintaining the residential appearance of the structures.

b. Only a low-traffic generating business, office or professional use shall be permitted. Use involving on a regular basis more than three non-employee incoming vehicle trips during any hour of the day, including delivery vehicles, shall not be considered low-traffic generating. There shall be no retail sales of goods to customers on the premises. Personal service uses shall not be permitted, including but not limited to, barber, hairdresser, beautician, tailor, and masseuse.

c. Access. Access to the major office use shall be from a State highway or a major Town road.

d. Existing Buildings. The original portion of the principal residential building shall be a minimum of 50 years old from the date of the application and have a minimum total floor area of 2,500 square feet.

e. Building Addition and Dimension Requirements. Proposed additions and modifications to the existing building shall be consistent with scale, height, proportions and character of the existing building and the neighborhood. Building(s) containing the major office use shall conform to the building coverage, setback and height dimension requirements of these Regulations.

f. Floor Area. The major office use shall be located in a single-family dwelling or an approved accessory building. The total floor area of the office shall not exceed 50% percent of the gross floor area of the dwelling.

g. Maximum lot coverage. The maximum ratio of the footprint of all buildings on the lot to the total lot area shall be 10%. The maximum ratio of the total footprint area of all impervious surfaces on the lot including buildings, parking areas (paved and unpaved) and other impervious surfaces to the total lot area shall be 20%. For the purpose of determining lot coverage the computation of total lot area shall not include the area of any lake, pond, watercourse or inland wetland as defined by the Salisbury Inland Wetlands and Watercourses Commission. The site plan shall show the footprint area of all buildings, structures and impervious surfaces on the lot.

h. Building Type and Appearance. The type and appearance of the buildings and all external construction materials, lighting, signs and other external elements of the building and lot shall be compatible with the residential character of the neighborhood and rural and historic character of the Town. Buildings with a domed, free form, A-frame, flat roof and other similar buildings not consistent with the historic character of the Town and are not eligible for major home office use.

i. Employees and Lot Area.

- The number of employees working on the site in the office use at any given time, including employees residing on the property, may be limited as a condition of the permit but in no case shall exceed 15.
- The minimum lot area shall be twice that for the residential zone. Where the proposed maximum number of employees working on the site at any time is greater than 5 the minimum lot area shall be 6 acres.
- The Commission may limit the number of employees as a condition of approval to meet the standards of this regulation and in consideration of the size or configuration of the lot, type of office use, projected traffic, including number and size of delivery vehicles, and any other factors relating to the traffic impact of the proposed use on the site and the surrounding neighborhood.

j. Traffic. Where an application involves access from a major town road or more than three non-resident employees, the applicant shall submit a traffic study prepared by a licensed traffic engineer. The study shall project the traffic (volume and type) and assess its impact on the Town road systems providing access to the site. The Commission may also attach conditions including, but not limited to, delivery and pickup by commercial vehicles, the location and number of parking spaces, and the number of clients or customers permitted on the premises.

210 Farm and Related Uses

210.1 Seasonal Farm Stand

A structure used by a farm business for the temporary seasonal sale of raw and/or processed agricultural and horticultural products. Seasonal Farm Stands are allowed provided:

- The temporary structures and sales areas are compatible in size and scale with neighboring uses.
- A minimum of 80% of gross sales shall be from agricultural goods produced on the owner's farm and a maximum of 20% of gross sales may be from agricultural goods produced at other locations in the states of Connecticut, Massachusetts or New York.
- The seasonal farm stand must cease operations for at least six weeks each year.
- Farm stands shall be set back a minimum of 20 feet from the street line.

210.2 Sawmill, Permanent

Minimum lot area shall be 5 acres and minimum setback shall be 150 feet from the street right-of-way line.

210.3 Sawmill, Temporary

Minimum lot area shall be 5 acres and minimum setbacks shall be 150 feet from the street right-of-way line and 200 feet from all other property lines.

210.4 Commercial Greenhouse

a. A minimum of 80% of gross sales shall be from greenhouse goods produced on the premises and a maximum of 20% of gross sales may be from greenhouse goods produced at other locations in the States of Connecticut, Massachusetts or New York.

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

c. The minimum lot size shall be 5 acres.

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

e. The lot shall meet the minimum street frontage requirements of the zone. All structures shall be located a minimum of 100 feet from the street right-of-way line and 100 feet from any dwelling on an adjacent lot. The minimum side yard setback shall be 50 feet for all buildings, parking areas and driveways.

f. Parking spaces shall be located to the rear and the side of the sales building.

g. Buildings and parking areas may be required to be screened from view from the road and from view from surrounding residences.

210.5 Commercial Horse Boarding or Riding Stable

a. This regulation applies to the use of land, buildings and other structures for commercial horse-related activities that involve more than two horses, including but not limited to, commercial horse boarding stables or riding schools.

b. Lot Area. The barns, riding rings, corrals and accessory facilities shall be located on land that is suitably drained for horse use purposes. The minimum lot area shall be 5 acres plus one-half acre for each additional horse after the first two.

c. Parking and Circulation. Sufficient off-street parking shall be provided to accommodate all users and visitors to the property. The access driveways entering and leaving the property shall be located with adequate sight lines at the intersection with public streets. For a horse boarding use one parking space shall be provided per boarding animal. For a riding school or instructional program, the parking space requirement shall be determined by the Commission based on the size of classes, age of students, scheduling of classes and related factors.

d. Health. The application shall include a letter from the Torrington Area Health District commenting on the adequacy of plans for the storage and handling of manure or any other materials with the potential to pose a risk to water quality and to groundwater and surface water on site and on adjacent properties. Locations for storage of manure shall be identified on the site plan. Manure storage facilities and areas shall be located a minimum of 100 feet from property lines and watercourses.

e. Safety. Perimeter fencing shall be installed and maintained as needed to contain horses.

f. Fire. Fire control access and facilities shall be acceptable to the Fire Marshal.

g. Noise and Lighting. The applicant shall demonstrate that the type and location of all lighting fixtures and parking areas will not produce lighting or glare visible off the premises. The applicant shall identify the projected decibel level for all planned activities and installations with a potential to generate a noise level which could be heard off premises, including but not limited to, public address systems or similar voice projection systems for spectators, rider instruction programs, horse training programs and other similar activities.

h. Setback. Horse-related buildings shall be setback a minimum of 100 feet from the street right-of-way line and 100 feet from the side and rear boundary lines. Riding rings and corrals shall be a minimum of 75 feet from all property lines.

i. Special Events. Shows, exhibitions, contests or other similar special events shall be permitted only where expressly applied for and approved as part of the Special Use Permit. The Commission may deny or establish conditions limiting such events where necessary to safeguard the neighborhood.

211 Institutional, Health, and Related Uses

211.1 School or Other Educational Institution

a. In residential zones, the minimum lot area shall be 5 acres

211.2 Fraternal Club or Lodge

A fraternal club or lodge 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 purposes and activities.

211.3 Religious or Philanthropic Use, Library or Museum

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.

d. Access. Vehicle entrances and exits shall be located not less than (50) fifty feet from any adjoining property lot line.

211.4 Hospital or Medical Clinic

a. The minimum lot area shall be 1 acre, plus an additional 2,000 square feet per bed.

b. The site shall be served by a public sewer system approved by the Town Water Pollution Control Authority.

c. The applicant shall provide a traffic study prepared by a licensed traffic engineer evaluating the projected traffic and safety of the Town streets providing access to the site, the internal access driveway, traffic circulation plan and parking plan.

d. All buildings and structures must be designed, constructed and maintained according to a unified and harmonious design plan compatible with the Town's rural New England character.

211.5 Skilled Nursing Facility, Assisted Living Facility, Chronic and Convalescent Home or Continuing Care Retirement Community as defined in the Connecticut General Statutes

Skilled Nursing Facility, Assisted Living Facility, Chronic and Convalescent Home or Continuing Care Retirement Community uses as defined in the Connecticut General Statutes as authorized by the State of Connecticut may be permitted in residential zones subject to the following:

- Minimum lot area shall be 10 acres and the facilities shall be served by a public sewer system approved by the Town Water Pollution Control Authority.
- The maximum number of residents of any such facility shall be 150.
- The applicant shall provide a traffic study prepared by a licensed traffic engineer evaluating the projected traffic and safety of the Town roads providing access to the site, the internal access driveway, traffic circulation plan and parking plan.
- All buildings and structures must be designed, constructed and maintained according to a unified and harmonious design plan compatible with the Town's rural New England character.
- The application shall provide for the proper storage and disposal of medical waste and any other hazardous materials associated with the facility.

211.6 Establishment for Instruction in Fine or Performing Arts

The Commission may limit as a condition of the permit the number of students present at any one time in consideration of the suitability of the site to accommodate the projected volume of traffic, and the impact on neighboring residences. In no case shall the number of students on the property exceed 60 at any one time.

a. The minimum street frontage shall be 100 feet.

b. Minimum lot area shall be 4 acres with the following exception. Where street frontage and access are from a State highway and the facility is served by public water and sewer systems the Commission may permit a smaller lot but not less than the minimum lot area for the zone in which the lot is located.

c. Buildings and parking areas shall be setback from property lines by a minimum distance equal to twice the minimum setback (front, side and rear) for the zone in which the lot is located except in the following instances:

- The Commission may reduce the above stated setback requirement from the property lines (front, side and rear) to not less than the minimum setback for the zone if the applicant demonstrates to the satisfaction of the Commission that the existing or proposed topography and/or the proposed landscaping effectively screen the view of the building and parking area on the site as observed along the property line.
- The Commission may permit the conversion of a residence to this use on a lot where an existing yard setback(s) do not meet the zone yard setback requirements provided the Commission determines that the residence will retain its single-family appearance and the conversion will be a productive re-use of a large, older, single-family residence and such use will be compatible with the surrounding neighborhood.

d. Maximum impervious surface coverage by buildings, parking areas and other impervious surfaces on the lot shall be no more than 30% of the total lot area.

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

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

g. A landscape plan shall be submitted with the application and shall be designed to maintain the single-family residential appearance of the neighborhood and protect neighboring residential property values.

h. The applicant shall provide documentation that the sewage treatment system, and the traffic, parking and vehicular circulation plan will adequately and safely provide for the maximum projected number of students, employees and visitors on the property at any one time.

212 Services

212.1 Major Home Office Use (*see* Residential and Related Uses – Home-Related Uses)

212.2 Restaurant - Low Turnover

A low turnover restaurant shall require a Special Use Permit in a residential zone, meet the definition as provided in the Appendix – Definitions, and be on a lot with a minimum area of 2 acres.

212.3 Kennel, Veterinary Hospital, Veterinary Clinic, Veterinary Office

These uses shall meet the following definitions and requirements.

a. Lot Area. For a kennel or veterinary hospital, the minimum lot area shall be 3 acres. The minimum lot area for a veterinary clinic or veterinary office shall be the same as the minimum lot area for a single-family dwelling in the zone in which it is located.

b. Health. Applicants for all uses shall provide a letter from the Torrington Area Health District addressing the adequacy of plans for storage and handling of wastes and other materials that could pose a risk to water quality.

c. Outdoor areas for animals, including runs or yards shall be restricted to use during daylight hours and shall be 150 feet from all property lines. For structures or fenced areas for animals located less than 200 feet from a property line the Commission may require a vegetated buffer between the facility and property line.

b. For a veterinary or animal clinic, the number of overnight confinement spaces permitted 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 patients be more than five (5).

c. Structures for overnight animal use shall be sound proofed. Noise from such structures measured at the property line shall not exceed the maximum noise level allowed under the State Health Code.

212.4 Contractor's Equipment Storage

a. Lot and Storage Area. The lot shall meet the minimum lot requirement for the zone. Total storage area shall not exceed 40,000 square feet, including maneuvering space.

b. Storage area setbacks. Front property line - 100 feet. Side and rear property line – 50 feet. Where the storage area is over 25,000 square feet the setback shall be 100 feet from all property lines.

c. Application. The application shall include:

- The number of employees, number and gross weight of all vehicles and equipment owned or leased by the applicant, type and the amount of material and the method of storing;

- The amount and composition of waste containing potentially hazardous materials and the proposed methods of disposal.

d. Standards. The following standards shall apply:

- Method of storing material shall insure protection against contamination of ground and surface waters. Fuel storage tanks on the site shall be located above ground.
- Waste materials shall be kept in buildings or in covered sanitary containers behind enclosures.
- Provision shall be made to prevent the emission of dust, smoke, fumes, odor, glare, noise or vibration beyond the lot line.
- Any area not used for storage or covered by a building or structure will be maintained in lawn or landscaping.
- Storage areas shall be in a building or may be outside provided storage is screened from view from the street or adjacent lot(s) by a fence, natural plant material or by a building to protect the neighbors from unreasonable noise, dust and view of the equipment and storage materials.
- Storage areas shall not include inland wetland soils or be located within 75 feet of a well, a primary or reserve septic field or unrelated buildings.
- Repair areas shall be surfaced with an impervious material and all stormwater runoff shall be collected and discharged into a sedimentation chamber which shall be subject to required periodic removal of gas, oil, silt, and sand. Parking areas may be required to meet the same impervious surface and sediment chamber requirements as repair areas.
- Access roads, stockpiling and equipment storage areas shall be located to minimize adverse effect on surrounding properties.
- Storage area boundaries shall be marked with permanent pins or monuments.
- Storage areas shall be regular in shape and shall have no side measuring less than 100 feet.

e. A Performance Bond in an amount and in a form satisfactory to the Commission may be required to guarantee satisfactory completion of drainage facilities, erosion and sediment control measures, parking and access facilities, buffer strips and any other site improvements other than buildings. The applicant shall provide a cost estimate of improvements to be bonded, together with a description of the basis for the estimate. Where a bond is required, no permit shall be issued until the bond is received.

f. The site operation shall be subject to inspections by the Zoning Enforcement Officer for compliance with the conditions of approval and for the purpose of verification of the proper handling and disposal of waste and toxic or hazardous materials.

212.5 Hotels in Residential Zones

Hotels are permitted in the RR-1 Zone subject to a Special Use Permit in accordance with Article VIII- Site Plans and Special Use Permits. The following additional standards and specific requirements apply.

a. Minimum lot size shall be (10) ten acres.

b. Frontage and Access. The property containing a hotel must have 150’ feet of frontage on and be accessed from a Connecticut state highway.

c. Water and Sewer Service. The property must be served by public water and sewer.

213 Recreational and Related Uses

213.1 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 waterbody.

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 speaker, public address system or outside illumination of ski slopes.

f. Accessory buildings and uses shall be for equipment rental and changing purposes only.

213.2 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 standing waterbody.

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.

214 Short-Term Event - Carnival, Fair, Circus, Show, Athletic Meet or Similar Event

a. An event held by a local church, school, educational institution, civic association, special club, volunteer fire department or other organizations shall NOT require a zoning permit provided the length of the event does not exceed ten (10) days.

b. An event which is held for more than ten (10) days shall require a zoning permit, subject to the approval of the Commission.

215 Studios/Performing Arts

The following uses are permitted in the C20 and CG20 Zones with submission of a Site Plan, prepared according to the requirements described in Article VII.

- Exercise and Dance Studios
- Theater

216 Recreational Facilities

a. Indoor Tennis, Racquetball or Squash Facilities are permitted in the C20, CG20 and RE Zones with submission of a Site Plan, prepared according to the requirements described in Article VII.

b. Public Park or Playground is permitted in all Zones with the submission of a Site Plane, prepared according to the requirements described in Article VII.

217 Institutions and Organizations

a. A Library or Museum is allowed by Special Use Permit only in all Zones, except the RE Zone.

b. A Fraternal Club or Lodge is allowed by Special Use Permit only in all Zones, except the RE Zone.

c. A Golf course, tennis club or riding club, is allowed by Special Use Permit only in the RR1, RR3, MR and RE Zones.

218 Rural Enterprise Zone (RE) – Purpose

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

219 Uses Permitted in Rural Enterprise Zone

The uses permitted in the RE Rural Enterprise Zone are as listed under the RE Column, “Table of Uses Permitted in Commercial and Industrial Zones”.

219.1 Accessory Uses, Buildings and Structures (*see* Section 207)

a. An accessory apartment in Single-Family Dwelling or in an Accessory Building is subject to the same requirements as in a Residential Zone (*see* 207.1).

219.2 Golf Course is permitted in the RE Zone only, with submission of a Site Plan, prepared according to the requirements described in Article VII.

219.3 Commercial Recreational Uses

The following uses are allowed by Special Use Permit in the RE Zone only: Outdoor commercial skating rink; ski area; golf driving range; picnic area; tennis court; beach and swimming area**.**

220 Additional Requirements for Uses in RE Zone

The uses listed under the RE Colum in the "Table of Uses Permitted in Commercial and Industrial Zones" which are also allowed in residential, commercial or industrial zones shall be subject to the same additional requirements for these zones and the following.

220.1 Track for Racing Motor Vehicles

221.1 Track for Racing Motor Vehicles

A track for racing motor vehicles, excluding motorcycles, as well as for automotive education and research in safety and for performance testing of a scientific nature, private auto and motorcycle club events, car shows, and certain other events identified in Section 221.2 are permitted subject to the issuance of a special permit in compliance with the procedures and standards of these regulations and also subject to the following:

a. No motor vehicle races shall be conducted on any such track except in accordance with the following parameters.[1]

    (1) All activity of mufflered or unmufflered racing cars upon the asphalt track or in the paddock areas shall be prohibited on Sundays.

    (2) Activity with mufflered racing car engines shall be permitted as follows:

        A. On any Monday through Saturday between 9:00 a.m. and 6:00 p.m.; and

        B. Permissible mufflers are those which meet the standards set forth in Section 14-80(c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.

    (3) Activity with unmufflered racing car engines shall be permitted as follows:

        A. On Tuesday afternoon, not more than twenty-three (23) days in a calendar year, between 12:00 noon and 6:00 p.m.

        B. On Saturdays, not more than ten (10) days in each calendar year, between the hours of 9:00 a.m. and 6:00 p.m.

[1] The parameters set forth herein are based on those stated in the Amended Stipulated Judgment approved by the Superior Court, the Hon. Ann Lynch, J., on May 12, 2026, in the civil action, Ann Adams, et al. v. B. Franklin Vaill, et al., CV No. LLI-CV-58-0015439-S (Judicial District of Litchfield at Torrington). The Court also approved substitution of the original parties: Lime Rock Citizens Council, LLC for plaintiffs Ann Adams et al., and Lime Rock Park II, LLC for defendant, Franklin Vaill, et al. A copy of the court-approved Motion is recorded at volume 279 page 172 of the Salisbury Land Records.

C. On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 9:00 a.m. and 6:00 p.m.

D. On three (3) Thursdays per year, as part of scheduled unmufflered weekend racing, between 9:00 a.m. and 6:00 p.m.

E. There will be no unmufflered racing on the Monday and Tuesday preceding the three weeks in which Thursday to Saturday racing is scheduled.

F. In such event the scheduled racing for any of the said ten (10) Saturdays must be rescheduled for a "rain date," then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in Paragraphs (b) and (c) above.

G. On Memorial Day, Fourth of July and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.:

i. In the event of said holidays falls on a Tuesday, Thursday, or a Friday, there may be unmufflered activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p.m., but in such event the permissible unmufflered racing activity on the next Tuesday preceding any of the said holidays, as allowed by subsection (3) A, shall be forfeited.

ii. In the event any of said holidays fall on a Sunday, the next day (Monday) will be considered the holiday of these purposes.

(4) Prohibited activity upon the track property shall include the revving or testing of mufflered or unmufflered car engines on Saturdays and holidays referenced in subsection (3) G, prior to 9:00 a.m. and after 6:00 p.m., excepting the transportation of said vehicles to and from the paddock areas on or off their respective trailers, which transporting, unloading or loading shall not commence before 7:30 a.m. or extend beyond 7:30 p.m.

(5) The use of the track loudspeakers before 8:00 a.m. and after 7:00 p.m. is prohibited. Prior to 9:00 a.m. or after 6:00 p.m., including on all Sundays, the loudspeakers will be used in the inward-facing paddock facing areas only, and if needed, for emergency announcements.

(6) A "racing car" is defined as any car entered in an event on an asphalt track.

(7) Racing of motorcycles is prohibited. Nevertheless, specifically permitted are non-racing motorcycle activities including but not limited to demonstrations, instruction, timing, testing, practice and photography.

(8) Stand-alone "Drifting" events are prohibited. Under the following conditions, drifting demonstrations are permitted: such demonstrations will be held only on scheduled unmufflered days and no more than once per year on two consecutive days; there will be no more than three demonstration sessions on each day of not more than 15 minutes each; at no time will there be more than 10 cars on track participating in the demonstration. The owner and/or operator ("Owner/Operator") of the Race Track will not permit or conduct any activities on its property that will generate excessive amounts of smoke. Excessive smoke is defined as any level that does not comply with state or federal law as evidenced by air monitoring stations installed on the property by the

owner/operator. The owner/operator shall place at least four (4) air monitoring stations on the property and agrees to comply with all air quality standards imposed by State or Federal law.

(9) The Owner/Operator will install, maintain and monitor decibel meters at the property line at Lime Rock Road and at White Hollow Road. Readings of mufflered track activity will be monitored in real time by Owner/Operator staff and Owner/Operator will adjust the activities on the track to reduce readings should they exceed 78 decibels in accordance with State of Connecticut regulations § 14-80a.

(10) "Major Racing Events" are any mufflered or unmufflered racing activity with an expected attendance of 500 or more spectators in a single day of the event. Major Racing Events shall be limited to no more than 6 (six) in a calendar year and no more than one per month.

(11) "Major Sunday Events" are defined as (a) any vendor-sponsored non-racing event directly related to motorsports with an attendance of more than 100 attendees and (b) any organization-sponsored fundraising event with an anticipated attendance of more than 100 attendees.

A. Major Sunday Events are permitted only between the hours of 9:30 and 1:30 and shall be limited to 5 (five) per year and no more than one per month.

B. Major Sunday Fundraising Events are permitted only between the hours of 9:00 and 5:00 and shall be limited to 6 (six) per year and no more than one per month.

(12) For all Major Sunday Events Owner/Operator will provide the following control measures:

A. A uniformed police officer on White Hollow Road and Lime Rock Road (State Route 112) from at least two hours before and two hours after the event's scheduled run-time.

B. Two manned Owner/Operator track vehicles with strobe lights, one in the track entrance office driveway on Lime Rock Road (State Route 112) and one at the intersection of White Hollow Road and Lime Rock Road (State Route 112) and personnel with yellow flags to help control traffic and noise.

C. Orange cones placed on the median of White Hollow Road to slow ingress and egress of traffic

Notwithstanding anything to the contrary in Section 704 of these regulations, temporary sandwich board signage including large quiet zone and speed restriction signage will be placed to be clearly visible on White Hollow Road and Lime Rock Road (State Route 112). All temporary signs shall be removed no more than 24 hours after the completion of the event.

220.2 Accessory Uses to a Track for Racing Motor Vehicles

Accessory Uses to a track for racing motor vehicles may include: retail stores, professional or business offices, fire or emergency services, ATMs, restaurants, and food stands. Accessory uses may also include the use of the premises for automobile shows, sale of motor vehicles during racing events, sale of automotive parts and accessories; car washes, auto service and repairs; filling stations; commercial parking; laundry; equipment storage; racing schools and clubs; indoor theaters; and other similar activities that are accessory to the operation of a recreational race track herein permitted. Other accessory uses

may include the production, showing, or performance of television, motion picture or radio programs with their related lighting and sound equipment.

220.3 Camping by spectators and participants is allowed as an accessory use to permissible automobile racing events subject to the following restrictions:

a. All camping and camping vehicles shall be limited to locations within the infield of any asphalt race track existing as of the effective date of this regulation.

b. No motor vehicles shall be parked in any Race Track outfield during the hours of 10:00 p.m. to 6:00 a.m. except those which are (1) on official track business; and (2) parked in the parking lot existing as of the effective date of this regulation.

c. No traffic other than emergency or service vehicles shall be allowed between the hours of 11:00 pm and 6:00 am on any accessway into any race track that abuts property located at 52 White Hollow Road.

220.4 The following uses are deemed not to be accessory uses to a track for racing motor vehicles but are allowed subject to a Special Use Permit: Fireworks displays (with the exception of a single evening display during the annual Independence Day period in early July for charitable purposes), concerts, flea markets, craft fairs, food shows, non-automotive trade shows, and garden shows.

220.5 If the holder of a Special Use Permit for a track for motor vehicle racing leases or otherwise authorizes a private organization to use all or part of its property to a third party, it shall require said party to comply with all provisions of these regulations, the Special Use Permit, and its conditions.

221 Commercial and Industrial Zones

221.1 Village Center Commercial Zones (C20, CG20)

The primary purpose of these zones is to provide centralized, compact areas for local and area retail, office, business and specialized uses and services, accessory residential, and associated parking, pedestrian circulation and landscaping. The requirements for these districts are aimed at maintaining the historic rural New England architecture and form of the Salisbury and Lakeville village centers. Residential uses are intended to be supportive of the commercial uses and, where feasible, should be located above the first floor when located in a prime retail or restaurant corridor.

221.2 Industrial Zones (LI)

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

222 Uses Permitted in Commercial and Industrial Zones

The uses permitted in the Commercial and Industrial Zones are as listed under the C20, CG20 and LI zone columns in 205.2 – “Table of Uses Permitted in Commercial and Industrial Zones”.

223 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 Use Permits.

223.1 Accessory Uses, Buildings and Structures (*see* Section 206).

a. Apartment in Single-Family Dwelling or in Accessory Structure subject to same requirements as Residential Zone. (*see* 207).

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

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.

a. 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.

b. 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.

c. 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.

223.3 Contractor's Equipment Storage and Sales

In the CG20 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 RR1 and RR3, except the following standard shall NOT apply in the CG20 zone: "The storage site shall be regular in shape and shall have no side measuring less than 100 feet."

223.4 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.

223.5 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 zones shall be located and designed so that any goods and/or machinery shall be completely screened 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.

223.6 Multi-Family Housing

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 208).

223.7 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 housing
- Conversion to multi-family housing

223.8 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

223.9 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 educational institution
- Religious institution
- Philanthropic uses or facilities
- Hospital or medical clinic
- Skilled nursing, assisted living, convalescent, continuing care, retirement home
- Cemetery

ARTICLE III - DIMENSIONAL REQUIREMENTS

300 Tables of Dimensional Requirements

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.

300.2 Table of Dimensional Requirements – Residential Zones See Article III For Standards and Exceptions							
Zone	**R-10**	**R-20**	**RR-1**	**RR-1V**	**RR-3**	**MR**	**LA**
Minimum lot area (sq. ft./acre) – not including area of an access ROW	10,000	20,000	80,000	80,000	120,000	3 acres	40,000
Minimum buildable area (in square feet)	Not Required	Not required	20,000	20,000	20,000	20,000	20,000
Minimum street frontage – land owned or an access ROW (in feet)	25	25	25	25	25	25	25
Minimum Yard Setback (in feet) (Note: minimum yard setback shall not include area of a utility easement or access ROW)							
Front	30	40	40	40	40	50	50
Side	15	20	30	30	30	100	25
Rear	20	30	30	30	30	100	25
Minimum square each side (in feet) – the length of one side shall fit on the front yard setback line	75	90	150	150	300	N.A.	150
Max building coverage (as percent of total lot area)	10	15	10.	10	10	Not required	10*
Max building height (in feet)	30/35	30/35	30/35	30/35	30/35	30/35	30/35
Minimum separation between buildings (in feet)	25	10	10	10	10	10	10
*Note: maximum impervious surface coverage as a percentage of lot in LA zone is 20%							
Minimum Setback from Watercourse (in feet)							
Principal building	75	75	75	75	75	75	75
Accessory building	50	50	50	50	50	50	50
(see also building setback, coverage and other dimensional requirements in overlay districts)							
Storage accessory building permitted ln a side or rear yard provided maximum building height 15' and maximum footprint 250 sq. ft. and meets following setback requirements:							
Minimum Setback (in feet) from side property line	5	5	10	10	10	10	10
Minimum setback of accessory building to access ROW (in feet) (see 501)	10	10	10	10	10	10	10

300.3 TABLE OF DIMENSIONAL REQUIREMENTS – RURAL ENTERPRISE, COMMERCIAL AND INDUSTRIAL ZONES See Article III for Standards and Exceptions				
ZONE	**RE**	**C-20**	**CG-20**	**LI-1**
Minimum lot area in sq. ft. – not including area of an access ROW	80,000	20000	20,000	40,000
Minimum buildable area (in sq. ft.)	20,000	N.A.	N.A.	N.A.
Minimum Street Frontage – land owned or an access ROW (in ft.)	25	25	25	25
Minimum Yard Setback (in feet)				
Front	100	20	20	50
Side	50	12	12	25
Rear	50	30	30	30
Minimum square each side (in ft.) – the length of one side shall fit on the front yard setback line	150	90	90	150
Maximum Building Coverage (as percent of total lot area)	10	25	25	15
Max Building Height (in ft.)	30/35	30/35	30/35	30/35
Minimum separation between buildings (in feet)	N.A.	10	10	10
Minimum Setback from Watercourse (in ft.)				
Principal building	75	75	75	75
Accessory building	50	50	50	50
(See also setback requirements in Overlay Districts)				
Storage accessory building permitted in a side or rear yard provided maximum building height 15 ft. and maximum footprint 250 sq. ft. and meets following setback requirements:				
Minimum setback (in ft.) from side property line	5	5	10	10
Minimum setback to access ROW (in ft.)	10	10	10	10

301 Minimum Lot Area

301.1 Calculation of Lot Area

All easements and rights-of-way shall be excluded from the computation of minimum lot area with the exception of drainage easements.

301.2 Minimum Lot Area in the R10, R20, C20, CG20, and LI Zones

In these zones the area of wetlands and watercourses shall not be included in the calculation of the required minimum area of any lot.

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302 Minimum Buildable Area Requirements in RR1, RR3, MR, RE AND LA Zones

Each lot created after March 10, 2010 in the RR1, RR3, MR, RE and LA zones, including those created by first cut shall contain at least one buildable area which shall be a minimum of 20,000 square feet. All structures and septic systems except accessory storage structures with a footprint under 250 square feet, and wells shall be located within a buildable area. Structures and septic systems may be located outside of the buildable area subject to a Special Use Permit and the following criteria.

302. Exceptions for structures and septic systems outside of a buildable area.

a. For lots that legally existed prior to March 10, 2010, as evidenced by deed recorded in the office of the Town Clerk, the buildable requirements shall not apply to the expansion of existing structures located outside of the buildable area.

b. For lots that legally existed prior to March 10, 2010, as evidenced by deed recorded in the office of the Town Clerk, new structures that cannot be placed in a buildable area may be constructed.In deciding on the Special Use Permit, the Commission may impose such conditions that most closely conform to the buildable area requirements.

c. The Commission may allow, 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

Each lot shall be of a size and shape that can contain a square 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 All buildings and structures shall meet the setback requirements specified in the tables of dimensional requirements subject to the following standards and exceptions.

304.2 Exceptions to Setback Requirements

Accessory buildings and structures shall meet all yard setback requirements with the following exceptions.

a. Accessory storage structures may be located within a required 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 lines

b. An accessory structure may be located in a required front yard setback provided the principal building is located in the front yard setback and the accessory structure is no closer to the front street line than any part of the principal building.

c. A Seasonal Farm Stand in accordance with Section 210.1

304.3 Exceptions to Setback Requirements for Building Projections and Additions

The following building projections or additions, or structures shall be exceptions to setback requirements.

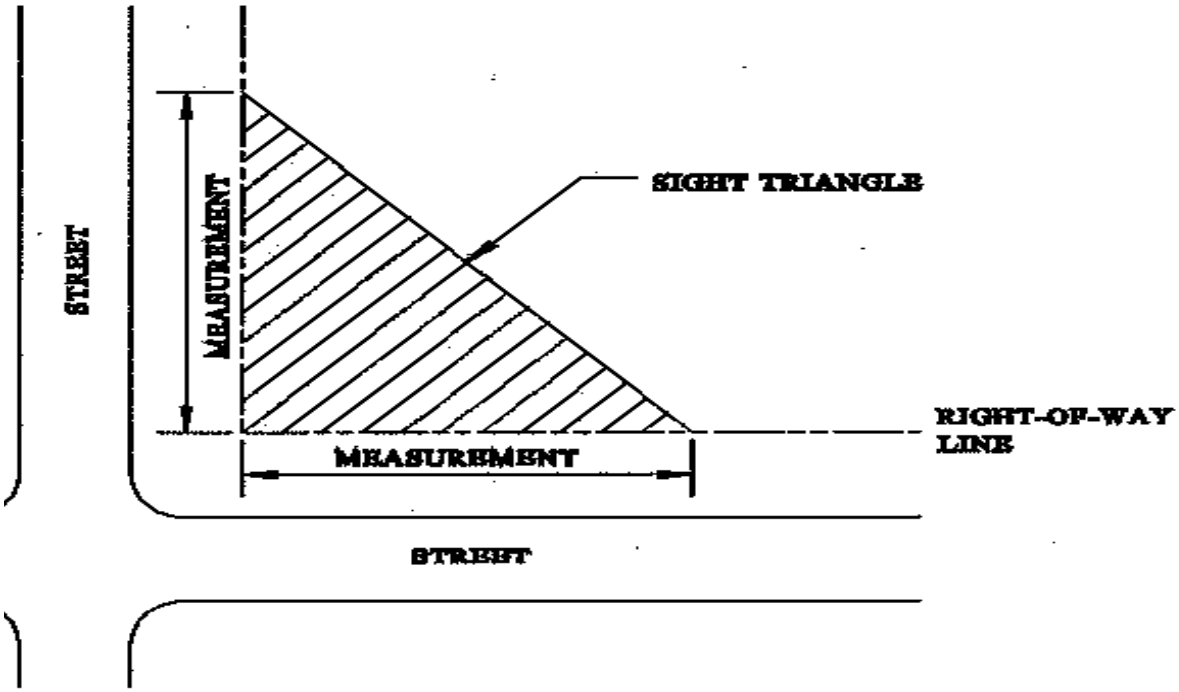
a. The projection or overhang of not more than one foot into a required setback of a pilaster, sill, roof, cornice, gutter or similar architectural features.

b. The projection of an addition to an existing building into the required side or rear yard where the addition is clearly designed to function solely for the purpose of either:

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

304.4 Sight Triangle Requirement at Street Intersections At all street intersections no obstructions to vision 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 Sight Triangle as shown in the following illustration. The Sight Triangle shall have sides of twenty (20) feet each (*see* measurement on illustration) measured from the intersecting street right-of-way lines. (Note: More restrictive State requirements may apply at State Highway intersections.)

STREET INTERSECTION SIGHT TRIANGLE ILLUSTRATION



305 Setback from Watercourses

305.1 General No principal building shall be located within seventy-five (75) feet, and no attached deck or other structures shall be located within fifty (50) feet of a watercourse. In the Lake Protection Overlay District no principal building or attached deck or other structures shall be located within seventy-five (75)

feet of the lake's ordinary high-water mark (lake, pond, vernal pool) as described under Article IV Lake Protection Overlay District with the following exception.

305.2 Exception for Accessory Storage Structures

An accessory storage structure as defined in these Regulations may be located less than fifty (50) feet from a watercourse, and less than seventy-five (75) feet from the lake ordinary high-water mark (lake, pond, vernal pool) in a Lake Protection Overlay District, subject to securing a Special Use Permit and meeting the following criteria:

a. The Site Plan shall:
   - Be designed to protect water quality and quantity;
   - Show the existing and proposed site conditions in relation to the watercourse, site topography, building(s) location and footprint especially within the minimum required setback;
   - Include a Stormwater 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 watercourse, 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 storage accessory structure:
   - Shall be a minimum of twenty (20) feet from all property lines;
   - Shall have a maximum footprint of 250 square feet
   - Shall be no more than fifteen (15) feet high.

306 Minimum Street Frontage and Access

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 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.

306.2 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.

306.3 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

Maximum building coverage establishes the limit of the total building footprint on a lot. Building coverage is determined by dividing the total building footprint by the total lot area.

308 Maximum Impervious Surface

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%.

309 Building Height

309.1 General

No building or structure shall exceed maximum building height as specified on the Tables of Dimensional Requirements 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.

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.

309.4 Building Height for Accessory Buildings

a. The maximum height for an accessory building shall be the same as for a principal building, with the exception of a storage building in a side or rear yard which shall be under fifteen (15) feet (*see* 304.2).

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

ARTICLE IV- OVERLAY DISTRICTS – STANDARDS AND REQUIREMENTS

400 General

The following are the standards and requirements for the Overlay Districts as shown on the Zoning map and the various Overlay District maps on file in the Planning and Zoning Office. The standards and requirements for these Overlay Districts are 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:

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)

401 Flood Plain Overlay District

401.1 Statement of Purpose

The Flood Plain Overlay District provides for the regulation of areas subject to potential, periodic, occasional or frequent flooding. These regulations establish necessary minimum standards and review procedures over the use of land in the Flood Plain Overly District in order to: reduce flooding hazard to human life and health, reduce damage to public and private property, minimize disruptions of commerce and governmental services, protect property values, maintain the capacity of natural drainage systems to safely store and transport flood waters, minimize damaging flood erosion, and minimize increases in downstream flood potential.

The Flood Plain Overlay District consists of the special flood hazard areas as identified by the Federal Emergency Management Agency in its Flood Insurance Study or on the Flood Insurance Rate Map (FIRM), dated January 5, 1989, with accompanying floodway maps and other supporting data. The Flood Insurance Study, Flood Insurance Rate Map and the supporting data, as revised, are adopted by reference and declared to be a part of these Regulations.

401.2 Definitions

For the purpose of this section the following terms shall be defined as follows:

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

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

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

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

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

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

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

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

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

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

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

401.3 General Standards

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

a. No residential structures will be permitted in a floodway. No encroachment including fill, other new construction, substantial improvements and other development shall be permitted in a floodway unless technical evaluation demonstrates that the encroachment will not result in any increase in flood levels during the base flood discharge. All other Flood Plain Overlay District standards must also be satisfied.

b. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure, and be constructed of materials resistant to flood damage using methods and practices that minimize flood damage. Electric, heating ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during flood conditions.

c. New and replacement water systems shall be designed to minimize infiltration of floodwater.

d. New and replacement sanitary systems shall be designed to minimize infiltration of floodwaters and discharge from the systems into floodwaters. On-site sanitary disposal systems shall be located to avoid impairment or contamination during flood conditions.

e. Structures and improvements shall be designed to cause the least possible impediment to floodwater and debris.

f. No outdoor storage of materials shall be permitted which would tend to be floated by floodwater and cause obstructions downstream.

g. Any reduction in the water holding capacity of the flood plain for a 100-year event caused by structures, improvements, filling or re-grading of land shall be compensated for prior to issuance of a Certificate of Zoning Compliance or building permit.

h. The portions of a watercourse that have been altered shall be maintained so that the flood carrying capacity is not diminished.

i. Where base flood and/or data is not available, the applicant shall obtain, review and reasonably utilize any base flood elevation or floodway data available from Federal, State or other source.

j. Where base flood elevations have been determined but there is no designated floodway, no new construction, substantial improvement or other development (including fill) shall be permitted which will increase base flood elevations more than one (1) foot at any point along the watercourse based upon the development site at full build out.

k. Manufactured (mobile) homes are prohibited in the Flood Plain Overlay District.

l. Fully enclosed areas below base-flood elevation are prohibited.

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

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

401.4 Application

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

a. Four (4) copies of a Site Plan and an A-2 Survey, certified by a professional licensed to practice in the state of Connecticut showing:

- The shape and dimensions of the lot, the size and location of all existing and proposed structures, utilities and land uses;
- The layout of parking and loading facilities and access thereto;
- The existing and proposed contours at an interval not exceeding two (2) feet based on a field and aerial survey;
- Base-flood elevation data and limits of the Flood Plain area.

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

c. When Federal or State permits are required, approval of a Special Use Permit may be contingent on obtaining said permits. Such permits may include, but are not limited to Water Diversion, Dam Safety and Corps of Engineers 402 and 404.

401.5 Procedure

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

Within Flood Hazard Areas prior to issuance of a Certificate of Zoning Compliance involving the construction of a new residential structure, or a substantially improved residential structure the applicant shall submit an A-2 Survey certifying that the lowest floor (including basement or cellar) is elevated to or above the base-flood level.

401.6 Information to be Recorded

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

401.7 Alterations of Watercourse – Notification Required

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

402 Housatonic River Overlay District

402.1 Purpose

This Overlay District is part of a cooperative effort with neighboring northwestern Connecticut Housatonic River towns to protect with uniform standards a defined area of land designated as the Housatonic River Corridor, which is flood prone, environmentally sensitive and possesses many valuable natural resources. The Housatonic River Overlay District consists of:

- The Inner Corridor which is the combination of a stream belt (determined by soil types) and the 100-year flood hazard limit as shown on the Overlay District map.

- The Outer Corridor which is a portion of the river watershed lying between the Inner Corridor and the top of the Housatonic River valley ridge and delineated by lines drawn from peak to peak along this ridge line, as shown on the Overlay District map titled, “The Housatonic River Corridor” dated November 1, 1980, as amended.

402.2 Inner Corridor Uses

The following shall be permitted uses in the Inner Corridor.

a. Open space uses, which do not require moving, removing or otherwise altering the position of the earth, stone, sand, gravel or water, except for safety and environmental protection control measures such as for flood control or erosion control.

b. Farming, plant nurseries, pastures, golf courses, trails, forest management, horticultural and other agricultural uses that do not significantly alter the natural character of the corridor.

c. Maintenance or reconstruction of existing public ways and bridges.

d. Except for uses stated above, all other uses permitted in the underlying zone within the Inner Corridor shall be allowed only by Special Use Permit.

402.3 Special Use Permit Procedure

Application for a Special Use Permit shall be in accord with the following requirements which shall be in addition to the requirements for all Special Use Permits.

402.4 Inner Corridor General Requirements

No Special Use Permit shall be granted unless the Planning and Zoning Commission finds that a proposed land use will not: create water or air pollution; increase erosion or sedimentation; create danger of flood damage; obstruct flood flow; damage fish or wildlife habitat or adversely affect any unique feature or natural resource.

402.5 Inner Corridor Standards

In determining a Special Use Permit for the Inner Corridor, the following standards shall apply:

a. Air or Water Pollution Control.

- There shall be no land use which would adversely affect air or water quality through release of noxious fumes, gases or other emissions or through creation of significant amounts of dust or particulate matter.
- No activity shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxious condition, toxicity or temperature, that run off, seep, percolate or wash into surface streams or groundwaters so as to contaminate, pollute or harm such waters or cause nuisances.
- Such harm or nuisances shall include any activity that results in objectionable shore deposits, floating or submerged debris, oil or scum, a change to water color, odor or taste, or cause harm to animal, plant or aquatic life.

b. Flood Control. Any use within the 100-year flood area shall conform to the Flood Plain Overlay District requirements.

c. New Subsurface Sewage Disposal (Septic) Systems. These systems shall be located only in soils having characteristics rated as having no more than slight limitations, or the closest revised soil rating for septic system suitability, for the proposed use in the most current soil rating system for Litchfield County published by the U.S. Department of Agriculture, NRCS, or a successor agency, unless the system has been designed by a Connecticut qualified sanitary engineer and approved by the Torrington Area Health District subject Section 19-13B2OM of the Public Health Code, as revised.

d. Insecticides, Herbicides and Fertilizers. Use of these shall be prohibited except as recommended and applied according to the standards established by the Connecticut Department of Energy and Environmental Protection or a successor agency.

e. Timber Harvesting. Logging or clear cutting of timber may be permitted only when in compliance with a plan approved by the State Forester.

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

402.7 Additional Requirements

Prior to taking action the Commission shall consider any report from the Salisbury Inland Wetlands and Watercourses Commission and may take into consideration the recommendations of the Housatonic River Commission; federal, state or regional agencies; town departments or outside specialist consultants.

402.8 Outer Corridor – Statement of Purpose

To guard against pollution, erosion, and sedimentation and to establish other safeguards on development activity in the Outer Corridor, which although occurring at some distance from the Housatonic River, could adversely affect the river.

402.9 Outer Corridor Permitted Uses

Uses in the Outer Corridor shall require a Site Plan application subject to the following in addition to general requirements and standards for Site Plans.

- Activities involving earth moving shall require an Erosion and Sedimentation Control Plan and are subject to the excavation, filling and grading requirements of these Regulations.

- Clearing of land, other than immediate areas required for building construction, or clearing for agricultural use, shall require submission of a plan prepared by a State Certified Forester.

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

403 Aquifer Protection Overlay District

403.1 Statement of Purpose

The purpose of this Overlay District is to protect the public health, safety and welfare through the preservation of the Town's major groundwater resources; to ensure a future supply of safe and healthy drinking water for the residents of Salisbury, and to reduce the potential for groundwater contamination. These regulations are adopted pursuant to Public Act 85-279 of the Connecticut General Statutes, Section 1, amending Section 8-2, Chapter 124, of the Connecticut General Statues.

403.2 Overlay District and Map

a. As shown on the Aquifer Protection Overlay District map this area consists of coarse-grained stratified drift deposit with a water saturated thickness of greater than forty (40) feet and all land directly up gradient, based on the United States Geological Survey.

b. Where the bounds of this Overlay District are in dispute, the burden of proof shall be upon the applicant or owners of the land in question to show that the bounds are not as shown on the Aquifer Protection Overlay District map. Such proof shall be in the form of an A-2 Survey at a scale of one (1) inch to forty (40) feet, showing property lines, topographic lines at two-foot contours, the Overlay District boundary and the areas of Overlay District boundary dispute, if any. The Survey shall be accompanied by a report from a geo-hydrologist or similarly qualified professional providing documentation, such as well records or other scientific evidence, that the Overlay District boundaries are not as shown on the Aquifer Protection Overlay Map.

403.3 Permitted Uses

All uses permitted in the underlying zone are permitted in the Aquifer Protection Overlay District, except in the Overlay District certain uses or activities shall require a Special Use Permit, and other uses shall be prohibited.

403.4 Uses Requiring a Special Use Permit

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

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

c. Any use rendering more than thirty percent (30%) of the total lot area in impervious surfaces.

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

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

f. The handling and storage of road salt and de-icing materials which shall be subject to structural and non-structural measures to prevent leachate contamination. These measures shall include, but are not limited to: building enclosures, impervious pads, self-contained drainage systems, filters, separators and efficient management practices.

g. Removal of water for the purpose of sale or export out of the Overlay District by means of wells, pumps, pipelines or similar equipment by any entity other than those exempted from local regulation by the State of Connecticut.

403.5 Prohibited Uses

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

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

c. Gasoline station, carwash, auto repair or auto-body shop.

d. Underground storage of hazardous materials other than fuel storage tanks installed below ground in impermeable containers accessible to complete visual inspection of the tank.

e. Agricultural operations which do not employ best management practices as recommended by the U.S. Department of Agriculture, NRCS or a successor agency for the application of manure, fertilizer or pesticides and the management of animal waste.

403.6 Special Use Permit Requirements

a. An application for a Special Use Permit shall include:
- A complete list of all chemicals, pesticides, fuels or other potentially hazardous materials to be used or stored on the premises. Documentation of measures proposed to protect all storage containers from vandalism, corrosion, leakage and spillage, and to control spilled materials.
- A description of potentially hazardous wastes generated, including provision for storage and disposal measures as described above.
- For above ground storage of hazardous materials or waste, evidence of qualified professional supervision of the design and installation of such storage facilities or containers.
- The proposed measures to mitigate any adverse impacts to underground water resources shall include a system for monitoring implementation of such measures and a schedule for providing timely monitoring status reports as may be required by the Commission.

b. The Commission may request comments and recommendations on an application from local officials, commissions and other entities qualified to review such applications.

c. In reaching a decision on an application, the Commission shall give consideration to the simplicity, reliability and feasibility of the control measures proposed and the degree of threat to groundwater quality which would result if the control measures failed. The Commission must find that the groundwater quality resulting from on-site wastewater disposal, or other operations onsite, shall not cause effluents which would result in a condition that renders the groundwater unsuitable for direct

human consumption and, if existing groundwater quality is not suitable for drinking water, the proposed on-site disposal or operation shall cause no further deterioration.

403.7 Definition of Hazardous Materials

The following definition of hazardous material shall apply within the Aquifer Protection Overlay District.

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

- Substances, which are toxic, flammable, corrosive, explosive, radioactive or infectious.
- Substances listed in the U.S. Environmental Protection Agency Titled 111 list of Chemicals subject to reporting under Title 111 of the Superfund Amendments and Reauthorization Act (SARA) of 1986 as revised, and in quantities exceeding those identified in SARA.
- Acids and alkaloids outside the Ph range of two (2) to ten (10).
- Petroleum products, including fuels and waste oils and synthetic organic solvents.
- Any soil materials which if exposed to water will leach or dissolve to form a hazardous material as defined above.

Exceptions: Hazardous materials used only in conjunction with residential use of property for non-commercial purposes or for the handling or storage of agricultural chemicals in the ordinary course of agriculture or farming operations as defined in Conn. Gen Stat. §1-1 (q) as amended.

404 Lake Protection Overlay District

404.1 Statement of Purpose

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

This Overlay District encompasses a defined area along the shore lines of the following lakes in the Town of Salisbury - Lake Wononscopomuc, Lake Washining and Lake Washinee (the Twin Lakes) and Lake Wononpakook (Long Pond). The purpose of this Overlay District is to require measures that will assist in arresting the progress of lake eutrophication and protect water quality. An eutrophic lake is rich in dissolved nutrients resulting in excessive lake algae and weed growth, diminishing lake water transparency and resulting in oxygen depletion.

The purpose of this Overlay District is to establish vegetated buffer strips along the lake shores and incorporate other best management practices and measures designed to:

- Avoid water pollution and acceleration of lake eutrophication;
- Maintain the lake's ecological, recreational and aesthetic qualities;
- Prevent water pollution caused by erosion, sedimentation, nutrient or pesticide run-off and waste disposal facilities.
- Encourage retention of shoreline vegetative cover, including diversity of natural plantings, age distribution and the ground cover density needed to provide a protected buffer and pollution filter along the lake shore;
- Conserve the ecological, water supply and flood storage functions of the lake's flood plain and related groundwater table and to protect life, public safety and property from flooding hazards.
- Protect valuable fisheries along the lake shore area.

- Conserve and enhance the Overlay District's natural scenic and topographic conditions and environmental quality recognizing that these are vital to the economic and environmental health of the Town and to preserve the natural scenic quality of the lake;
- Carry out the recommendations of the Town Plan of Conservation and Development and the State Plan of Conservation and Development.

404.2 Overlay District and Map

The Lake Protection Overlay District shall consist of the area between the ordinary high-water mark on the lake shoreline and a distance of 300 feet landward. The location of the shoreline ordinary high-water mark, and the boundaries and the area of the Lake Protection Overlay District shall be shown on a Site Plan prepared by a Connecticut Registered Land Surveyor.

Where there is a question or dispute over the location of the ordinary high-water mark, the owner/applicant shall provide documentation satisfactory to the Commission that the location as shown on the site plan meets the ordinary high-water mark definition.

404.3 Permit Uses and Special Use Permit Uses

The Permitted Uses and Special Use Permit Uses allowed in Lake Protection Overlay District shall be the same as allowed in the underlying zone, except for the following.

These uses are not permitted: multi-family dwelling; permanent sawmill; commercial livery, boarding or riding stables; commercial kennels or veterinary hospital; a hospital, clinic, convalescent home, nursing home, extended care facility or similar use; cemeteries; hotels, motels; golf courses; undertakers, and any commercial vehicle or equipment storage use.

404.4 The following activities shall NOT be permitted

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

404.5 Overlay District Requirements

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

a. All development activities within the Overlay District, including new or expanded septic system installation, retaining walls and similar structures, or any activity involving land disturbance of 500 square feet or more within seventy-five (75) feet of the ordinary high-water mark line shall require submission and approval of a Site Plan meeting the following requirements, in addition to the requirements of the underlying zone.

b. Principal buildings shall be located a minimum of seventy-five (75) feet from the ordinary high water mark line.

c. Accessory buildings or structures shall be located a minimum of seventy-five (75) feet from the ordinary high-water mark line, except as permitted subject to the provisions of Article III.

d. The maximum area of impervious surfaces on that portion of a lot within the Overlay District shall be ten percent (10%).

e. Septic leaching fields and tank waste disposal systems relating to new construction shall not be located within 150 feet of the ordinary high-water mark line, except where the applicant can demonstrate there is no other feasible location on the lot and, if regulated by the Inland Wetlands and Watercourses Commission, that Commission has rendered its approval. Septic leaching fields and

tank waste disposal systems shall not be located where there is less than 4 feet of naturally occurring soil.

This requirement shall not apply to repairs to or replacement of an existing septic leaching field and tank waste disposal system.

f. The Site Plan and Sedimentation and Erosion Control Plan (S&EC) shall be designed to prevent sediment from the project impacting the lake. These plans shall demonstrate that within the Overlay District natural vegetation has been retained, protected or supplemented, wherever practical. Where stripping of vegetation is necessary, measures shall be taken to minimize the area and duration of soil disturbance and appropriate control measures shall be installed prior to removal of vegetation.

g. Any land disturbance of 500 square feet or more within 75 feet of the ordinary high-water mark line shall require submission of a Stormwater Management Plan which shall be developed using low impact development stormwater treatment techniques. This plan shall meet the requirements of these Regulations and shall be 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.

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

i. The Site Plan design shall protect natural drainage systems including streams, wetlands and swales.

j. Buildings located in the Overlay District shall be:

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

EXAMPLES: Buildings located on a slope should be sited with the long dimensions of the building parallel to the slope, with one wall buried into the slope. Multiple building levels should be considered where it will reduce the amount of the grading required for construction.

k. New public roads or streets shall not be permitted within the Lake Protection Overlay District.

l. Wherever possible, driveways in the Overlay District should be laid out parallel to the natural slope, winding up a hill rather than perpendicular to the hill.

405 Multi-Family Housing and Pocketknife Square Overlay Districts

405.1 Statement of Purpose

The Town of Salisbury finds that multi-family housing for long-term residential use is a community need. The Multi-Family Housing and Pocketknife Square Overlay Districts promote a diversity of housing stock to meet the changing housing needs of all residents. These overlay districts facilitate the development of a variety of housing choices that would appeal to seniors, families, and those employed in the community.

The Multi-Family Housing and Pocketknife Square Overlay Districts provide flexibility within the context of the Town's zoning ordinance to encourage the development of multi-family housing to meet these

community needs. The Multi-Family Housing Overlay District is mapped within the existing village centers and to undeveloped or underdeveloped parcels with access to public sewer adjacent to the village centers. Upon a petition to the Planning and Zoning Commission to amend the zoning map in accordance with Section 911 of the Zoning Regulations of the Town of Salisbury, the Multi-Family Housing Overlay District may be extended for the purpose of constructing multi-family housing outside the village center. The Pocketknife Square Overlay District is mapped to the parcels within the immediate vicinity of Pocketknife Square, and promotes the adaptive re-use of existing structures and contextual redevelopment.

405.2 Definitions

For the purpose of this section the following terms shall be defined as follows:

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.

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

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.

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.”

405.3 Permitted Uses

Within the Multi-Family Housing and Pocketknife Square Overlay Districts, new construction multi-family housing shall be permitted as a Special Use Permit use. Conversion to multi-family dwellings shall be permitted in accordance with Section 209.2.

405.4 MFH Overlay District Density

The determination of the permitted number of new construction dwellings, lot size and related bulk requirements for the MFH Overlay District shall be as follows:

a. General purpose. The permitted number of dwellings for a multi-family development is equal to the net buildable area of the site multiplied by the density factors assigned for each overlay district. The site capacity calculation provides the mechanism for subtracting from the base site area all portions of a site considered inappropriate for the development. Consequently, the purpose of this section is to determine the extent to which a site may be utilized given its unique characteristics.

b. Calculation of base site area. The base site area shall be determined as follows:

Calculation of Base Site Area	
1. Gross site area as determined by actual on-site survey	acres
2. Subtract land constituting roads and land within right-of-way of existing roads, right-of-way of utilities and easements of access and land with deed restrictions prohibiting building or development	acres
3. Equals base site area	= acres

c. Calculation of site resource protection land. All land area consisting of the natural resources or natural features listed below shall be measured. The total acreage of each resource shall be multiplied by its respective open space ratio to determine the amount of resource protection land or area required to be kept in open space to protect the resource or feature. The sum total of all resource protection land on the site equals the total resource protection land on the site. It should be noted that certain categories may overlap and are not intended to be duplicated.

Resource or Feature	Open Space Ratio (A)	Acres in Resource (B)	Total land in Resource (A * B)
Lakes, ponds and watercourses	1.0		
Wetlands	1.0		
Floodplains	1.0		
Moderate slopes (15% to 25%)	0.5		
Steep slopes (25% or greater)	1.0		
Total land in resource =	--		

d. Determination of site capacity. Individual site capacity is determined by calculating the net buildable site area. For multi-family developments, the number of dwelling units permitted is determined by multiplying the density factor for each overlay district by the net buildable area. The calculations are as follows:

Determination of Site Capacity	
1. Total base site area	acres
2. Subtract total land in resource	acres
3. Equals net building site area	acres
4. Multiply by maximum density factor	x acres
5. Multiply by density bonus factor (if provided)	x acres
6. Equals number of dwellings (round off)	

e. Density factors.

1. Density factors for the MFH Overlay District. The maximum density factors to be used in the previous calculation shall be as follows:

District	Maximum Density Factor
MFH	4

2. A bonus density factor of four (4) may be applied at the discretion of the Planning and Zoning Commission for the provision of affordable housing where a minimum of fifty percent (50%) of the units are affordable as defined herein.

DENSITY WORKSHEET

Step One: Establish Existing Site Information

Based on a site survey, determine the existing acreage for each of the following.

Gross Site Area:	_____ acres
Roads and land within rights-of-way of existing roads, rights-of-way of utilities and easements of access and land with deed restrictions prohibiting building or development ("ROW land"):	_____ acres
Lakes, ponds and watercourses:	_____ acres
Wetlands:	_____ acres
Floodplains:	_____ acres
Moderate slopes (15% to 25%):	_____ acres
Steep slopes (25% or greater):	_____ acres

Step Two: Calculate the "Base Site Area"

Gross Site Area (acres)	–	ROW land (acres)	=	Base Site Area (acres)
_____	–	_____	=	_____

Step Three: Calculate the "Total Land in Resource"

Lakes, ponds and watercourses (acres)	x	1.0	=	_____	acres
Wetlands (acres)	x	1.0	=	_____	acres
Floodplains (acres)	x	1.0	=	_____	acres
Moderate slopes (15% to 25%)	x	0.5	=	_____	acres
Steep slopes (25% or greater)	x	1.0	=	_____	acres
Total Land in Resource (sum of the above)			=	_____	acres

Step Four: Determine Net Building Site Area

Total Base Site Area (acres)	–	Total Land in Resource (acres)	=	Equals Net Building Site Area (acres)
_____	–	_____	=	_____

Step Five: Determine Number of Dwellings

Net Building Site Area	x	Maximum Density Factor	x	Density Bonus Factor	=	Number of Dwellings (round off)
_____	x	_____	x	_____	=	_____

Density Factors:

District	Maximum Density Factor
MFH	4

Development Provision	Density Bonus Factor
Provision of Affordable Housing	4

f. Protection of natural resources.

1. New dwelling units or other site development shall be located away from identified resources listed in this section to the maximum extent practicable. Driveways providing access to a property are exempt from this provision, provided that construction of a driveway will not result in significant adverse environmental impacts, and provided that no alternative configuration that avoids protected resources is available. The Planning and Zoning Commission, in its review of the Special Use Permit applications may require modifications to the plans to minimize the potential for impact to any of the resources listed in this section.

405.5 PKSQ Overlay District Density

Within the PKSQ Overlay District the maximum density shall be sixteen (16) dwelling units per acre with the following exception: where a minimum of fifty percent (50%) of the units are affordable housing, a greater number of units may be permitted per acre provided the minimum unit size shall be 350 square feet or the minimum required by the State Building Code, whichever is less.

405.6 Design Requirements Applicable to Multi-Family Development within the Multi-Family Housing and Pocketknife Square Overlay Districts

a. Dimensional Requirements. Except as specified herein, the minimum yard setbacks, maximum building coverage, and maximum building height of the underlying zoning district shall apply to new construction multi-family housing developments within the MFH and PKSQ overlay districts.

1. The maximum building height shall be 40 feet if necessary to accommodate a third floor plus a gabled, hipped, or pitched roof consistent with community character.
2. The front yard setback shall conform to the underlying zoning district, or shall match the existing front yard setback of one or more buildings on abutting properties to maintain the existing street wall. The purpose of this provision is to maintain a predictability of design within the Village centers.
3. The maximum building coverage shall be 50 percent in the MFH Overlay District and 75 percent in the PKSQ Overlay District.
4. The minimum side yard setback within the PKSQ Overlay District shall be 6 feet.
5. The minimum rear yard setback within the PKSQ Overlay District shall be 10 feet.
6. The minimum side yard setback within the MFH Overlay District shall be 50 percent of that required in the underlying zoning district.
7. The minimum rear yard setback within the MFH Overlay District shall be 50 percent of that required in the underlying zoning district.

b. Building Design, Scale and Proportion. All development shall be contextual in character. New construction shall be of a height, bulk, and design that complements the existing character of the neighborhood and community. If the site proposed for new multi-family construction 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 building and zoning approvals.

The following design elements shall be considered:

1. Buildings facades shall be massed and scaled to present a varied appearance at street level, and shall be designed to give individual identity to each unit or section of units.

2. The design shall consider the spacing and proportion of window and door openings, bays or other aspects of building fenestration, as well as colors, textures and the general nature of exterior materials and treatment, including building ornament and trim.

3. Blank wall exposures shall be limited.

4. The design shall consider variation in roof heights, use of pitched roofs, and other roof elements such as cross gables and dormer windows to provide visual interest and to reduce the scale of the building.

5. All multi-family buildings shall comply with all applicable building and fire code regulations.

c. Sewer. The proposed development shall be served by the public sewer system or an on-site system compliant with the requirements of the State Health Code as administered by the State of Connecticut Department of Environmental Protection or the Torrington Area Health District. For developments connecting to the public sewer, the applicant shall submit evidence that the additional sewer volume resulting from the proposed project meets the requirements of the Water Pollution Control Authority.

d. Water. The proposed development shall be served by the public water system or the applicant shall present certification from the Torrington Area Health District that the existing or proposed well is adequate to serve the proposed use.

e. Parking. Off-street parking shall be provided in accordance with Section 703, "Parking and Loading Requirements." No new parking areas shall be created in between the front façade of the residence and the street. New parking spaces may be created to the side and rear of the residence. Landscaping or screening shall be required where needed to shield the view of parking areas from the street and adjacent properties. Shared and satellite parking is permitted in accordance with Section 703.

f. Landscaping and Screening. A Landscape Plan consistent with the requirements of Section 701 shall be provided. The Commission may require screening around parking, refuse, and community amenity areas.

g. Lighting. A Lighting Plan consistent with the requirements of Section 702 shall be provided. All onsite lighting shall be of a residential character and scale. All lighting shall be dark-sky compliant. The maximum light levels on the property shall not exceed 5 footcandles.

h. Other External Elements. All materials, construction, signs and other external elements of the building and on the site shall be compatible with the character of the neighborhood, and the rural and historic character of the Town.

i. Accessibility. All new construction developments shall include units accessible and adaptable to individuals with disabilities under the Americans with Disabilities Act (ADA).

405.7 Procedure

a. Application for a Special Use Permit shall be submitted to the Planning and Zoning Commission in accordance with Article VIII- Site Plans and Special Use Permits – Application Requirements, Standards and Procedures of this Section.

b. Affordable Housing Program.

a. Each project that includes affordable housing shall be required to define the selection criteria and process for ensuring compliance with the affordable housing eligibility requirements and long-term maintenance and monitoring of the development for such compliance.

b. The applicant shall identify an organization, group or company who shall ensure compliance with the affordable eligibility requirements for the project. As part of the Special Use Permit

approval process, the Planning and Zoning Commission shall refer the organization, group, or company to the Salisbury Affordable Housing Commission for a report and recommendation on the suitability of the organization, group, or company's suitability to ensure compliance with the affordable housing program. The Planning and Zoning Commission shall request the Salisbury Affordable Housing Commission issue a report and recommendation within 60 days of receipt of the referral. Based on the report and recommendation, the Planning and Zoning Commission shall have the authority to approve or disapprove of the organization, group, or company that shall ensure compliance with the eligibility requirements for the project. If no report or recommendation is received within 60 days, the Planning and Zoning Commission may assume that the Salisbury Affordable Housing Commission has no objections thereto.

ARTICLE V- NONCONFORMING USES, BUILDINGS AND LOTS

500 Nonconforming Situations – Definition and Intent

500.1 Definition

A nonconforming 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 nonconforming situations consist of the following:

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.

500.2 Continuance of a Non-Conforming Situation

As required by Conn. Gen Stat. §8-2, these Regulations do not prohibit the continuance of a nonconforming situation. With certain exceptions provided for in this section, it is the intent of these Regulations to reduce or eliminate nonconforming situations as quickly as possible.

501 Change of Non-Conforming Use

501.1 The Commission may approve a change of a nonconforming use to another nonconforming use provided it finds the proposed non-conforming use will not have an adverse effect on the zone, the neighborhood or surrounding properties greater than the effect of the current nonconforming use. In making this determination the Commission shall consider the character, nature, purpose and scope of the proposed change compared to the existing nonconforming use. This includes any new or increased activity on the property, such as traffic, noise, lighting and other external factors affecting the zone, neighboring, or surrounding properties.

501.2 Site Plan

The Commission may require a Site Plan for an application to change a nonconforming 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 nonconforming situation or any portion thereof, has been changed so that it conforms to these Regulations, it shall not revert to a nonconforming situation.

503 Enlargement of a Nonconforming Use, Building or Structure

503.1 No nonconforming use of land or nonconforming 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 nonconforming status was established.

503.2 Except as provided below, no nonconforming 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 nonconforming. For the purposes of this regulation, vertical is defined as enlargement or expansion either upward or downward.

In all zones, except the LA Zone, subject to approval of a Special Use 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 nonconforming 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 nonconforming building foundation or building façade.

c. The Commission determines the application meets the General Standards for Site Plans and Special Use 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 nonconformity.

504 Restoration or Replacement of a Nonconforming Building or Structure

504.1 Fire or Other Casualty

The nonconforming portions of a building or structure damaged by fire or other casualty may be restored or replaced to no more than its previous nonconforming 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 nonconforming building or structure and the property lines.

504.2 Nonconforming Dwelling Restoration or Replacement for Other Purposes

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

a. Photographs of the nonconforming dwelling;

b. An A-2 Survey showing measurements of all exterior dimensions of the existing dwelling in sufficient detail to reconstruct it to no more than its nonconforming foundation footprint and exterior dimensions;

c. Construction drawings of the proposed replacement dwelling certifying that the proposed foundation footprint and exterior dimensions are no greater than the previous nonconforming dwelling.

504.3 All Other Nonconforming Buildings and Structures

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

504.4 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 are in compliance with the approved application.

505 Building on Vacant or Unimproved Nonconforming 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 nonconforming, 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 nonconforming, 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.

ARTICLE VI - LAND DISTRUBANCE RELATED REGULATIONS - EROSION AND SEDIMENTATION CONTROL, STORMWATER MANAGEMENT, AND EXCAVATION AND GRADING

600 Sedimentation and Erosion Control Plan

A Sedimentation and Erosion Control Plan shall be required with any application for development when the cumulative disturbed area is more than one-half (1/2) acre. However, a Sedimentation and Erosion Control Plan may be required for applications with disturbed land of less than one-half (1/2) acre, if deemed necessary by the Zoning Administrator.

A lot in a subdivision shall be subject to the requirements for a Sedimentation and Erosion Control Plan both as part of the subdivision plan and as part of an application for a Zoning Permit. The applicant shall describe in mapped and narrative form the measures to be taken to control erosion and sedimentation both during and after construction. The plan and its specific measures shall be based upon the best available technology and shall be in accordance with the principles and the minimum standards as stated in the Connecticut Guidelines for Erosion and Sediment Control (2002), as amended.

The Sedimentation and Erosion Control Plan shall be designed to result in development that minimizes erosion and sedimentation during construction, prevents off-site erosion or sedimentation and stabilizes and protects against post construction erosion.

600.1 Sedimentation and Erosion Control Plan (S&EC) Requirements

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

a. A narrative describing the development project; soil erosion and sedimentation control measures with construction, installation and maintenance details and procedures; time schedules for undertaking and completing all major construction activities; indication of the anticipated start and completion dates; grading operations; and stabilization of disturbed areas.

b. A Site Plan map at a scale not to exceed 100 feet to the inch showing:

- Existing and proposed topography;
- Topographic contours within the disturbed area at no less than two-foot contour intervals, based upon a field survey, and
- Proposed site alterations and disturbed areas, including cleared, excavated, filled or graded areas and identification and location of all erosion and sedimentation control measures and facilities.

600.2 Decision

a. The Commission shall either certify that the Sedimentation and Erosion Control plan complies with the requirements of this section or deny certification when the development proposal does not comply with this section.

b. Prior to action on the plan, the Commission may consider requesting a review of the plan from the Northwest Conservation District, its successor agency, or a qualified person designated by the Commission.

600.3 Conditions

a. Sedimentation and erosion control measures and facilities shall be installed as scheduled according to the approved plan. The Commission may require a performance bond or other form of surety acceptable to the Commission to guarantee completion of erosion and sedimentation control measures.

b. All sedimentation and erosion control measures and facilities shall be maintained in effective condition to ensure compliance with the approved plan.

600.4 Inspection

The Commission or its authorized agent may conduct inspections during development to ensure sedimentation and erosion control measures and facilities are properly performed, installed and maintained according to the approved plan.

600.5 Definitions

APPROVAL. Certification that a sedimentation and erosion control plan complies with the applicable requirements of these Regulations.

DISTURBED AREA. An area where ground cover is destroyed or removed leaving the land subject to accelerated erosion.

EROSION. The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

SEDIMENT. Soil material, either mineral or organic, that is in suspension, or has been moved from its site of origin by erosion.

SOIL. Unconsolidated mineral/organic material of any origin.

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.

601 Excavation, Filling and Grading

601.1 Definitions

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

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

602.2 General (amended February 2, 2010)

No loam, topsoil, sand, gravel, clay, stone or other natural earth product shall be excavated or removed, nor shall any filling or grading of land occur unless a Special Use Permit for Excavation, Filling and Grading for such activity has been approved by the Commission in accord with the requirements of this section, with the following exceptions.

The following activities may be undertaken without a Special Use Permit for Excavation, Filling and Grading provided no dangerous condition is created and there is no damage to surrounding land.

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

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

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

c. Excavation in connection with an agricultural operation.

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

601.3 Application

Before any Special Use Permit for Excavation, Filling and Grading may be granted, a written application shall be submitted to the Commission by the property owner or by his agent, on forms provided by the Commission, together with maps and plans prepared by an engineer or Registered Land Surveyor licensed to practice in the State of Connecticut, which shows the following:

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

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

c. The existing and proposed drainage during and after the excavation.

d. Existing and proposed drainage easement and flowage rights.

e. The surrounding access streets and property lines.

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

g. The proposed truck access route to the excavation area with particular reference to the route in relation to schools, playgrounds, churches and traffic through residential neighborhoods.

601.4 Additional Information

The Commission may require submission of additional information on soil conditions, location and depth of rock ledge, groundwater conditions and such other information as is deemed necessary to complete their review of the application based on these Regulations.

601.5 Conditions of Approval

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

A Special Use Permit may be granted upon the following conditions:

a. No screening, sifting, washing, crushing or other processing shall be conducted except:
- In an Industrial Zone, or
- In any other Zone a stone crushing operation may be permitted as part of an excavation where: the crushed material is to be used exclusively on the premises to complete an improvement approved by the Commission as part of a subdivision plan or Site Plan, and
- The applicant documents that the crushing operation will provide materials needed to complete construction and provides a detailed description of the crushing operation, and
- The Commission determines that the duration and method of the crushing operation will be completed as quickly as practical, and will reduce or eliminate truck traffic to the site which would otherwise be necessary to haul substitute construction material to the site.

b. No building shall be erected on the premises, except as a temporary shelter for machinery and for a temporary field office.

c. There shall be no excavation within 100 feet of any street right-of-way line, or 50 feet of any other lot line, except to an elevation equal with or above the grade of an adjoining lot or street right-of-way line, or where Special Use Permits for Excavation, Grading and Filling are issued on adjoining property line boundaries and provided for appropriate final grading between such adjoining property lines.

d. Proper drainage shall be provided to prevent the collection and stagnation of water during and after the operation.

e. No sharp declivities, pits, depressions or soil erosion problems shall be created and no slopes or banks shall exceed one (1) foot of vertical rise to two (2) feet of horizontal distance.

f. All topsoil shall be stockpiled on the premises and after completion of the excavation topsoil shall be spread over the excavated area and exposed rock surfaces to a minimum depth to two (2) inches in accordance with the approved contour plan.

g. When the excavation and removal operations have been completed, the excavated area shall be seeded with a perennial rye grass or similar planting.

h. During the time of the operation, barricades or fences for the protection of the public shall be erected and maintained as necessary.

i. Truck access to the excavation shall be so arranged as to minimize danger to public travel and nuisance to surrounding properties and shall be maintained with a dustless surface.

j. The completed excavation shall not impair the future use of the property in accordance with these Regulations and the completed slopes and banks will not impair the development and safe use of the property after excavation.

k. The premises shall be excavated, drained, graded and seeded in conformity with the plan as approved.

l. As a condition of approval, the Commission may require the applicant to submit periodic reports of work progress according to the approved plan. This may include the requirement to show topographic contours by a Registered Land Surveyor and/or cross sections prepared by an engineer licensed to practice in the State of Connecticut. If at any time the Commission determines work is not being conducted or cannot be conducted in accordance with the plans as approved, the Commission may order the applicant to cease operations.

m. As a condition of approval, the Commission shall require a performance bond in a form acceptable to the Commission's attorney and in an amount acceptable to the Commission to insure

restoration of the property in compliance with the approved plan. This bond shall be provided, reviewed and approved prior to issuance of a Zoning Permit to begin excavation operations.

601.6 Extension of Permit

The Commission may renew a permit at the time of expiration if the owner of the property or his agent files with the Commission a report from an engineer or Registered Land Surveyor licensed to practice in the State of Connecticut, certifying that the excavation completed to date conforms to the approved plans.

601.7 Unlawful Use

It shall be unlawful to excavate or remove for sale or other use any natural earth products, except as herein provided, and where a Special Use Permit for Excavation, Filling and Grading has been obtained and is still in effect.

602 Stormwater Management Plan Requirements

602.1 General

For any Site Plan application requiring a Stormwater Management Plan such plan shall meet the requirements of this section. A Stormwater Management Plan shall also be required in the C20, CG20, or LI zones for any Site Plan where the total impervious surface on the lot is greater than 20% or where the proposed Site Plan involves the disturbance of more than one half acre of land. All such plans may be subject to review by an engineer designated by the Commission.

602.2 Standards and Requirements

a. The proposed stormwater management system and plan shall be designed to meet the following standards and requirements:

- Prevent flooding on or off the property.
- Minimize pollutant loads in stormwater runoff into inland wetlands, surface and subsurface water.
- Maintain the hydrology of existing sub-watersheds including wetlands and watercourses.
- Prohibit direct channeling (via pipe or paved culvert or the like) of untreated surface water runoff into adjacent ground or surface water.

b. On-site storage of stormwater shall be employed to the maximum extent feasible. On-site storage methods include, but are not limited to, bio-filters, landscaped depressions, grass swales, infiltration trenches and retention or detention basins.

c. Pollutants shall be controlled at their source to the maximum extent feasible using best available control measures and technology to contain the contamination. Measures include, but are not limited to, sweeping of streets and parking lots, especially in the early spring, the use of oil traps and sediment basins prior to infiltration, the use of pervious surfaces and the encouragement of sheet flow to filter strips.

d. The maintenance of a private storm water system is the responsibility of the property owner. The Commission may require that a maintenance program be developed and submitted as part of the plan. The Commission may require a bond be posted and/or that periodic reports be filed with the Town to ensure that the required maintenance has been performed.

e. Stormwater runoff control structures located on private property shall be accessible at all times for Town inspection.

ARTICLE VII- RESIDENTIAL DRIVEWAYS, COMMERCIAL ACCESS, LANDSCAPE, LIGHTING, PARKING AND LOADING AND SIGN REQUIREMENTS

700 Residential Driveways, Commercial and Industrial Access and Circulation Requirements

700.1 Driveways in All Residential Zones

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

700.2 Driveway Permit Application

A newly constructed or relocated driveway or common driveway shall require a zoning permit. The zoning permit application shall include a Plot Plan as required under Article IX which shall also include the following:

a. The location, width, length and grades of the proposed driveway.

b. A plan for driveway drainage, including stormwater runoff calculations when the Commission or staff finds such is necessary to determine that the application meets the requirements of this regulation.

c. Materials used in the driveway construction.

d. A Sedimentation and Erosion Control Plan.

e. A signed agreement that the applicant will notify the Planning and Zoning Commission office not less than one week prior to the start of construction.

700.3 Standards for Driveway Design and Construction

a. Driveway corridors shall be located to follow the existing contours to the maximum extent possible, in order to minimize disturbance and erosion and to avoid wetlands and watercourses.

b. Driveway intersections with a town street or State highway shall be planned for safety and to minimize conflict with vehicular travel on the public roadway.

c. The driveway drainage plan shall be designed to shed water along the length of the driveway side slopes and to avoid concentration of water runoff onto existing or proposed streets, street right-of-way and adjoining property.

d. Crowned driveways are encouraged and driveway curbing is discouraged.

e. Driveway grading shall be as follows:

- The maximum driveway grade for the first 100 feet beyond the Town or State right-of- way shall be 12%.
- The maximum driveway grade shall be 18%.

- Any segment with a grade over 15%, or all segments of a driveway added together with a grade over 15%, shall not exceed 10% of the total driveway length.
- A proposed driveway with a grade over 15% shall require submission of a Site Plan, meeting the requirements of these Regulations.

f. Driveway length shall be measured from the intersection of the driveway at the street right-of- way line to the driveway terminus.

g. The length of any grade over 15% shall be paved. However, a comparable surfacing may be approved subject to review and recommendation of the Commission's designated engineer.

h. The Commission may require submission of an As Built Survey where it determines such is needed to document the final grade, locations of drainage improvements or other elements of the approved driveway plan.

700.4 Common Driveway

a. The purpose of this regulation is to encourage the use of common driveways serving a maximum of three lots in the Residential Zoning Districts to:

- Minimize the frequency of curb cuts along town ways;
- Provide for the safest possible locations for curb cuts;
- Avoid or minimize the need for alterations of wetlands, tree lines, and stone walls;
- Minimize the amount of impervious surfaces created by driveways providing access to dwellings, and,
- Provide standards for safe driveways that are adequate for access by emergency vehicles.

b. In any Residential Zone the Commission may approve a maximum of three lots served by a common driveway subject to zoning requirements 700.2 and 700.3, and the following additional requirements:

- The common driveway shall be located on a strip of land which is under a deed of joint ownership of the lots it serves.
- This deed shall be subject to review and approval by the Commission's attorney and shall contain restrictions that the common driveway shall remain private in perpetuity; that no parking will be allowed on the common drive, and that all roadway maintenance, snowplowing and rubbish collection shall be the land-owner's responsibility.
- A copy of this approved and recorded deed shall be provided to the Commission prior to issuance of a Zoning Permit for the homes located on the lots the common driveway serves.

c. The jointly owned access strip on which the common driveway is located shall have a minimum width of 50 feet at all points.

d. Individual driveways branching off the common driveway shall contain an area at its terminus which is adequate for emergency vehicle access.

e. Utilities shall be underground, where feasible.

f. Maximum driveway grade for the common portion of the driveway shall be 15%.

700.5 Standards for Access and Circulation in Commercial and Industrial Zones

The use of land, buildings and other structures subject to the requirement for a Site Plan in Commercial and Industrial zones that involve the construction, reconstruction, enlargement, moving or structural alteration of buildings or parking areas shall conform to the following standards.

a. Vehicular access to a lot and circulation on a lot shall be designed in a manner that safeguards against hazards to traffic and pedestrians in the street and upon the lot; avoids traffic congestion on any street, and provides safe and convenient circulation on the lot.

b. Wherever possible, vehicular access to and from the lot shall be arranged to avoid use of streets located in or bordered by a Residential Zone.

c. The street or highway providing access to the lot shall have a traffic carrying capacity, roadway improvements and traffic management facilities that are sufficient to accommodate the amount and type of traffic generated by the use.

d. Where necessary to safeguard against traffic or pedestrian hazards and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic direction islands, frontage road driveways and traffic controls on the street.

e. Wherever possible, provision shall be made for circulation driveway connections between adjoining lots with similar existing or proposed non-residential uses, where such driveway connections will facilitate fire protection service and/or where such driveway connections will improve safety of circulation between lots and avoid the need to travel on a public street.

701 Landscape Standards for Site Plans in Commercial and Industrial Zones, Special Use Permit Applications and Certain Other Site Plan Applications

701.1 Purpose

The purposes of this section are to provide landscape standards compatible with the rural character of the Town; to retain natural vegetation for scenic and water quality purposes; to enhance the appearance of public areas such as parking lots; to reduce the negative impacts between incompatible land uses, and to conserve and stabilize property values and otherwise insure the creation of an attractive and harmonious environment. To the extent practical, landscape areas shall be designed to provide multiple benefits including aesthetic, visual mitigation and stormwater management.

701.2 General

Where a Landscape Plan is required the portion of a lot not covered by buildings, other structures, outside storage or paved areas shall be suitably landscaped with trees, shrubs, lawns or other landscape materials. Areas not disturbed by filling, grading or excavation for construction purposes shall be, where ever possible, left as natural terrain. The use of invasive or potentially invasive plants, as defined by the Connecticut Invasive Plants Council, as revised, shall be prohibited. The use of only Connecticut or New England native species is encouraged. Invasive plants shall be removed in areas where predevelopment vegetation is being left in place.

701.3 Where a Landscape Plan and Landscape Architect is Required

A Landscape Plan prepared by a registered Landscape Architect shall be required for a Special Use Permit application and for a Site Plan application in a Commercial or Industrial Zone. The Commission may require a Landscape Plan for any other Site Plan application involving outside storage of goods, material or machinery, or where there are more than fifteen (15) parking spaces, or for a non-residential use in a Residential Zone. At the request of the applicant, the Commission may approve preparation of the Landscape Plan by a landscape designer where it determines a Landscape Architect is not necessary, such as for a landscape buffer planting, parking lot landscape plan or other small plan or one that does not involve significant re-grading.

701.4 Plan Standards and Requirements

The following standards and requirements shall apply to Landscape Plans.

a. The plan shall:

- Show existing and proposed landscaping and buffering;
- Provide a table identifying the plant and tree sizes (at the time of planting), and types, including the botanical and common name of all plant species, and
- Include a detailed estimate of the cost of installation and maintenance of the landscape materials.

b. Wherever possible the plan shall preserve natural stands of trees and shrubs located within the required yard area and the site's existing topographic patterns and vegetation which can contribute to the beauty of a proposed development.

c. Service yards, dumpsters, utility structures, loading areas and other places that tend to be unsightly shall be screened from public view by landscaping, berms, fencing or other means that are effective year-round.

d. The Commission may require that one or all of the required yard areas along property boundary lines be landscaped with shrubs and trees, or such landscaping combined with berms, fences and/or walls, to provide a screen and transition from the site to the surrounding area.

e. Parking Lot Landscaping. To reduce visual and heat impact, excessive drainage and to facilitate snow removal, a lot with more than fifteen (15) parking spaces shall have a landscaped island at each end of each row of parking spaces. Any row of fifteen (15) or more parking spaces shall also have an intermediate landscaped island. Landscaped islands shall be a minimum of eighteen (18) feet in length and nine (9) feet in width. Each landscaped island shall contain a deciduous tree.

f. The Commission may waive or modify these parking lot landscape requirements for properties located within the C-20 and CG-20 zones.

g. The Commission may also require that a Landscape Architect provide a professional assessment of the visual impact of the proposed development and landscape plan as viewed from surrounding land uses and public streets where it finds such is needed to ensure that the plan meets the purposes and standards of this regulation. For this purpose, the Commission may require cross section views from vantage points off the site that relate to the purposes of this regulation.

h. Minimum Planting Requirements

At the time of planting:

- All deciduous trees shall have a minimum caliper of 2.5 inches measured according to American Association of Nurserymen standard and shall be shade trees which have a minimum branching height of five (5) feet. The Commission may allow the substitution of ornamental trees with a 2.5-inch caliper. A variation of .25 inches in caliper is allowed.
- All required non-deciduous trees shall have a minimum height of six (6) feet.
- All required shrubs shall have a minimum height of eighteen (18) inches.
- All required trees, shrubs, landscaped islands and other buffer areas must be protected from vehicular damage by curbing, railing, landscape timbers or another suitable substitute.
- All required trees, shrubs and landscaped areas shall be maintained in good order by the property owner.
- No required tree shall be planted on a slope that exceeds 33% (3:1).

701.5 Performance Guarantee

The Commission may require a performance guarantee in an amount and a form of surety acceptable to the Commission to guarantee installation and survival of the proposed landscaping through a growing season.

702 Lighting Standards for Site Plans and Special Use Permits

702.1 The following lighting standards shall apply to Special Use Permit and Site Plan applications

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

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

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

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

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

e. Where a high level of illumination is proposed, such as for a parking lot for retail stores with a floor area of over 5,000 square feet, outdoor sales areas and similar uses the Commission may require an "iso-lux plan" or similar detailed plan providing level of illumination in foot-candles at ground level.

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

703 Parking and Loading Requirements

Off-street parking and loading facilities shall be provided in accordance with the following requirements.

703.1 Parking Plans Required

All Site Plans involving provision for parking spaces shall meet the requirements of this section. All uses requiring a Zoning Permit shall provide the number of parking spaces required as designated in the "Table of Parking Requirements".

703.2 Location of Parking

Required parking shall be located on the same lot as the building or other use served, except where the Commission approves joint or satellite locations.

703.3 General Requirements – Parking Spaces and Aisles

a. Parking space requirements shall be exclusive of driveways and aisle space necessary for access.

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

c. In a parking area containing ten (10) or more parking spaces, up to 20% of the parking spaces may contain a rectangular area of seven and a half (7 ½) feet in width by fifteen (15) feet in length. Such spaces shall be conspicuously designated as reserved for small or compact cars only.

d. Parallel parking spaces shall be not less than twenty-two (22) feet by nine (9) feet.

e. Parking aisle widths for one-way and two-way traffic shall be provided according to the degree of the angle of the parking space as follows:

	Minimum Required Aisle Width	
Angle of Parking Space	One way traffic	Two-way traffic
30 degree	11 feet	20 feet
45 degree	13 feet	21 feet
60 degree	18 feet	23 feet
90 degree (perpendicular)	24 feet	24 feet

703.4 General Parking Requirements: All Uses Other Than Single- and Two-Family Dwellings

The following shall apply to all uses other than single- and two-family dwellings.

a. Parking areas shall be designed so that vehicles may exit such areas without backing onto a public street.

b. Parking areas shall be designed so that sanitation, emergency and other public service vehicles can safely access the site.

c. Parking areas shall be graded and surfaced with material that is stable and provides protection against potholes, erosion and dust.

d. Paved parking spaces shall be demarcated with painted lines and all parking areas and painted lines shall be well maintained and free from potholes.

e. The driveway leading from the parking area to the street shall be paved for a distance of fifteen (15) feet from the edge of the paved street.

703.5 Shared Parking

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

b. The Commission may approve the shared use of parking spaces only where it determines that the nature of the uses involves parking demand primarily at different times. Example: A week day office use and a primarily weekend use such as a church would be eligible for shared parking.

c. The owner of the lot and applicants for shared use shall sign a statement to the Commission explaining how the proposed shared parking plan meets the standards stated above and provide a copy of their agreement to maintain a shared parking arrangement. A change of use or change of ownership for any use subject to a shared parking plan permit shall automatically void the permit.

d. An applicant for a shared parking use permit may also apply for satellite parking as provided below.

703.6 Satellite Parking

a. If the number of required off-street parking spaces cannot be reasonably provided on the same lot with the principal use, then spaces may be provided on separately owned adjacent or nearby lots in accordance with these provisions for satellite parking.

b. All satellite parking spaces shall be located within 500 feet of the building and/or use it serves.

c. The applicant shall provide a written agreement with the owner of the satellite space for the use of such parking space. The validity of a satellite parking permit shall be dependent upon maintaining the required number of satellite parking spaces.

703.7 Parking for Existing Buildings in C20, CG20 and LI Zones

a. This section provides flexibility in meeting parking requirements in the historic, compact Village Center areas (C20, CG20 and LI zones) with the purpose of permitting the continued productive use of commercial and industrial buildings and lots.

b. Within these zones the applicant/owner of a building may apply for a Special Use Permit for parking flexibility provided:

- The lot has one or more building(s) which were constructed before the year 2000, and
- The building(s) are proposed for a change in use which does not involve an enlargement of the building and,
- There is insufficient area on the lot to meet standard parking requirements.

c. The Commission may require submission of a detailed Parking Needs Analysis prepared by a qualified Connecticut traffic and parking engineer.

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

- The nature of the proposed use, its parking requirements and the impact of the proposed plan on the parking demands and traffic patterns in the surrounding area.
- The availability of options to provide sufficient parking for the use including proximate municipal parking, joint-parking or satellite parking.

e. The Commission may approve fewer than the number of required parking spaces as provided in 703.8 when it determines the parking needs of the proposed use can in part be served by public parking spaces and that the proposed plan will not jeopardize public safety.

703.8 Required Number of Parking Spaces

a. A sufficient number of parking spaces shall be provided to accommodate the number of vehicles ordinarily attracted to a proposed use, including but not limited to, vehicles of occupants, employees, customers, residents and other persons normally expected to park at any one time.

b. A minimum number of parking spaces shall be as specified in the “Table of Parking Requirements”. Where there is not a parking requirement specified for a particular proposed use in the “Table of Parking Requirements”, the Commission shall determine the minimum number of required parking spaces by referring to similar uses in this Table and any professionally prepared Parking Analysis.

c. In reaching a decision on a Special Use Permit use the Commission shall determine that the number of parking spaces provided is adequate to meet demands of the proposed use. In addition to the requirements in the “Table of Parking Requirements”, the Commission may consider projected customer traffic, hours of operation, location, relationship of the proposed use to uses in the surrounding area, and information presented by a qualified Connecticut traffic and parking engineer.

703.9 Truck Loading Space

In the case of hospitals, institutions, hotels, retail stores, wholesale and industrial buildings having a floor area of more than 20,000 square feet, off-street space shall be provided for the loading and unloading of trucks, determined as follows:

- One space of not less than 400 square feet in area for any building having a floor area from 20,000 to 39,999 square feet.
- Two spaces of not less than 400 square feet in area for any building having a floor area of 40,000 to 99,999 square feet.
- Three spaces of not less than 400 square feet in area for any building having a floor area of 100,000 square feet or more.

703.10 Electric Vehicle Charging Stations (EVCS)

a. EVCS spaces may be included in calculating required off-street parking spaces.

d. Any new or substantially improved parking lot with thirty or more parking spaces shall include EVCS infrastructure that supplies no less than two hundred eight to two hundred forty volts alternating current or direct current fast charging stations in at least ten per cent of such parking spaces. For the purposes of this regulation substantial improvement is defined as 50% or more of an existing parking lot that is either paved, repaved, or reconfigured.

703.11 – TABLE OF PARKING REQUIREMENTS	
USE CATEGORY	**REQUIRED PARKING SPACES**
RESIDENTIAL & RELATED USES	
Single Family Dwelling	1 per unit
Two-Family Residential or Single-Family Residential Dwelling with Accessory Apartment	2
Multi-Family Residential or Multi-family Housing	1 per unit
Transit Community Middle Housing Development	N/A
AGRICULTURAL AND RELATED USES	
Farm Stand for Sale & Display of Farm and Garden Produce	See Article VII, 703
Commercial Greenhouse	1 / 200 Square Foot Gross Floor Area (GFA)
Commercial Livery, Boarding	See Article VII, 703
Commercial Kennel or Vet Hospital	1 / 200 Square Foot Gross Floor Area
Vet Clinic/ Vet Office	1 / 200 Square Foot Gross Floor Area
EDUCATIONAL AND INSITUTIONAL	
School or College	See Article VII, 703
Nursery School	1 / Employee Plus 1/200 Square Feet of Gross Floor Area
Church and other Religious and Related Buildings	1 / Every 4 Seats in Portion of Building Used for Services
Library, Museum, Philanthropic uses or facilities, Fraternal Club/Lodge	1 / 300 Square Feet of Gross Floor Area
Hospital	4 / 1,000 Square Feet of Gross Floor Area
Nursing Home, Convalescent Home, Extended Care Facility	1 / 3 Beds
Medical Office, Clinic	6 / 1,000 Square Feet of Gross Floor Area

703.11 – TABLE OF PARKING REQUIREMENTS (continued)	
USE CATEGORY	**REQUIRED PARKING SPACES**
EMERGENCY SERVICES	
Volunteer Fire Company or other Emergency Services	Determined Based Upon Parking Needs Assessment
OFFICES AND FINANCIAL	
Professional or Business Office	5 / 1,000 Square Feet of Gross Floor Area
Bank or Financial Institution	5 / 1,000 Square Feet of Gross Floor Area
RETAIL SALES AND OTHER SERVICES	
Retail Store (including Retail Liquor)	1 /200 Square Feet of Gross Floor Area
Convenience Store	1 /150 Square Feet of Gross Floor Area
Personal & Repair Service e.g. Appliance Repair, Barber, Tailor, Shoe Repair	1 / 400 Square Feet of Gross Floor Area
Antique and Second Hand Store – No outside display	1 / 400 Square Feet of Gross Floor Area
Restaurant – Low turnover (all service indoor)	1 / 100 Square Feet of Gross Floor Area
Restaurant – High turnover (all service indoor)	1 / 200 Square Feet of Gross Floor Area Plus 1 For Every 4 Outdoor Seats
Hotel	1 / Room; Additional for other facilities based on parking needs assessment
Motel	1 / Room; Additional for other facilities based on parking needs assessment
Auto service and repair (w/o body work)	1 / 200 Square Feet of Gross Floor Area AND 1 / 3 Employees on the Maximum Shift
Car wash – conveyor type	2.5 / Wash Bay for Stacking Space
Car wash – self service	1 / Wash Bay for Stacking Space
RETAIL SALES AND OTHER SERVICES	
Automotive sales & service	1 / 200 Square Feet of Gross Floor Area
Laundry & Cleaning Establishment	1 / 200 Square Feet of Gross Floor Area
RECREATION AND ENTERTAINMENT USES	
Indoor Tennis, Racquetball or Exercise Center, Dance Studio or similar recreational facility	4 / 1,000 Square Feet of Gross Floor Area
Establishments for Musical Instruction	1 / Student; Additional as Needed for Children Pickup and Delivery
Indoor Theater (stage or film)	1 / For Every Two Seats
Commercial Outdoor Recreational areas such as areas for Outdoor Skating Rink, Skiing, Picnicking, Swimming andSimilar Activities	As Determined By Commission Based on Parking Demand Analysis
Golf Driving Range	1 / Tee
Miniature Golf	1 / 300 Square Foot of Golf Area, Plus 1 / 200 Square Feet of Gross Floor Area
Golf Course, Tennis or Riding Club and Similar Uses	1 / 200 Square Feet of Gross Floor Area, Plus 1 For Every 3 Persons Facility Designed to Accommodate
Library, Museum or Auditorium, Fraternal Club or Lodge	1 / 300 Square Feet of Gross Floor Area

703.11 – TABLE OF PARKING REQUIREMENTS (continued)	
USE CATEGORY	**REQUIRED PARKING SPACES**
INDUSTRIAL AND RESEARCH USES	
Manufacture and Assembly of parts for Products	1 / Employee on Maximum Shift; May Be Reduced Based on Parking Demand Analysis
Newspaper Printing and other Printing or Publishing and Research Laboratory	AS Determined By Commission Based on Parking Demand Analysis
Contractor's Equipment Storage	1 / 2 Employees on Maximum Shift, But Not Less Than 1 / 5000 Square Feet of Gross Floor Area
Sale of Contractor Equipment, Lumber and Building Supply Sales	1 / 400 Square Feet of Gross Floor Area
Material storage and sales, wholesale distributing, storage warehouse, truck terminal, Storage and Handling of Meat	1 / 100 Square Feet of Gross Floor Area
ACCESSORY USES	
Home Occupation	See Article VII, 703
Letting of Rooms	1 / For Every Bedroom Rented
Bed and Breakfast	1 / For Every Guest Room

704 Signs (May 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 Use Permit. *See* Section 704.2.2.

c. Temporary Signs for Sales, Lease Contractor Improvement or Events.
- Temporary sign(s) pertaining to sale, lease on same parcel, or construction. Maximum cumulative sign area: 6 square feet.
- Temporary sign for a garage sale, or auction. Maximum area per sign: 6 square feet.

- Temporary signs announcing art shows, church fairs, and other civic events. 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.

704.2.2 All Zones- Signs Allowed with a Special Use Permit

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

704.3 Residential Zones- (R10, R20, RR1, RR3, 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,
- Institutional and Related 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 Use Permit

Off Premises Signs for institutional and related uses 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.
- 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 right-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.

704.4 Commercial and Industrial Zones- (C20, CG20, LI)

704.4.1 Commercial and Industrial Zones- Signs Allowed with a Zoning Permit

a. Identification Signs for a Single Building or Multiple Buildings.

- One wall and one projecting sign per individual business use and one freestanding sign per building.
- Maximum area of a freestanding sign: 12 square feet.
- Total maximum sign area of all wall and projecting signs: 1 square foot for each linear foot of the front wall of the building. (The "front wall" of a building is the longest wall which faces most directly onto the principal access street or the principal access way.)
- Total maximum sign area for all wall, projecting and freestanding signs: 100 square feet.

b. Temporary Sign for New or Relocated Business. A non-illuminated temporary sign announcing the opening of a new or relocated business is permitted provided the sign does not interfere with pedestrian traffic and the sign is removed not later than 60 days from the date of the permit.

- Maximum sign area: 12 square feet.

c. Sandwich Board Sign. A sandwich board sign shall be on display during daylight hours only, shall not be illuminated, shall not be located in a street or highway right-of-way and shall not interfere with pedestrian or vehicular traffic. Sign owners shall assume liability for damage or injury resulting from such sandwich board sign use and shall provide an Accord Certificate that holds the Town harmless and indemnifies the Town from any such damage or injury.

- One sign per business.
- Maximum area: 6 square feet on each side.
- Maximum height: 4 feet.

d. Flags for Decoration, Identification, or Incidental Purposes.

- One flag per public entrance.
- No flag shall project more than 5 feet from the building or into a pedestrian walkway.
- Maximum area: 15 square feet.

704.4.2 Commercial Zones- Signs Allowed with a Special Use Permit

a. Off Premises Signs. For business uses that do not have frontage on a State Highway or Town road, an off-premises sign for an individual business use or a composite sign for two or more business uses providing identification and direction to such use(s) may be allowed by Special Use Permit.

- One sign may be permitted at each of the following locations:
  - Street intersections, or on Town owned property approved for such a sign by the Board of Selectmen, or
  - On private property in the C20 or CG20 zones with the written approval of the land owner.
- Maximum sign area: 4 square feet per use, either as an individual sign or as part of composite sign. Maximum area for a composite sign: 20 square feet.

b. Business Use Not Visible from a Public Street. Where a business building(s) or use(s) is not visible from a Town owned and maintained street or State highway, the area of a freestanding sign at the

entrance from the street may be excluded from the maximum sign area calculation by Special Use Permit.

c. Business Complex. One composite sign for a group of three or more stores, offices or other uses which are designed as a unit, such as a shopping center, may be permitted provided the sign identifies both the complex and the individual tenants, is located only at the entrance from a public street as defined above. Maximum sign area: 20 square feet.

704.5 General Requirements

a. Location. No sign shall be located where it would cause a hazard to vehicular or pedestrian public safety, such as to obscure the view of street traffic from a vehicle entering or leaving a driveway or parking area.

b. Materials and Condition. Permanent signs must be constructed of solid durable material, firmly supported. All signs must be maintained in good condition and removed when the purpose for which they were erected no longer exists.

c. Calculation of Maximum Sign Area.

- Calculation of a required maximum sign area allowed on a building or on a lot shall not include the area of temporary signs, signs in windows, awning signs, incidental signs, sandwich board signs or signs that do not require a Zoning Permit.
- The area of a sign for the purpose of calculation of maximum sign area shall be the smallest rectangle containing the entire sign, excluding supports or for a sign composed of individual letters or symbols on the wall of a building the smallest rectangle encompassing the letters or symbols. The total area of a double-sided sign shall be deemed the area of the largest face and not the combination of the two faces provided the internal angle between them does not exceed 45 degrees. A sandwich board sign shall be an exception to this maximum 45-degree rule.

d. Freestanding, Wall and Projecting Sign Requirements.

- Maximum height of a freestanding sign: 12 feet in all zones. A freestanding sign must be located entirely on the applicant's property unless otherwise permitted by these regulations and no part of any sign may project over any property line. Signs to be measured from ground level to the top of the sign, or any part thereof, including supports and lights.
- Projecting signs shall not project more than 5 feet from the side of the building. The bottom of the sign shall be a minimum of 10 feet and a maximum of 15 feet above finished grade.
- No wall sign shall project above the roof line or higher than 20 feet from ground level, or more than 1 foot from the face of the building.

e. Sign Illumination. No signs shall be of the flashing, animated, pulsating, moving or rotating type. Except for a scoreboard in an athletic field, internally illuminated signs shall not be permitted. Externally illuminated signs may be permitted provided the light source is properly shielded, the lighting is focused upon the sign and is designed to minimize glare to adjacent properties, to streets and toward the sky. Signs proposed as part of a Site Plan or Special Use Permit application are subject to the Lighting Standards under Section 702 of these Regulations. Naked or un-shaded incandescent or fluorescent electric light bulbs shall not be allowed by themselves or as part of any sign, except as part of holiday season decorations or community events or celebrations.

f. Off-site advertising, unless otherwise permitted by these regulations, shall not be permitted.

g. The Zoning Enforcement Officer may order the removal of any signs that are not maintained or erected in accordance with the provisions of these regulations.

h. Zoning Permit, Site Plan and Special Use Permit Applications. Applications shall include a scaled drawing showing the type of lettering, sign dimensions, colors, materials, and method of illumination, if any, and a plan showing the location of the sign on the building or property. The Zoning Administrator or the Commission may require additional information as needed to determine compliance with these Regulations. A Zoning Permit shall be required for any change in the size, shape, lighting, materials, or location of an existing sign. No zoning permit shall be required if only the words or images on the sign are changed.

704.6 Nonconforming Signs

Signs that do not conform to this section that were legally in existence and met the sign regulations in effect prior to the adoption of this section (enter here the effective date of this new Sign section of the Zoning Regulations) shall be permitted to continue. Nonconforming signs may be altered only if the alterations conform with this section.

704.7 Definitions

Off-site Advertising: A sign for rent or lease on which are posted advertisements for goods, products, facilities, or services not exclusively related to the premises where such sign is located.
Commercial Sign: A sign advertising a product, use, service, or activity sold or conducted for private financial gain.
Externally Illuminated Sign: A sign illuminated from the exterior by electricity, gas, or other artificial light, including reflective or phosphorescent light, paint, or tape.
Flag: Any fabric or bunting containing distinctive colors or patterns, and used as a symbol or advertisement for an institution or a business.
Freestanding Sign: A sign and its sign-support structure which is not attached to or part of a building.
Off-premises sign: A sign that advertises goods, products, services or facilities or displays information not related to the site on which it is located or that directs persons to a different location from where the sign is located.
Sandwich Board Sign*:* A portable sign consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing.
Sign: Any 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 or announcement, or for direction or identification.

ARTICLE VIII- SITE PLANS AND SPECIAL USE PERMITS – APPLICATION REQUIREMENTS, STANDARDS AND PROCEDURES

800 Site Plans

800.1 Purpose

A Site Plan provides the Commission with information necessary to determine whether or not a proposed activity meets the standards and requirements of these Regulations.

800.2 General

A Site Plan shall be required for uses as specified in the Tables of Uses (*see* Article II). A Special Use Permit application shall be accompanied by a Site Plan where necessary to determine conformity with these Regulations. Site Plans shall be reviewed and decided upon by the Commission. Every Site Plan application shall be accompanied by such information and reports as required in these Regulations and as necessary to determine conformity with these Regulations.

800.3 Site Plan Application Requirements

Four (4) copies of a Site Plan shall be submitted. Site Plans shall be accurately drawn to a scale not to exceed 100 feet to the inch on sheets not to exceed 24 x 36 inches. Two (2) copies of preliminary plans shall be submitted for all proposed buildings, structures and signs, including general exterior elevations, perspective drawings, general floor plans and drawings of proposed signs.

The Site Plan shall meet requirements for landscaping, lighting, parking, loading, stormwater management and/or erosion and sedimentation control as specified in Article VII and shall include such additional information required by the Commission when necessary to determine conformity with these Regulations. This information may be provided on separate plan sheets at the same scale and sheet size required for a Site Plan, or it may be incorporated onto the Site Plan provided such additional information can be shown clearly.

Site Plans shall be prepared to Class A-2 Survey Standards. Upon the request of an applicant and where the Commission determines an A-2 Survey is not necessary to determine compliance with these Regulations, the Commission may accept a Site Plan and survey with a lesser degree of accuracy.

The design, layout, computations and plans showing existing and proposed drainage patterns, and construction of storm drainage improvements, driveways, access ways, parking areas, loading areas and other site construction improvements shall be prepared by a Connecticut Registered Engineer.

A Site Plan shall contain the following information:

a. Name of applicant and owner of property; Names of owners of record of abutting properties.

b. Scale and North arrow; Property boundary, dimensions, angles, area, zoning and overlay district classifications, and zoning setback lines.

c. A key map drawn at a scale of at least one (1) inch = 400 feet showing the locations of buildings and facilities on abutting land, driveway entrances on both sides of the street or streets within 500 feet of the site and zone boundaries within 500 feet of the site.

d. Locations and dimensions of all existing and proposed buildings, outside storage areas, drainage improvements and utilities.

e. Location of existing and proposed roads, driveways, access ways, parking areas and loading areas, and sight lines from driveways or access ways intersections with existing and proposed roads, when determined necessary by the Commission.

f. Location of existing and proposed fences, walls, earth berms, landscaping and landscaped buffer strips, inland wetlands and watercourses, natural and artificial water features.

g. The proposed limits of areas to be disturbed by construction or other activity, including any disturbance of existing conditions between the site property boundary and the traveled surface of a public or private road. Within these disturbed area limits the following existing conditions shall be shown:

- Boundaries of wooded areas and location of specimen trees;
- Location of historic and archeological sites;
- Location of stone walls and built features such as foundations and dams;
- Rock outcroppings;
- Slopes in excess of 20%, and
- Location of any threatened or endangered species or species of special concern as defined and provided by the Connecticut Department of Energy and Environmental Protection (DEEP) including locations from the State DEEP Natural Diversity Data Base.

h. Exterior lighting, showing location and type of fixture.

i. Existing and proposed signs.

j. Locations and methods of water supply and sewage disposal facilities; certification by the Health Officer, either on the plan or separately, concerning satisfactory conditions for sewage disposal, consistent with the State Health Code.

k. Proposed methods of refuse storage and disposal.

l. Where grading is required, existing and proposed contours at two-foot intervals based upon a field survey.

m. Existing and post construction surface drainage patterns.

n. Recreation areas and open space.

o. A data block providing zoning information with applicable dimensional requirements for the zone and the dimensions proposed for the site, including but not limited to: lot area, building height, yard setbacks, building coverage, building height, impervious surface coverage, number and mix of units, required parking and number of spaces provided.

800.4 Modification of Site Plan Requirements

Upon the written request of an applicant, the Commission may, by resolution, determine that any part of the information required with a Site Plan application is not necessary to enable the Commission to decide upon the application. The Commission may accept the application without such information.

801 Site Plan Review Standards

Where a Site Plan is required, the Commission shall apply the following standards in review of the application.

801.1 Preservation of Existing Landscape
Excavation, filling, grading of earth materials and the removal of existing vegetation should be generally limited to the extent necessary to reasonably accommodate the needs of the proposed or existing uses while avoiding substantial and unnecessary changes to the landscape. Where vegetative cover does not exist or has been removed, new plantings may be required.

801.2 Relation of Buildings to Environment
The design of the proposed project or development shall, to the extent practical, be related harmoniously to the terrain and the design and siting of existing buildings in the vicinity of the site. All buildings and other structures shall be sited to protect the character of the neighborhood. In its review of this standard the Commission may consider the functional, visual, and spatial relationships of all structures, buildings, landscaped elements and paved areas.

801.3 Landscape and Buffer Areas
All landscaped and/or screened areas, including yard setback areas, shall be so designed as to be consistent and compatible with nearby residential uses and properties.

801.4 Circulation
With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives and parking, special attention shall be given to the location and minimization of access points to public streets, the width of interior drives and access points, the general interior circulation, the separation of pedestrian and vehicular traffic, suitability of access for emergency vehicles, access to community or public facilities, and arrangement of parking areas. These elements of the circulation system shall be designed to be safe and convenient and, insofar as practical, not detract from the use and enjoyment of the proposed buildings and structures and the neighboring properties.

801.5 Stormwater Drainage
Special attention shall be given to proper surface water drainage so that it will not adversely affect neighboring properties or public storm drainage facilities, obstruct the flow of vehicular or pedestrian traffic or create standing water in paved or pedestrian areas. All surface water drained from roofs, streets, parking lots, and other site features shall be disposed of in a safe and efficient manner that will not create problems of water runoff or erosion on the site or on neighboring sites or pollution of surface water or groundwater. Insofar as possible, natural drainage courses and swales shall be properly stabilized and drainage-impounding areas shall be utilized to infiltrate water on the site through natural percolation to a degree equivalent to that existing prior to development. Also, appropriate erosion control measures shall be employed, including slope stabilization measures and the seeding of exposed areas to replace vegetative cover.

801.6 Preservation of Water Quality and Quantity
The proposed use and the site shall be designed to minimize any risk of surface-water or groundwater pollution, soil erosion and sedimentation, and water diversion.

801.7 Utilities
The placement of electric, telephone, or other utility lines and equipment shall be underground, except where not practical due to unusual limiting conditions, such as the presence of ledge. Planning for utility locations shall take into account the need to avoid adverse impact on groundwater levels and to minimize disturbance by coordinating the location of the various utility services planned for the site.

801.8. Other Site Features

Exposed storage or utility areas, machinery installations, and service areas shall be designed with screen plantings, fencing, or other screening methods to be compatible with the environment and the surrounding properties.

801.9 Safety

All open and enclosed spaces shall be designed to facilitate emergency evacuation and to insure accessibility by fire, police, and other emergency personnel and equipment.

801.10 Natural and Historical Resources

The Site Plan shall be designed to minimize any damage or destruction to locally significant natural or historical resources.

802 Special Use Permit Uses

802.1 Purpose

Special Use Permit uses are a class of uses that have characteristics or a location that unless properly planned and designed could be detrimental to properties in the neighborhood, the zone or overlay district. Accordingly, this Article provides standards and requirements permitting the Commission to conduct a comprehensive review of the proposed Special Use Permit plan to:

a. Assess the layout of the building(s), structure(s) or use(s) in relationship to the topographical and other natural features of the land, and of the impact of the use(s) upon the environment, health, safety, welfare, and convenience of the members of the community.

b. Ensure that the design and layout of the site and the proposed use(s) will constitute suitable and appropriate development in character with the neighborhood and will not result in an unreasonable decrease in property values or a detriment to the present and potential use of the area in which it is to be located.

c. Assure that proposed buildings, structures and uses will provide for the maintenance of air, surface-water, and groundwater quality and will not be detrimental to existing sources of potable water or other natural or historic resources.

802.2 General

Special Use Permit Applications shall be reviewed and decided upon by the Commission. A Special Use Permit Application shall be accompanied by a Site Plan when necessary to determine conformity with these Regulations.

803 Standards for Special Use Permits

When a Special Use Permit is required, the Commission shall apply the following standards in review of the application.

803.1 General

All buildings, structures and uses for which a Special Use Permit is required under these Regulations must meet the applicable standards set forth throughout these Regulations, including, but not limited to, the standards set forth in 801 Site Plan Review Standards. In addition, the following standards shall apply to Special Use Permit uses.

803.2 Relation of Buildings to Environment

The size and intensity, as well as the design, of the proposed project or development shall be related harmoniously to the terrain and to the use, scale, and siting of existing buildings in the vicinity of the site. The use shall not create a nuisance to neighboring properties, whether by noise, air, or water pollution; offensive odors, dust, smoke, vibrations, lighting, or other effects.

803.3 Neighboring Properties

The proposed uses shall not unreasonably adversely affect the enjoyment, usefulness and value of properties in the general vicinity thereof, or cause undue concentration of population or structures. In assessing the impact on surrounding properties, the factors the Commission shall consider include, but are not limited to, the existing and proposed pedestrian and vehicular circulation, parking and loading plans, stormwater management systems, exterior lighting, landscaping, and signage.

803.4 Adequacy of Proposed Methods, Measures and Plans

The Commission shall be satisfied that the applicant has shown the adequacy of proposed methods, measures and/or plans for:

a. Disposal of wastes and provision for protection of surface and groundwater water quality, including but not limited to, factors such as; hazardous material and storage areas; underground fuel storage facilities, location and size of floor drains; storm water run-off from parking lot areas and other impervious surfaces, and any other use that may adversely affect the quality or quantity of groundwater.

b. Proposed measures to control stormwater run-off.

c. Proposed measures to foster an energy efficient layout.

d. Proposed methods of site landscaping,

e. Existing fire and police protection, transportation, water and sewer facilities, schools or other public facilities to meet the needs of the proposed use.

f. Provisions for signs, if any, and proposed exterior lighting with reference to glare, traffic, safety, compatibility and harmony with adjacent properties and the neighborhood.

g. Provisions for open space and landscaping and other safeguards to be compatible with the adjacent property and the neighborhood in general.

803.5 Amendments or Modifications

A Special Use Permit use may be amended or modified provided an application is made in the same manner as the original application and subject to the same procedures for approval, with the following exception. An amendment or modification, which does not materially alter the Special Use Permit as determined by the Commission, may be approved as an amendment to a Site Plan for the Special Use Permit use.

804 Site Plans and Special Use Permit Applications – General and Pre-Application Review

804.1 Purpose

The purpose of the following sections is to provide both applicants and the Commission with comprehensive guidance on the Commission's and the Connecticut General Statute required procedures for review and action on Special Use Permit and Site Plan applications.

804.2 Pre-application Reviews

Applicants for a Site Plan or Special Use Permit approval, or any combination thereof, may request a pre-application review of a proposed project, as authorized by Conn. Gen Stat. §7-159b. This review may include members of the Planning and Zoning Commission, Inland Wetlands and Watercourses Commission, Historic District Commission, Housatonic River Commission, Torrington Area Health District, Building Official, Fire Marshal, land use staff and consultants, and other municipal officials as determined by the Commission or Zoning Administrator (collectively, the Pre-Application Review Team). Any meeting involving a quorum of board, Commission or agency members shall be duly noticed pursuant to Conn. Gen Stat. §1-225.

In addition to the pre-application review, an applicant for Site Plan or Special Use Permit approval may request a pre-application presentation to the Planning and Zoning Commission in accordance with CGS §7-159b.

In order to assist the Pre-application Review Team and/or Planning and Zoning Commission to determine conformity of any Site Plan or Special Use Permit application with the intent and purpose of these Regulations, the following information is recommended for submittal at any pre-application review or presentation:

a. Preliminary site plan drawings showing conceptual locations of buildings and other structures, access ways, parking, and other proposed development.

b. Photographs of the site including all adjacent properties as viewed from all public streets as well as from adjacent properties.

c. Elevation drawings of proposed buildings, landscaping, outdoor storage areas and refuse/trash containers and free-standing signs corresponding to the site photographs.

d. For buildings containing over 5,000 square feet, digital views showing the proposed development as integrated with existing adjacent development.

Any pre-application review or presentation under this section and any results or information obtained from it may not be appealed under the provisions of the Connecticut General Statutes, and shall not be binding on the applicant or any authority, commission, department, agency or other official having jurisdiction to review the proposed project.

805 Application Forms, Fees, Submission Dates, Information and Referral Notices

805.1 Application Forms

Application for approval of a Special Use Permit or Site Plan shall be made to the Commission in writing on Salisbury Planning and Zoning Commission forms. The application shall be signed by the property

owner. However, the application may be signed by an agent for the owner provided the property owner submits a signed letter of authorization agreeing to the submission of the application and to its terms and requirements.

805.2 Application Fee

Fees for applications to the Planning and Zoning Commission shall be as set by Town Ordinance and shall be submitted with the application. As provided in the Town Ordinance as a part of such application fee the Commission may include the cost to retain outside consultants to assist the Planning and Zoning staff and Commission in analyzing, reviewing, and reporting on areas of the application requiring technical review.

805.3 Application Prior to Meeting or Public Hearing

The application with all required maps, documents and reports shall be submitted to the Planning and Zoning Office at least fourteen (14) calendar days prior to the next Commission meeting. Where additional information or reports are required prior to the date of a scheduled public hearing these also shall be submitted at least fourteen (14) days prior to the hearing date.

805.4 Date of Submission and Date of Receipt

The date of application submission shall be the date the signed application and fee has been filed with the Planning and Zoning Commission Office. The date of receipt of an application, which is the date that starts the time clock for decision on an application, shall be the date of the next regularly scheduled meeting of the Commission immediately following the date of submission to the Commission, or thirty-five (35) days after the date of submission, whichever is sooner. An application which does not include all required application material shall serve as a basis for denial.

805.5 Additional Information May Be Required

The Commission may require the submission of additional information deemed necessary to determine compliance with the standards and requirements of these Regulations.

805.6 Commission May Determine If Certain Site Plan Information Is Not Necessary

Upon the written request of an applicant, the Commission may, by resolution, determine that any part of the information required with a Site Plan application is not necessary to enable the Commission to decide upon the application and the Commission may then accept the application without such information.

805.7 Submission of an Application Involving Inland Wetlands or Watercourses

Where a Site Plan Application involves an activity regulated pursuant to the requirements of the Inland Wetlands and Watercourses Commission Regulations of the Town of Salisbury, the applicant shall provide documentation that an application for an Inland Wetland permit has been filed with the Inland Wetlands and Watercourses Commission not later than the date of submission of the Site Plan application with the Planning and Zoning Commission.

805.8 Notice by Applicant to Commission on Public Health Where Property is in a Public Water Supply Aquifer or the Watershed of a Water Company

When an application is filed to conduct or cause to be conducted any action requiring approval of the Commission on a property, any portion of which is within a public water supply aquifer as identified in accordance with CGS §22a-354c or the watershed area of a water company, the applicant shall notify the Commission of Public Health as required by CGS Section 8-3i and shall certify such notice to the Commission prior to any action by the Commission on the application.

805.9 Notice by Commission to Adjoining Municipality of Applications with Potential Inter Town Impact

As required by Connecticut General Statutes the Commission shall notify the clerk of any adjoining municipality of any pending application, petition, appeal, request or plan concerning any project on any site meeting the criteria set forth in the statutes and as stated in 901.5 of these Regulations.

806 Public Hearings - General

806.1 Special Use Permit Hearings

The Commission shall hold a public hearing on an application for a Special Use Permit. Where a Site Plan application is required with a Special Use Permit application it shall be submitted at the same time as the Special Use Permit application and both applications shall be considered at the same public hearing.

806.2 Site Plan Hearings

Where no Special Use Permit is required and a Site Plan is required, the Commission, at its discretion, may hold a public hearing on the application for Site Plan approval.

806.3 Notice of Public Hearing

a. Legal Notice in Newspaper. A legal notice of the public hearing shall be placed in a newspaper with substantial circulation in the Town of Salisbury in a form and at intervals as required in the Connecticut General Statutes.

b. Notices to Adjacent Property Owners. Upon the scheduling of a public hearing by the Commission, the applicant shall notify by certified mail all owners of property adjacent to the subject property according to the current Grand List, including parcels separated from the subject property by a public street or other municipal property, at least seven (7) days in advance of the initial public hearing. The notice shall include a brief description of the application along with the date, time, and location of the public hearing. At or before the public hearing the applicant shall submit to the Commission a list of all property owners notified, and certificates of mailing of the notices to each such property owner, as evidence of compliance with this requirement.

807 Public Hearing, Time, Decision on Application and Filing Requirements

807.1 General - Simultaneous Applications for Special Use Permit and Site Plan Review

Where an applicant submits a Special Use Permit and Site Plan application at the same time the two applications shall be deemed to be a single proposal. Such an application shall comply with the procedural requirements for a Special Use Permit and the Commission shall with one vote approve, approve with conditions, modify and approve, or deny such as a single application.

807.2 Timing Requirements on Public Hearings and Decisions on Special Use Permit Applications

The public hearing on a Special Use Permit Application shall commence within sixty-five (65) days after receipt of such application and shall be completed within thirty-five (35) days after such hearing commences. The date of receipt shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or thirty-five (35) days after such submission, whichever is sooner.

The decision on the Special Use Permit Application shall be rendered within sixty-five (65) days after completion of such hearing, unless a shorter period of time is required under Chapter 124 of the Connecticut General Statutes. The petitioner or applicant may consent in writing to one or more

extensions of any period specified in this subsection, provided the total extension of all such periods shall not be more than sixty-five (65) days, or the applicant may withdraw the application. However, where the decision of the Inland Wetlands and Watercourses Commission on an application is made within less than thirty-five (35) days of the Planning and Zoning Commission's decision deadline on the same application, the Planning and Zoning Commission's decision deadline shall be automatically extended to thirty-five (35) days after the date of the Inland Wetlands and Watercourses Commission decision.

807.3 Timing Requirements on Decision on a Site Plan Application

As required by Connecticut General Statutes, when the approval of a Site Plan is the only requirement to be met, or remaining to be met, under these Regulations for any building, use or structure, a decision on the Site Plan Application shall be rendered within sixty-five (65) days after receipt of such Site Plan. The applicant may consent in writing to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed sixty-five (65) days; or the applicant may withdraw the application. If the Commission holds a public hearing on a Site Plan application where no Special Use Permit is involved it must complete the public hearing and render its decision on the Site Plan application within these time limits. However, where the decision of the Inland Wetlands and Watercourses Commission on an application is made within less than thirty-five (35) days of the Planning and Zoning Commission's decision deadline on the same application, the Planning and Zoning Commission's decision deadline shall be automatically extended to thirty-five (35) days after the date of the Inland Wetlands and Watercourses Commission decision.

807.4 Report of Inland Wetlands and Watercourses Commission Must Be Considered Before the Planning and Zoning Commission Decision

If a Special Use Permit or Site Plan application involves an activity regulated by the Inland Wetlands and Watercourses Commission under the Inland Wetlands and Watercourses Commission Regulations of the Town of Salisbury, the Planning and Zoning Commission shall not render its decision on such application until the Inland Wetlands and Watercourses Commission has submitted its report with its final decision on the application.

In making its decision, the Planning and Zoning Commission shall give due consideration to the report of the Inland Wetlands and Watercourses Commission and shall state on its record the reasons for any terms and conditions of its decision that are not consistent with the final decision of the Inland Wetlands and Watercourses Commission.

807.5 Conditions of Special Use Permit Approval

In deciding on a Special Use Permit Application, the Commission may attach such conditions to its approval necessary to assure compliance with the requirements of these Regulations. When the Commission grants a Special Use Permit application or a Special Use Permit with conditions, each and all of said conditions shall be an integral part of the Commission's decision. Should any of the conditions on appeal from such decision be found to be void or of no legal effect, then the entire conditional approval is likewise void. The applicant may re-file another application for review.

807.6 Modifications of Site Plan

Where only a Site Plan is required, the Commission may require modifications to the Site Plan.

807.7 Reasons

The Commission shall state in its records the reason(s) for its decision.

807.8 Notice of Decision

Notice of the decision of the Commission on a Special Use Permit Application or Site Plan shall be published in a newspaper having a substantial circulation in the Town of Salisbury and a copy of the

decision on a Special Use Permit or Site Plan application shall be sent by certified mail to the applicant within fifteen (15) days after the decision. In any case in which such notice is not published in a newspaper within such fifteen (15) day period, the person who requested or applied for such Special Use Permit may provide for the publication of such notice within ten (10) days after the expiration of the above fifteen (15) day deadline.

807.9 Filing Requirements and Effective Date

Special Use Permits shall become effective upon the filing of a copy thereof in the Office of the Town Clerk and the recording of a copy thereof in the Land Records of the Town. The applicant or owner on record shall be responsible for filing and recording the Special Use Permit and shall pay all filing and recording fees.

The copy of the Special Use Permit filed in the Land Records shall:

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

807.10 Zoning Permit Required

After the effective date of an approved Special Use Permit or a Site Plan and prior to construction, change of use, or other authorized activity, the applicant shall apply for a Zoning Permit from the Zoning Enforcement Officer.

808 Time to Complete Project and Expiration of Site Plan

808.1 Except for special conditions as set forth in the Connecticut General Statutes (CGS), all work in connection with any Site Plan shall be completed within five (5) years following the date of approval of such plan.

808.2 The Commission may grant one or more extensions of the time to complete all or part of the work in connection with such Site Plan, provided that the total time for completion shall not exceed ten (10) years from the date such Site Plan was approved.

808.3 The Commission may condition the approval of such an extension on a determination of the adequacy of the amount of the bond or other surety which shall be provided subject to the requirements of these Regulations.

808.4 The resolution of approval of a Site Plan shall state the date on which such approval expires. Failure to complete all work within the period of approval, including approved extension(s), if any, shall result in an automatic expiration of the approval of such Site Plan.

809 Effect of Amendment to Regulations on Approved Site Plan

The impact of an amendment to the Zoning Regulations on a Site Plan approved prior to the effective date of such amendment shall be as provided in the Conn. Gen Stat. §Section 8-3, as revised.

810 Bond

The Commission may require, as a condition of approval, that the applicant post a bond with surety satisfactory to the Commission in order to assure conformance with all physical improvements (excluding buildings) shown on the approved Site Plan. An itemized estimate of the cost of the specific improvements shall be prepared by the applicant, including a separate inflation factor, not to exceed ten (10) percent of the estimated amount, for the estimated construction period and shall be submitted to the Commission. The Commission may request its staff, consulting engineer or planner to review and comment on the estimate.

The bond shall be in an amount and form that is acceptable to the Commission and is in accordance with the requirements of the Connecticut General Statutes.

811 Minor Modifications to Site Plan

811.1 General

The Zoning Administrator, after consultation with the Commission Chairperson, may approve minor revisions to an approved Site Plan as specified below. Any such minor modification shall meet the requirements of these Regulations and any specific conditions of application approval.

811.2 Permitted Minor Modifications to a Site Plan

a. Minor Modifications shall include, but not be limited to:

- Minor site improvements such as parking lot alterations, landscape improvements (e.g. screening, retaining walls, fences) and on-site utility installation improvements.
- Minor modifications mandated by the Fire Marshal or Building Official, such as exterior staircases, handicap ramps and elevators for public safety.
- Awnings and ground mounted or roof top mechanical units.
- Minor exterior facade changes to commercial buildings.

b. The Zoning Administrator and Chairperson shall review minor modification applications and shall either approve, modify and approve, or disapprove said application with conditions or reasons as appropriate, all within the statutory time period of sixty-five (65) days.

c. Said application shall only be approved with the full written concurrence of both the Zoning Administrator and Chairperson.

d. The Zoning Administrator or Chairperson may defer action and forward any eligible application to the full Commission for its review and action within the statutory time period for Site Plan approval.

e. Any applicant, upon receipt of a denial of a minor modification, may submit a new application to the Commission for full review.

f. All minor modifications shall be recorded on a form prepared for this purpose, which shall state the reasons for the request and provide details on the modification request.

g. Action taken on all minor modification applications shall be reported to the Commission at the next regularly scheduled meeting of the Commission.

ARTICLE IX- ZONING ADMINISTRATION AND ENFORCEMENT; AMENDMENTS TO THE ZONING MAP AND ZONING REGULATIONS; ZONING BOARD OF APPEALS

900 Zoning Enforcement

900.1 Zoning Enforcement Officer and Zoning Administrator

a. These Regulations shall be enforced by the Commission acting by and through the Zoning Enforcement Officer, who shall be appointed by the Commission. The Zoning Enforcement Officer shall be directly responsible to the Commission and shall carry out his/her duties according to law and under such rules and regulations as the Commission may, from time to time, adopt.

b. The term "Zoning Administrator" and "Zoning Enforcement Officer" as used in these Regulations shall have the same meaning.

900.2 Enforcement – General

The Zoning Administrator may cause any building, structure, place or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist in violation of any provision of these Regulations. The owner, agent, lessee, tenant, architect, builder, or contractor of any building or premises or part thereof in which a violation has been committed or exists shall be considered the violator and shall be subject to the penalties in accordance with Conn. Gen Stat. §8-12. Any official having jurisdiction may institute an action (such as an Order to Discontinue or a Cease-and-Desist Order), proceeding or any other remedies to prevent the unlawful erection, construction, alteration, conversion, maintenance or use of a building or to restrain, correct or abate such violation, or to prevent any illegal act, conduct, business or use in or about such premises. Orders to discontinue and Cease and Desist Orders may be filed on the land records in the Town Clerk's Office.

901 Zoning Permit

901.1 General

No building or structure shall be erected, added to, or exterior dimensions changed and no regulated use or change of use shall be established until a Zoning Permit has been issued by the Zoning Enforcement Officer.

901.2 Zoning Permit Required for Site Plan and Special Use Permit

A Zoning Permit shall be required following approval of a Site Plan or Special Use Permit or Zoning Variance. A Zoning Permit may be revoked if the conditions of the Planning & Zoning Commission approval, conditions of the Zoning Board of Appeals' variance, or Zoning Permit have not been met or have been violated.

901.3 Unauthorized Change Voids Permit

A Zoning Permit shall be rendered null and void if there are any substantial unauthorized changes or alterations to the Plot Plan, Building Plans and/or other supporting application documents after the issuance of such Zoning Permit.

902 Application

An application for a Zoning Permit shall be accompanied by such information and reports as required in these Regulations as necessary to determine conformity with the provisions of these Regulations. The application shall be in a form prescribed by the Commission and shall include the following information:

902.1 Plot Plan
The application shall be accompanied by three (3) copies of a plot plan drawn to scale on a sheet not to exceed 24" by 36". The Zoning Administrator may require that one or more of the plot plan requirements be shown on an A-2 Survey where the Administrator finds such is necessary to determine compliance with the Zoning Regulations.

The plot plan shall show the following information:

a. Name of applicant and name of the owner of record.

b. Assessor's map and lot numbers and street address of property.

c. North point, graphic scale and date.

d. Dimensions of the present lot, lot area, minimum lot area and buildable area.

e. Size and location of all existing and proposed buildings, or additions, structures, and uses; building height; building area and building coverage in square footage and as percentage of the lot area.

f. The minimum required yard setback lines must be shown and dimensions of all yard setback lines observed by buildings and structures.

g. Location of parking areas, driveways, curb-cuts, easements and right-of-ways.

h. Location of sewer lines or septic tank, leaching field and reserve areas.

i. Location of water line or water well.

j. Location of high-pressure gas lines and high-tension transmission lines.

k. Location of Overlay District boundaries and other information shall be provided as required in the Flood Plain Overlay District, Housatonic River Overlay District, Aquifer Protection Overly District and Lake Protection Overlay District.

l. Location of all storm drainage facilities on the property.

m. Existing and proposed contours at two (2) foot intervals which may be based on Town of Salisbury topographic maps, and must be verified in the field by a surveyor.

n. When an application for development involves one half (1/2) acre or more of cumulative disturbed area(s), a Sedimentation and Erosion Control Plan (S&EC) as required in these Regulations shall be submitted. However, an S&EC Plan may be required for applications with disturbed land of less than one half (1/2) acre, if deemed necessary by the Zoning Administrator.

902.2 Building Plan

The application shall be accompanied by two (2) copies of architectural drawings of all new buildings or structures, or alterations, at a scale not to exceed one (1) inch equals eight (8) feet, showing the following information:

a. Name of applicant and name of the owner of record.

b. Assessor's map and lot numbers and street address of property.

c. Numerical scale and date.

d. All exterior wall elevations, indicating floor heights and overall building height and fenestration.

e. Building floor plans indicating existing and proposed usage, interior floor area and/or patron floor area.

902.3 Prior Approvals

Prior to the issuance of a Zoning Permit, the applicant shall obtain and submit all land use-related approvals required by any other local and state agencies. All such approvals shall be listed and where applicable acknowledged on the Zoning Permit application form. These approvals include but are not limited to:

- Zoning Board of Appeals Variance
- Torrington Area Health District
- Salisbury Water Pollution Control Authority
- Driveway Permit
- Fire Marshal Approval
- Inland Wetlands and Watercourses Commission Permit
- Historic District Commission Approval
- Connecticut Department of Transportation Permit
- State Traffic Commission
- Connecticut Department of Energy and Environmental Protection Permit and/or Army Corps of Engineers Permit
- Aquarion Water Company

902.4 Fee

All applications for a Zoning Permit shall be accompanied by a fee, pursuant to the fee schedule established in the Town ordinance on Land Use Fees. Said fee shall be made payable to the Town of Salisbury at the time of filing the application in accord with the procedures established in the town ordinance.

902.5 Other Information

The Zoning Administrator may require such other information as may be necessary to determine compliance with the intent and purpose of these Regulations such as total lot coverage computations, etc.

902.6 Delete or Modify Submission Requirements

The Zoning Administrator or the Commission may delete or modify any information requirement for a Zoning Permit provided the information is inappropriate to the particular application and the lack of such information will not impair or prejudice the determination that the application conforms to these Zoning Regulations.

903 Zoning Permit Term and Renewal

A zoning permit that does not involve an approved Site Plan or Special Use Permit shall be valid for one year. Such a zoning permit may be renewed for one additional year provided the renewal is obtained before the expiration of the first permit and a substantial amount of work on the project has been completed. Substantial work shall be deemed to mean at least the subsurface utility facilities, drainage structures and a complete building foundation with a certified As-Built Survey, where applicable. An expired zoning permit shall be considered null and void. Any further renewal will require a new application for a new zoning permit and other necessary approvals as applicable.

904 Notice by Commission to Adjoining Municipality of Applications with Potential Inter Town Impact

As required by the Connecticut General Statutes, the Commission and Zoning Board of Appeals shall notify the clerk of any adjoining municipality of any pending application, petition, appeal, request or plan which is subject to a decision by the Commission or the Zoning Board of Appeals where the site or proposed project meets any one of the following criteria:

a. Any portion of the site is located within five hundred (500) feet of the boundary of the adjoining municipality;

b. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site;

c. A significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewage system within the adjoining municipality; or

d. Water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Such notice shall be made by certified mail, return receipt requested, and shall be mailed within seven days of the date of receipt of the application, petition, request or plan. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, appeal, request or plan.

905 Sediment and Erosion Control Plan

A Sedimentation and Erosion Control Plan shall be required for all applications where the cumulative area(s) of disturbance is one half (1/2) acre or more; and maybe required for applications with less than one half (1/2) acre of disturbed area(s), if deemed necessary by the Zoning Administrator.

906 Temporary Zoning Permits

In special cases or unusual circumstances, such as seasonal uses, a temporary Zoning Permit, may be issued by the Zoning Administrator after authorization by the Planning and Zoning Commission. A Temporary Zoning Permit shall be valid for a specified time period, not to exceed six (6) months and may be renewed for a period not to exceed a second six (6) months. The Commission may impose appropriate safeguards and reasonable conditions for approval, and may require the posting of surety meeting the requirements of these Regulations to guarantee satisfactory compliance with such conditions.

907 Building Permits

No certificate of occupancy shall be issued for a building or structure subject to these Zoning Regulations without certification in writing by the Zoning Administrator charged with the enforcement of these Regulations that such building or structure is in conformity with these Regulations or is a valid non-conforming use under these Regulations.

908 Foundation Verification

Where required by the Zoning Administrator the applicant shall submit a certified As-Built Survey to the Zoning Administrator within thirty (30) days after the completion of foundation footings, columns, piers or walls, for verification of setbacks for any new detached building or structure on a lot. The Zoning Administrator may require a certified As-Built Survey in other situations involving close proximity to setback lines, lot lines, wetland boundary lines, channel encroachment lines, ordinary high-water marks or other similar restriction lines such as conservation easement boundary lines, utility or other right-of-way lines.

909 Utility Verification

All sanitary sewer facilities required by any Special Use Permit, Site Plan or Subdivision application approved by the Commission shall be installed by the applicant under requirements for inspection and compliance by the Water Pollution Control Authority or other appropriate Town sewer official.

910 Zoning Certificate of Compliance

No building or structure or structural alteration hereafter erected shall be occupied or used, in whole or in part, for any purpose until a Zoning Certificate of Compliance shall have been issued by the Zoning Administrator stating that the premises or building complies with all the provisions of these Regulations, or is a valid nonconforming situation (*see* Article V). A Zoning Certificate of Compliance may also be required for any change, extension or alteration in a use. No Zoning Certificate of Compliance can be issued for premises subject to the requirements of the Historic District Commission (HDC) until the HDC submits a written approval of the project to the Zoning Administrator.

910.1 Inspection Required

No Zoning Certificate of Compliance shall be issued by the Zoning Administrator until the Zoning Administrator or a designee has inspected the property and the Zoning Administrator has determined that all requirements and conditions of the Zoning Permit, including Special Use Permit and/or Site Plan, have been met by the applicant.

910.2 As-Built Survey Requirement - Buildings and Structures and Floor Plans

An As-Built Survey shall be provided by the applicant prior to issuance of a Certificate of Zoning Compliance where required, as a condition of application approval by the Commission, or as required by the Zoning Administrator to determine compliance with the approved plan and these Regulations. The As-Built Survey shall be submitted to the Zoning Administrator certifying the location of buildings and structures on a lot, including where required, septic tanks, septic leaching fields, and well locations. Where required, the As-Built Survey shall also provide documentation of building height, invert elevations of storm drainage pipes, manholes, catch-basins, and headwalls, water lines, sanitary sewer lines, and

other on-site sewer connections for individual buildings. Applications may also require an "As-Built" floor plan to document that the floor area requirements of these Regulations have been met.

910.3 Zoning Certificate of Compliance for approved subdivisions

No Zoning Certificate of Compliance shall be issued by the Zoning Administrator for a principal building on an approved subdivision lot unless and until the sub-grade and base course for the new subdivision road and any required storm drainage facilities located downstream or downhill from said lot have been installed, inspected and approved by the Town or Planning and Zoning Commission Engineer.

910.4 Sewer permit or septic permit

No Zoning Certificate of Compliance shall be issued by the Zoning Administrator unless a Sewer Connection Permit has been issued by the Water Pollution Control Authority or a Septic System Permit has been issued by the Torrington Area Health District, where applicable.

910.5 Conditional Zoning Certificate of Compliance

When the required site work cannot be completed because of inclement weather or other pertinent reasons, a Conditional Zoning Certificate of Compliance may be issued by the Zoning Administrator for a period not to exceed six (6) months provided that the applicant shall post a bond in accordance with the requirements of these Regulations to guarantee satisfactory completion of the site work in accordance with the approved Zoning Permit, including Special Use Permit and/or Site Plan, as determined by the Zoning Administrator. Upon satisfactory completion of the site work, the Zoning Administrator shall release the bond, subject to approval of the Commission.

911 Amendments to the Zoning Map and Zoning Regulations

911.1 Commission Initiated

The Planning and Zoning Commission may, on its own motion from time to time, adopt, amend or repeal the provisions and boundaries established by these Regulations. However, no such Commission initiated change in the regulations, restrictions, or Zoning Map boundaries shall become effective until after notice and public hearing is held by the Commission, at which time the public shall have an opportunity to be heard. For Commission initiated amendments the Commission shall provide notice in accordance with Conn. Gen Stat. §8-3b and shall also provide notice to the Public Notice Registry established by the Town in accordance with Conn. Gen Stat. §8-7d.

911.2 Application for Zoning Regulation Text Amendment or Change to the Zoning Map

Any person, firm or corporation desiring an amendment or change in the Salisbury Zoning Regulations and/or Zoning Map may submit an application proposing such amendment or change to the Commission. Such application shall be in writing on a form prescribed by the Commission and shall meet the following requirements.

911.3 Zoning Map Changes

An application for a change in a zone boundary shall be accompanied by three (3) copies of the relevant Town Zoning Map indicating, in color, the area for which the change is applied for, the proposed zone boundary line and the proposed zone designation.

The application shall describe the existing and proposed zone boundaries of the property and shall give a metes and bounds description of the property or identification by Assessor's Map and Lot Number of the lots, or parts thereof, to be included in the amendment or change. Where the proposed zone boundary change does not follow property lines or divides a property or is otherwise not readily identifiable, the Commission may require an A-2 Survey of the proposed zoning boundary line.

The Commission may require that applications for the establishment or change of a zoning boundary include conceptual Site Plans for the development of the land involved in the change including the location of buildings, streets, and open spaces, and such other information as the Commission considers necessary for its decision. Such plans shall demonstrate conceptual conformance with these Regulations or with the proposed modified regulations.

911.4 Notice to Neighboring Property Owners

The application for a Zoning Map boundary change or zone designation change shall include a list of all property owners of record on the current Grand List, within 500 feet in all directions including property across a public street of the proposed zone boundary or designation change. The applicant shall send a mail notification, with a certificate of mailing, to all these property owners. The notice shall state the public hearing time, place and date and identify the zone boundary change location.

Prior to or not later than the beginning of the public hearing on the proposed change, the applicant shall present to the Commission certificates of mailing to all persons on the list above documenting that the notice was sent not less than fourteen (14) days prior to the public hearing on the proposed change.

911.5 Zoning Text Changes

The application shall precisely set forth the existing provisions and the specific provisions to be changed with Article and Section numbers. It shall clearly show the provisions to be substituted, deleted or added to these Regulations. Three (3) copies of the proposed text shall be submitted to the Planning and Zoning Office.

911.6 Fees

Each application for a change in these Regulations and Zoning Maps shall be accompanied by a check in the amount specified in the Town Ordinance on Land Use Fees and made payable to the Town of Salisbury, Connecticut.

911.7 Explanatory Statement

All applications for a Zoning Map or text amendment shall be accompanied by three (3) copies of a statement explaining the need for the proposed amendment, identifying any benefits to the Town and an analysis of the consistency of the proposed zoning regulation or boundary with the current Town Plan of Conservation and Development.

911.8 Application Completeness, Date of Submission and Date of Receipt

A complete application shall be one which is in proper form and accompanied by the required application fee. The date of submission shall be the date that the application and fee are filed with the Planning and Zoning Office. The date of receipt of an application shall be the date of the next regularly scheduled meeting of the Commission immediately following the date of submission to the Planning and Zoning Office, or thirty-five (35) days after such submission date, whichever is sooner.

912 Procedures and Decision

912.1 General

The following statutory procedures shall be followed for changes to zone boundaries, classification or to the text of the Zoning Regulations:

a. For Commission initiated amendments to the Zoning Regulations or Zoning Map the Commission shall hold a public hearing and provide notice of its action on any such amendment in accordance with the requirements in the Connecticut General Statutes.

b. Applications for proposed changes to the Zoning Map or Zoning Regulations shall be considered by the Commission following the procedures provided in Connecticut General Statutes and these Regulations.

c. The Commission shall not be required to hear any application for a change to zone boundary, classification or text amendment within one year from the date after a decision by the Commission or a court decision on an earlier such application.

912.2 Regional Referral

Any proposed change of zone boundary, classification or regulation text change affecting a zone or use within a zone that has a boundary within five hundred (500) feet of the Salisbury Town line shall be referred by the Commission to the Northwest Connecticut Council of Governments and any Connecticut Regional Planning Agency or its successor agency, adjoining such Town line in accordance with the requirements of the Connecticut General Statutes.

912.3 Public Hearings and Decision – Notice and Timing Requirements

A public hearing shall be required and a notice of such hearing shall be published by the Commission in a newspaper having a substantial circulation in the Town of Salisbury and meeting the requirements in Chapter 124 of the Connecticut General Statutes.

The hearing shall commence within sixty-five (65) days after receipt of such application and shall be completed within thirty-five (35) days after such hearing commences. The date of receipt shall be the day of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Planning and Zoning Office or thirty-five days after such submission, whichever is sooner.

The decision on the application shall be rendered within sixty-five (65) days after completion of such hearing, unless a shorter period of time is required under Chapter 124 of the Connecticut General Statutes. The petitioner or applicant may consent in writing to one or more extensions of any period specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or the applicant may withdraw the application.

912.4 Additional Information

During the public hearing process the Commission may require the submission of additional information deemed necessary to determine compliance with the intent and purpose of these Regulations.

912.5 Commission Decision – State Reasons and Findings of Consistency with Town Plan

Whenever the Commission adopts any change of zone boundary, classification or text change to these Regulations, it shall state upon its records the reason why such change was made. In making its decision the Commission shall take into consideration the Town Plan of Conservation and Development (prepared pursuant to Conn. Gen Stat. §8-23), and shall state on the record its findings on consistency of the proposed establishment, change or repeal of such regulations and boundaries with such Town Plan.

912.6 Effective Date

Zoning Regulations, zone boundaries and any amendments or changes thereto shall become effective at such time fixed by the Commission provided that prior to the effective date:

a. A copy of such regulation text change, zone boundary or classification change shall be filed with the Town Clerk, and

b. Notice of the decision of the Commission shall have been published in a newspaper having a substantial circulation in the Town of Salisbury.

913 Zoning Board of Appeals

913.1 Zoning Board of Appeals Powers and Duties

The Zoning Board of Appeals (the Board) shall have the powers and duties and follow the procedures as set forth in Conn. Gen Stat. §8-6, as amended. This includes:

a. Alleged Error. The Board shall hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Administrator charged with the enforcement of the Zoning Regulations. Decisions of the Planning and Zoning Commission on a Site Plan or Special Use Permit may not be appealed to the Zoning Board of Appeals but may be appealed to the Superior Court.

b. Variance. To determine and vary the application of the Zoning Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the zone in which it is situated, a literal enforcement of such Regulations would result in exceptional difficulty or unusual hardship so that substantial justice will be done and the public safety and welfare secured. The Board shall not be required to hear any application for the same variance, or substantially the same variance, for a period of six (6) months after a decision by the board or by a court on an earlier such application.

913.2 Forms and Fees

Every application to the Board taken under this section shall be made on forms especially provided by the Board. Such forms shall be filed with the Board in triplicate. The application fees to be paid by applicants or petitioners shall be as set by the Town Ordinance on Land Use Fees.

913.3 Certificate of Approval for Location of Motor Vehicle Sales or Repair Business

As required by the Connecticut General Statutes the Zoning Board of Appeals shall have the authority to issue a certificate of approval of the location for a motor vehicle sales or repair business following a determination that such business is permitted by right or has received any required zoning permit or Special Use Permit, or site plan approval in accordance with these Regulations. An application for such certificate shall be on a form provided by the Board and shall include all documentation necessary to support the determination required by the Connecticut General Statutes.

ARTICLE X- COMMUNICATION TOWERS AND ANTENNAS

1000 Communication Towers

1000.1 Authority

The following regulations were adopted by the Planning and Zoning Commission for communication towers and wireless communication facilities at a time when Connecticut towns could under zoning regulation control the siting of such towers and facilities. Subsequent to the adoption of these Regulations under the terms of the Telecommunications Act of 1996 a federal court ruled that only the State of Connecticut (currently under the State Siting Council) could regulate the location of such towers and facilities. However, the State Citing Council must consider the policies and practices of the town where a tower is proposed. Accordingly, these Regulations are retained as a statement of the Planning and Zoning Commission's policy and practice regarding tower siting.

Also, the Commission retains the right to regulate the location of communication antennas under a certain size as established by the State of Connecticut. In these cases the requirements for communication antenna location shall be regulated according to the requirements in these Regulations.

1000.2 Purpose

The purpose of the regulation is to regulate the placement of antennas, towers and other wireless facilities, to protect the aesthetic quality of the Salisbury sky-line and to assure the safety of the community. The Planning and Zoning Commission shall:

a. Require the information necessary to evaluate the proposed facility;

b. Establish locations least disruptive to the public health, safety and welfare of the Town of Salisbury and consistent with the Town Plan of Conservation and Development;

c. Minimize adverse visual effects through proper design, siting and vegetative screening;

d. Avoid potential damage to adjacent properties;

e. Minimize the height of towers and the number of towers, especially free standing towers, and

f. Provide for the orderly removal of abandoned antennas and towers.

1000.3 Definitions

When used in this section, the following words or phrases shall have the following meanings.

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

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

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

ADEQUATE COVERAGE. Coverage is considered to be adequate within that area surrounding Base Station Tower where the predicted or measured median field strength of the transmitted signal is greater than –95 dbm. It is acceptable for these to be within the area of adequate coverage where the signal is less than

–95 dbm, so long as the signal regains its strength to greater than –95 dbm further away from the Base Station Tower. The boundary of the area of adequate coverage is that location past which the signal does not regain strength of greater than –95 dbm.

COBBS PROTOCOL. The testing protocol which is to be used to monitor the emission from existing and new Personal Wireless Service facilities upon adoption of this regulation.

1000.4 Site Selection Policies – Preferred Areas

The preferred location of antennas or towers and wireless facilities shall be:

a. Antennas: On existing communication towers or existing buildings, water towers or other suitable structures.

b. Towers: In locations where the existing topography, vegetation, building or other structures provide the greatest amount of screening and have the least long-range visual effect.

c. On Town owned land or building where the Town has determined that such town owned land or building is appropriate for a tower or antenna.

1000.5 Application Requirements

All applications for towers, antennas and wireless facilities subject to local authority shall be filed with the Commission and shall include a Topographic Location Map, with the scale of 1 inch equal to 2,000 feet, showing:

a. The tower or antenna location;

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

c. The boundaries of the tower viewed, the area within the tower which can be seen based upon an assessment of the topography surrounding the site, and

d. An evaluation of the visual effect of the proposed tower location both within the Town and adjacent towns. Areas of special concern to be addressed in this evaluation shall include but are not limited to, the area identified as existing or proposed open space or preservation areas in the Town Plan, especially the Housatonic River Inner and Outer Corridor areas; land lying within 300 feet of a sub-regional watershed line as shown on maps prepared by the State DEEP Natural Resource Center and on file in the Town Hall, and areas within the Salisbury Village Center and the Lakeville Village Center.

1000.6 Permitted Uses

An antenna proposed on an existing structure or building which meets the following criteria shall be allowed as a permitted use subject to submission of a Site Plan.

a. An omni-directional or whip antenna with a length of twenty (20) feet or less than seven (7) inches or less in diameter provided its material matches the exterior of the structure, or

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

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

d. Any antenna or wireless telecommunication facilities dedicated to the following purpose shall be a permitted use subject to submission of a Site Plan in accord with the requirements of 1000.4 : Police, Fire, Ambulance and other Emergency Dispatch, Amateur (HAM) Radio, Citizens Band Radio; an existing Commercial Radio Tower; Radio Dispatch Services and/or roof mounted Satellite Uplink dishes which meets the requirement for business uses.

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

1000.7 Special Use Permit Requirements

All applicants not meeting the criteria stated shall require a Special Use Permit and the application shall be subject to the application requirements stated previously and the following:

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

b. No new tower shall be permitted in the R10, R20, LA, C20, or LI 1 zones unless it is demonstrated by the applicant to the satisfaction of the Commission that no site is feasible in zones where allowed as a Special Use Permit.

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

- A description of the service area for each communication system on the tower.
- The rationale and justification for the proposed antenna or tower in the proposed location. The new tower application shall demonstrate the service proposed can't be provided with equipment added to an existing or other proposed antennas or towers.
- Identification of all tall structures potentially suitable for antenna, which are located within one quarter of a mile of the site.
- A rendering drawn to scale depicting the tower showing all antenna and wireless facilities details and dimensions, including any lighting, colors and accessory elements.
- Documentation that the antenna height is the minimum required to provide adequate coverage as defined herein.
- An analysis comparing the site to alternative sites within the proposed service area.

d. A Soil Report complying with Appendix I: Geotechnical Investigations, ANSI/EIA-222-E manual standards, as amended, verifying the design specifications of the tower foundation and anchors for the guy wires, if used.

e. Documentation that the applicant qualifies as a provider of Personal Wireless Service as that term is defined under the Telecommunications Act of 1996.

1000.8 Environmental Impact and Evaluation Site Emission Report

This report shall assess the environmental impact of the proposed tower and site construction and operation as it impacts:

a. Areas designed for conservation or preservation in the Town and in the State Plan of Conservation and Development.

b. Areas listed under 1000.9.

c. Site emissions: List each transmitter to be utilized, its frequency limits, signal band width and the upper limit of both peak and average power of each transmitter. List also the characteristics of any emergency or back-up power source to be situated at the site, including noise level specification if electro-mechanical.

The applicant shall also prepare and submit an analysis of the combined worst case RF density computed using FCC Office of Science and Technology Bulletin 65 in comparison to the applicable FCC Power Density Standards.

1000.9 Site Plan

A Site Plan meeting the requirements of this section showing the following:

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

1000.10 Landscape and Screening

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

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

1000.11 Construction Plan

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

1000.12 Balloon

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

1000.13 Other Agencies

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

1001 Other Wireless Communication Requirements

1001.1 Commercial advertising shall not be allowed on an antenna or tower.

1001.2 Signal lights or illumination shall not be permitted unless required by the FCC or FAA.

1001.3 All other uses not clearly necessary to the operation/maintenance of the antenna or tower and associated equipment are prohibited, unless expressly approved as a condition of the permit.

1001.4 A related unmanned equipment and/or storage building(s) shall be permitted provided it contains no more than 750 square feet of gross floor area and is not more than 12 feet in height.

1001.5 Removal

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

APPENDIX – GLOSSARY OF DEFINED TERMS AND PHRASES

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.

TERMS NOT DEFINED. In the interpretation and enforcement of these regulations, words not defined in this Appendix shall be interpreted by the Commission after consulting one or more of the following:

1. The Connecticut State Building Code
2. The Connecticut State Statutes, as amended,
3. The Complete Illustrated Book of Development Definitions (Moskowitz, Harvey S.; Lindbloom, Carl G.; Listokin, David; Preiss, Richard; Merriam, Dwight. Taylor and Francis.)
4. A comprehensive general dictionary

A-2 SURVEY – *See* SURVEYS.

ACCESS RIGHT-OF-WAY. A strip of land that fronts on a street and runs over one lot or property providing a suitable corridor for a driveway to access to another lot.

ACCESSORY BUILDING. A detached building located on the same lot, customarily incidental and subordinate to the principal building or use.

ACCESSORY STRUCTURE. A detached structure located on the same lot, customarily incidental and subordinate to the principal building or use.

> ACCESSORY STORAGE STRUCTURE. A detached structure located on the same lot, customarily incidental and subordinate to the principal building or use AND not equipped with sanitary facilities or water service, nor otherwise designed or used for human habitation or occupancy nor for the housing of animals.

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.

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.

APARTMENT ON 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. Buildable Area shall be a rectangular area of a lot that meets all setback requirements, contains no inland wetlands or watercourses, as well as no 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 FOOTPRINT. The ground area enclosed by the walls of a building together with the ground area of covered porches and other roofed portions.

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 the 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.

COMMERCIAL USE. An occupation, employment or enterprise that is carried on 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.

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.

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

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

DOCK, PERMANENT. A structure which is attached to the shoreline of a watercourse; extends over the water allowing the free movement of water beneath the structure; is not a vessel; and is constructed to be permanent and not removable on a seasonal basis.

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 UNIT. Any house or building, or portion thereof, which is occupied, is designed to be occupied, or is rented, leased or hired out to be occupied, as a home or residence of one or more persons. The residential spaces in an inn, motel, hotel, dormitory, club and similar structure providing temporary or transient accommodations shall not be considered dwelling units.

DWELLING, SINGLE-FAMILY. A building or structure designed or used exclusively as and containing one dwelling unit.

EASEMENT. A legal grant by the property owner of one or more of the property rights to and/or for use by the public, a corporation, or another person or entity.

EASEMENT, ACCESS. A legal grant by the property owner allowing passage by foot or vehicle over private property.

EASEMENT, CONSERVATION. A legal grant by the property owner of one or more of the property rights for preservation, conservation, limiting development or requiring that the subject land will remain in its existing natural state or use in perpetuity.

EASEMENT, DRAINAGE. A legal grant by the property owner dedicated for the installation and maintenance of stormwater conveyance or drainage infrastructure.

EASEMENT, UTILITY. A legal grant by the property owner dedicated for the installation and maintenance of utilities, whether above or below ground, including but not limited to drinking water, sewer and stormwater conveyance, gas distribution mains, as well as telephone and electric poles and fiberoptic cables.

EASEMENT, VIEWSHED. A legal grant by the property owner dedicated to restricting how a piece of land can be used in order to protect the visible area, or viewshed, from a specific vantage point.

ELECTRIC VEHICLE CHARGING STATION (EVCS). An electrical component assembly designed specifically to charge batteries within an electric vehicle.

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

EXCAVATION. Removal, displacement, or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic materials from land or water. This applies to removal on or beneath the land's surface or beneath the water's surface (e.g. dredging).

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.

FAMILY CHILD CARE HOME. This term shall have the meaning set forth in Conn. Gen Stat. §19a-77, as the same may be amended, provided the same is licensed by the Office of Early Childhood pursuant to Chapter 368 of the Connecticut General Statutes.

FARM and FARMING. The definition of "farm' or "farming" shall be as set forth in Conn. Gen. Stat. § 1-1(q)as amended which is as follows: Except as otherwise specifically defined, the words "agriculture" and "farming" include 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, the production of honey, 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, hoophouses 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 terms "agriculture" and "farming" do not include the cultivation of cannabis, as defined in section 1 of this act. 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. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

FEE OWNERSHIP. 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, horizontal plane from the base of the fixture. Full cut-off fixtures must be installed in a horizontal position as designed, or the purpose of the design is defeated and disability glare will result.

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

GROUP CHILD CARE HOME. This term shall have the meaning set forth in Conn. Gen Stat. §19a-77, as the same may be amended, provided the same is licensed by the Office of Early Childhood pursuant to Chapter 368 of the Connecticut General Statutes.

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 Conn. Gen Stat. § 1-1 (q)as amended.

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

HOME SHOP AND REPAIR SERVICE – An accessory use located on a residential parcel dedicated to servicing and repair and operated as a Home Occupation by the resident of the premise. Such service or repair shall not include major appliances, automobiles or motorcycles (repair, restoration or painting of), farm equipment or the repair of any vehicle that requires licensing for operation on a public way.

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 facility offering transient lodging accommodations, that may include additional facilities and services, such as restaurants, banquet facilities, meeting rooms and event spaces, personal services, gift shop and convenience store, and recreational facilities.

IMPERVIOUS SURFACE. Any material that substantially reduces or prevents the infiltration of stormwater 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.

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.

KITCHEN. A dedicated room or area within a building designed for storing and preparing food products including beverages.

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

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

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

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 fee-simple parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

LOT, CORNER. A lot either at the intersection of two or more streets or upon two parts of the same street which form an interior angle of less than 135 degrees.

LOT, FLAG. A lot where road access is provided by a narrower extension of that lot encompassing a driveway, or by a private right-of-way or access easement.

LOT, THROUGH. A lot that fronts on two parallel streets or that fronts on two streets that do not intersect at the boundaries of the lot.

LOT LINE. A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

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 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 stormwater 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.

MEDICAL OFFICES AND CLINICS. A facility where healthcare professionals provide medical services, diagnosis, treatment, and other healthcare-related activities to patients. Shall include offices dedicated to healthcare practitioners such as physicians, dentists, nurses, and specialists.

MOTEL. A facility offering transient lodging accommodations. Traditionally, a one or two-story, accommodation catering to the automobile traveling public, with a majority of rooms having direct access to the outside without the necessity of passing through a main lobby. Motels may include additional facilities and services, such as restaurants, banquet facilities, meeting rooms and event spaces, personal services, gift shop and convenience store, and recreational facilities.

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 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 RESIDENTIAL. A lot designed, used for, or containing three or more dwelling units.

MULTI-FAMILY HOUSING. A residential building that contains three or more dwelling units.

NATURE PRESERVE. Areas intended to remain in a predominately natural or undeveloped state to provide resource protection and possible opportunities for passive recreation and environmental education for present and future generations.

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

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.

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

> OFFICE, BUSINESS. A facility including space within the principal building or in a detached building on the same lot, which is used for management, operations, or administrative functions associated with the principal use.
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> OFFICE, PROFESSIONAL. A facility used for the conduct of a business for a member of a recognized professions. Professional office shall not include medical offices with more than two licensed health care professionals (see Medical Offices and Clinics), banks and savings and loan associations, and offices that are incidental to retail, production, storage or other activities.

OPEN SPACE. Any parcel or area of land or water, essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests.

ORDINARY HIGH-WATER MARK. (watercourse) means 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.

ORDINARY HIGH-WATER MARK. (lake, pond, vernal pool) means 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.

OUTDOOR WOODBURNING FURNACE. As defined in Conn. Gen Stat. §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.

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

PHILANTHROPIC USES OR FACILITIES: A use of land or buildings devoted to the use of or supported by charitable or community organizations.

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

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

PRINCIPAL USE. The primary or predominant use of any lot or parcel.

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

RESEARCH LABORTORY. 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. strip of fee-simple land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, crosswalk, sidewalk or other pedestrian way, a railroad, or utilities.

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 OR EDUCATIONAL INSTITUTION. A place where people of all ages gain an education, including preschools; child care; elementary, middle, and high schools; community colleges; colleges; and universities.
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.

SETBACK. The horizontal distance between a lot line, building, structure, wetland, or regulated use.

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.

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.

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

STORMWATER. Surficial water runoff resulting from precipitation or snowmelt.

STREET. Any existing state, county, municipal, or private vehicular way that is (1) shown upon a plat approved pursuant to law or (2) approved by any other official action or (3) shown on a plat duly filed and recorded prior to the adoption of the Salisbury Subdivision Regulations adopted August 21, 1957. A street includes the land within the right-of-way, whether improved or unimproved.

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: buildings, ground mounted and roof-top mechanical units, swimming pools, tennis 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, fences or walls more than eight (8) feet in height, and a gas or liquid storage tank that is principally above ground.

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.

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.

TEMPORARY SPECIAL EVENTS: A temporary accessory use held for a limited period of time, not to exceed one week (seven consecutive days), typically outdoor in nature. Such events may include, but are not limited to, carnivals, fairs, and sidewalk sales. Temporary Special Events shall not include those activities which are merely an extension of the principal use itself, such as a school graduation or athletic competition and shall not include "Temporary Zoning Permits" as described and regulated in Section 906 of these regulations.

THEATER. A building or part of a building used to show motion pictures or for dramatic, dance, musical, or other stage performances.

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 a sleeping quarters but does not satisfy one or more of the definition criteria of a mobile home.

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

TRANSIT COMMUNITY MIDDLE HOUSING DEVELOPMENT. means a residential building containing not less than two dwelling units but not more than nine such units, including, but not limited to, townhouses, duplexes, triplexes, perfect sixes and cottage clusters.

TWO-FAMILY RESIDENTIAL. A lot designed, used for, or containing two dwelling units including duplexes. An accessory apartment approved as a Special Use Permit or the residential spaces in an inn, motel, hotel, dormitory, club and similar structure providing temporary or transient accommodations shall not be considered dwelling units for the purpose of this definition.

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 Use 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 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 CLINIC. A veterinary or animal clinic is a facility primarily for an out-patient practice which includes treatment of patients and may include overnight confinement limited to post-surgical and trauma patients

VETERINARY HOSPITAL.
A place where animals are given medical care and the boarding of animals is limited to short term care incidental to the hospital use.

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.

WATERCOURSES. Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes.

WETLANDS. Land, including submerged land, not regulated pursuant to sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and floodplain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded, or excavated sites which possess an aquic (saturated) soil moisture regime as defined by the USDA Cooperative Soil Survey.

WIRELESS TELECOMMUNICATION FACILITY. The equipment, towers, mounts, antennas and other structures related to wireless telecommunications facilities subject to local zoning regulation. This includes all telecommunication services not exempt from local regulation under the provisions of the Connecticut General Statutes and the authority of the Connecticut Siting Council or not exempt from local regulation pursuant to the Telecommunication Act of 1996 or such other federal legislation or a federal authority.

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.